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March 26, 2021

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Municipal Clerks: Please forward to your Mayor, Governing Body and Department Heads.

To assist in providing guidance and information we have created a [COVID-19 resource page](#). We will continue to update the page as we get pertinent information and include announcements in our Daily Updates.

I. State Issues

a. COVID-19 Weekly Update

Today the Governor announced an expansion of those eligible for the vaccine along with a partnership with the Biden Administration to open a pilot FEMA Community Vaccination Center located in Newark. Earlier this week the Governor noted that working with the New Jersey Bankers' Association, the CrossState Credit Union Association, and numerous financial institutions directly he has secured support from [49 banks and credit unions](#) to [protect American Rescue Plan funds](#) received by New Jersey residents from being garnished for past debts or overdrawn accounts.

In addition, the Department of Health updated its quarantine guidance following CDC recommendations. Individuals who have clinically recovered from COVID-19 in the past 3 months and those who are fully vaccinated do not need to quarantine after having close

contact with someone with COVID-19 as long as they remain asymptomatic. However, there are exceptions for high-risk congregate care settings. The best practice continues to be a 14-day quarantine period, but a shortened period of 10 days without testing or 7 days with a negative test collected at 5 to 7 days is sufficient in some cases where risk of transmission is low or moderate.

COVID Data

For March 26, 2021:

- 4,339 new positive cases for a total of 781,777 confirmed cases
- 28 new confirmed deaths for a total of 21,823 confirmed deaths
- The rate of transmission is at 1.10
- 947 cases linked to 205 school outbreaks since August 2020
- 3,798,523 vaccine doses have been administered, including 2,515,767 first doses and 1,357,829 second doses. 48% have been Moderna, 50% Pfizer, and 2% J&J.

Vaccine Information

The Governor announced that beginning April 5 New Jersey will expand COVID-19 vaccine eligibility to people ages 55 older, people 16 and older if they have intellectual or developmental disabilities, sanitation workers, utility workers, librarians, library support staff, higher education educators and support staff, communications, IT, press, real estate, building, home service workers, retail financial institution workers, and laundry service workers. Effective May 1 anyone over the age of 16 will be eligible for a vaccine.

In addition, the Governor announced in partnership with the Biden Administration the planned opening of a pilot FEMA Community Vaccination Center located at the Naimoli Family Athletic & Recreation Facility at NJIT in Newark. The site will have the capacity to vaccinate 6,000 individuals per day, seven days a week. The vaccines will be provided directly from the federal government, above and beyond the state's regular allocation.

CVS, Walgreens, and Rite Aid continue to reserve appointments for/prioritizing educators and childcare workers. The State has also set aside a minimum of 10,000 doses each week for seniors aged 65 and older with Walmart. The State's call center has been reaching out to seniors on the waiting list to help them make an appointment.

The State hotline 855-568-0545 continues to assist residents, with live agents from 8:00 a.m. to 8:00 p.m., in getting information on how to register, as well as how to schedule vaccine appointments as people become eligible. The agents remind residents that there is no out-of-pocket expense to get vaccinated and that the two vaccines are not interchangeable.

The State continues to encourage the general public to [pre-register for eligibility for the vaccine online](#). Individuals will be permitted to input their personal, contact, health insurance, and demographic information. Those who are immediately eligible based on screening questions will be able to schedule an appointment.

Executive Orders

[Executive Order 233](#): Providing that all stimulus payments issued to New Jersey residents under the American Rescue Plan Act are exempt from, and will not be

subject to, garnishment by private creditors and debt collectors. The exemption does not apply to garnishment in connection with any action for, or any judgment awarding, any child support, spousal support, or family support, or any criminal restitution payable to victims.

School Opening

The Department of Health released its [revised guidance for local health departments for k-12 operations](#). If masking and frequent hand-washing can be maintained by students, educators, and support staff in the classroom, then full-time in-person instruction can begin with distance between students within that classroom. For elementary grade levels across all levels of community transmission risk and for middle and high school grades at low and moderate risk levels the distance is three feet. For middle and high school grades in communities where the rate of transmission is high the distance is six feet to the maximum extent practicable. The guidance reiterates that for all schools regardless of grade or risk factor, six feet of distance is critical in indoor common areas when masking is not an option such as when students are eating and drinking in the school cafeteria.

Local health departments should continue to use the COVID-19 Regional Risk Matrix, the [CALI scores](#), when providing guidance for schools on actions they should take based on the level of COVID-19 risk in their region.

Students and staff, unless fully vaccinated and asymptomatic, should stay home if they have been in close contact with someone with COVID-19 within the past 14 days. If someone in their household is being tested for COVID-19 due to illness, they should also stay home until the test result is received unless they are fully vaccinated and asymptomatic. Teachers and staff who have been fully vaccinated should continue to follow current guidance to protect themselves and others, including wearing a mask, staying at least six feet away from others while in the community, avoiding crowds, covering coughs and sneezes, and washing your hands often.

To reduce risk of transmission in schools, it is recommended that schools work to improve air flow to the extent possible to increase circulation of outdoor air by opening windows and doors when appropriate without posing any health, safety, or security risks, or using child safe fans and exhaust fans, and also consider having activities such as classes or lunches outdoors when the circumstances allow.

Unemployment Information

The Department of Labor announced for the week ending March 20 the [initial weekly unemployment claims](#) increased by approximately 200 to 10,441.

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- Lori Buckelew, Assistant Executive Director, lbuckelew@njlm.org, 609-695-3481, x112.

b. Governor Signs Legislation Requiring Parental Notification of Underage Consumption

Earlier today, Governor Murphy signed [S-5472/S-3565](#) requiring law enforcement to provide a parent, guardian or other person having legal custody of a person under the age of 18 with a written notification for any violation for underage consumption or possession of alcohol, cannabis item, marijuana or hashish. In addition, if an underage person is in possession of or consumes alcohol, marijuana, hashish or cannabis item, the law prohibits transporting them to a police station, headquarters, or other place of law enforcement operations or detain them except to the extent required to issue a written warning or collect information necessary to provide notice to their parent or legal guardian. This new law took effect immediately.

Contact: Lori Buckelew, Assistant Executive Director, lbuckelew@njlm.org, 609-695-3481, x112.

c. Local Part PERS Legislation Advances

Early this week legislation sponsored by Senate President Sweeney that would divide the Public Employees' Retirement System (PERS) into two parts: a State PERS for state employees and a Local PERS for all other employees ([S-3522](#)) was considered and released by the Senate State Budget Committee. The bill now awaits consideration by the full Senate.

When analyzing the fiscal health of New Jersey's public employee pension and benefit systems, it is imperative to make a distinction between the sufficiency of local governments' commitments for local employees and retirees, and the status of those commitments that are the responsibility of State government.

According to outside experts and the latest valuation reports, the local government Public Employees Retirement System (local PERS) are actuarially more sound than the State, in large part due to the fact that municipalities and counties have made full contributions as required under the law for over two decades as have their employees. As of July 1, 2019 the Local Part of PERS is at a 67.4% fund ratio while the State is at 41.6%. While the proposed budget includes a full pension payment, this has not always been the case.

In 2019, local government employees comprised 295,240 active and retired members in the pension system to the 137,239 State government employees. But the nine-member board of trustees is comprised of only three local government employee representatives and no local government management representatives.

Please consider adopting the League's [sample resolution](#) expressing support and reach out to your Senator and Assembly Representatives urging them to support this legislation to preserve the structure and integrity of the more solvent local part of the PERS.

Contact: Lori Buckelew, Assistant Executive Director, lbuckelew@njlm.org, 609-695-3481, x112.

d. ABC Establishes Daily and Annual Seasonal Farm Market Permits

On February 5, 2021, Governor Murphy signed [P.L. 2021, c.15](#), requiring the Division of Alcoholic Beverage Control (ABC) to establish a permit that would allow the holder of certain alcoholic beverage manufacturing licenses to sell their products at seasonal farm markets. [For more information, please visit our blog post.](#)

Contact: Andrew LaFevre, Legislative Analyst, alafevre@njlm.org, 609-695-3481, x116.

e. Court Rules NJ Residency Requirement for Public Employees Violates Constitution

A ruling out of the NJ Superior Court issued in early February of this year has garnered attention this week after it was announced that the decision would be appealed. The ruling ([Somerville Board of Education v. Drake](#)) examined the New Jersey First Act (the “Act”), which for over a decade has required nearly all New Jersey public employees to be residents of the state. The ruling determined the waiver provisions of the Act to be too vague and therefore cannot be uniformly applied. Because the waiver provisions of the Act could not be effectively severed from the remainder of the Act, the court found the entirety of the Act to be unconstitutional.

The court further determined that the fate of the Act, “should now be left to the Legislature as to whether the Act is amended to be constitutionally compliant, or whether other action is taken by the Legislature.” Legislation ([S-261/A-174](#)) repealing the Act’s residency requirements had already been introduced but is now getting renewed interest. The League is monitoring this issue and will be providing updates on the legislation and the court decision to our members.

Contact: Frank Marshall, Esq., Associate General Counsel, fmarshall@njlm.org, 609-695-3481, x137.

f. Cannabis Legalization Deadlines

As we have previously reported, any municipal ordinances adopted prior to the February 22, 2021 adoption of [P.L.2021, c.16](#), prohibiting or limiting cannabis establishments are null and void. **Municipalities have until August 21, 2021**, 180 days from the signing of the legalization bills, to enact an ordinance to [opt-out](#) of one, all, or combination of cannabis establishments. Otherwise for five years, all cannabis licenses, except retail will become a permitted use in all industrial zones and retail establishments will become a conditional use in all commercial or retail zones.

If a municipality chooses to opt-out they do not need to wait five years to opt-in but, if the municipality opts-in or takes no action they must wait five years before they can opt-out. Opt-out ordinances adopted after this initial five-year period are prospective only, meaning any cannabis establishment that began operating during this period will be permitted to continue operations, despite the change in local regulations.

On Thursday, March 18 we held a second free briefing on the new cannabis law. The briefing is now available for you to [view](#). For more information and resources on the new cannabis legislation please visit the League’s [cannabis resource page](#).

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II. Federal Issues

a. American Rescue Plan Update

President Joe Biden signed the American Rescue Plan into law on March 11. The U.S. Treasury Department has 60 days to promulgate rules for the program and send federal aid directly to entitlement cities and to the state to be sent, unencumbered, to the municipalities within 30 days. Treasury Secretary Janet Yellen acknowledged during congressional testimony that there are many thorny issues that need to be resolved and Treasury is working 24/7 to resolve them by the deadline.

The League will share new information as it becomes available. In the meantime if you would like more information on the American Rescue Plan please [view our March 12 American Rescue Plan briefing](#) or [March 11 blog post](#).

Contact: Paul Penna, Legislative Analyst, ppenna@njlm.org, 609 695-3481, x110.

b. Census Announces Delay in Apportionment Data to States

The [U.S. Census Bureau recently announced](#) that redistricting data to all states will be delivered by September 30, 2021. This is a six-month delay from the announced date of March 31, 2021 to deliver the data. The Census Bureau will deliver information all at once and not on a rolling basis, as has been the case in previous data delivery.

This past November, voters approved a state constitutional amendment to delay legislative redistricting if census data was not sent by February 15. Since that has occurred, legislative elections will take place with the current map in 2021 and a new legislative map will be in place for the 2023 elections.

If your municipality has ward elections that may be impacted by the census data delay, please check with your legal counsel for available options.

Contact: Paul Penna, Legislative Analyst, ppenna@njlm.org, 609 695-3481, x110.

c. The House Announces Federal Community Projects Process

The House Appropriations Chair Rep. Rosa DeLauro [announced that they will be accepting Members of Congress' requests for Community Project Funding](#) in appropriations bills for the upcoming 2022 fiscal year. This announcement is the first move in the 117th Congress to open up the process for the reincarnated Congressional "earmark" funding process.

Additionally, the House Committee on Transportation and Infrastructure Committee Chair Peter DeFazio (OR) and Chair of the Subcommittee on Highways and Transit Eleanor Holmes Norton (DC) [announced the Committee will provide an opportunity](#) for Members of Congress to submit requests for highway and transit project designations under a new formal process. Project submissions will likely be due by April by Members of Congress and will be done in conjunction with the reauthorization of the FAST Act.

The FAST Act is due in Committee by May and is anticipated to be before Congress by

September. The total of project designations may be around 3-6% of the transportation bill, but we will know more soon.

The 117th Congress has written a new set of rules that would allow them to go after key priorities, like COVID-19 relief, climate, as well as revive Congressionally directed spending on projects – known as “earmarks.”

This is a new opportunity, although with a quick timeline, for municipal project funding. More details will be forthcoming but we would suggest you start planning now. Congress members must provide evidence of community support as one of the compelling factors in their decision to select the requested projects.

There will be specific guardrails to prevent excesses that occurred prior to the elimination of earmarks about 15 years ago. They include: Congress members must submit written request, which will be posted online, early public disclosure, ban on for-profit recipients, a cap on overall funding at no more than 1% of discretionary spending, and Congress members are limited to 10 requests, although the number of projects that receive funding will be less than that.

The committee will require the Government Accountability Office to audit a sample of enacted community project funding and report to Congress.

The League’s partner, the National League of Cities has a guide for [Transportation Project Designations Process and Timeline](#) that are a good reference point. Further guidance will be provided as it is available. In the meantime, we strongly suggest you review this funding opportunity with your administrator, engineer and public works department to plan what funding for transportation projects you would like to request as well as reach out to your Congressional representatives.

Contact: Paul Penna, Legislative Analyst, ppenna@njlm.org, 609 695-3481, x110.

III. 2020 Annual League Conference

a. Print Your CEU Certificates from the 2020 NJLM Virtual Conference

The tracking system from the 2020 NJLM Virtual Conference is now open. To print your certificates visit the [Tracking System webpage](#).

The system will be available until **May 1, 2021**.

b. It’s Not Too Late!

We hope that the NJLM Virtual Conference allowed you to look back and forward on the challenges of the day, be it the COVID-19 pandemic, social and restorative justice or how to balance the competing interests in preparing for your 2021 budget. While we hope to be back in-person in Atlantic City in 2021, the virtual conference offers a unique benefit. The content of the approximately 80 programs and 145 virtual exhibitor booths will be available on-demand through October 31, 2021.

Anyone who is registered can simply log in to [the Conference website](#) to view any of the

programs or visit any of the exhibitor booths. And for those who did not attend, it's not too late. We will continue to accept [registrations](#) for access to the Conference site. Those who register now will not be able to apply for CEUs but will have full access to all programs and exhibit booths. And please continue to visit the exhibitors who chose to support the 105th Annual Conference by stopping by their booths. You can contact exhibitors directly with any questions or comments by simply using the "Request Information" button on each booth. This will generate an automatic email to the exhibitor and they will contact you with a reply.

IV. Also of Interest

a. Expanded Earned Income Tax Credit Program

On national Earned Income Tax Credit Awareness Day, the New Jersey Department of Treasury launched a statewide awareness campaign to encourage eligible taxpayers to take advantage of New Jersey's expanded program. Beginning with the 2020 tax filing New Jersey's Earned Income Tax Credit (NJEITC) is increasing to 40% of the federal credit an average of \$882 as well as lowering the minimum age eligibility for EITC from 25 to 21 years of age.

Treasury has created a wide range of [promotional materials that can be found online](#) for any partners looking to help raise awareness about the NJEITC. More information on NJEITC including eligibility is available at the New Jersey Earned Income Tax Credit [website](#).

b. League Educational Foundation Partners with Walmart: Grants to Address Educational Connectivity Issues and Encourage Partnerships

The League's Educational Foundation is an informational resource for local government that offers timely research and a proactive approach to resolving the complex issues affecting NJ's diverse communities. We bring together municipal officials, academics, government officials, business leaders and other stakeholders to share their visions & hopes for the future of public policy; and their solutions to the compelling challenges facing the State.

Walmart has been a great supporter of the League Foundation and has provided funding that supports the small grants program from Sustainable Jersey. In a demonstration of their continued commitment to the State of New Jersey and its local governments, Walmart has again provided funding to assist local officials in addressing a significant challenge facing the State.

Recently Walmart provided a grant of \$100,000 to the League Foundation. Their wish was to help address educational connectivity issues. In an effort to reach this objective the Foundation requested joint proposals from municipalities and school districts. The initiative's intent was to bring these two vital divisions of government together in the hope of forming a more powerful solution to this widespread issue.

The Foundation requested proposals to address internet connectivity challenges related to virtual/distance learning. They included:

- Remote learning from school buildings with connectivity issues
- Limited internet access among students and faculty in particular school locations
- Shortage of necessary devices to access web-based services
- Priority was given to applicants who have a definable need and who demonstrate a partnership between the school districts and municipal officials.

After careful review, the NJLM Foundation has awarded first round grants were awarded to the following:

- The Cumberland Regional School District, Upper Deerfield Township School District, and Upper Deerfield Township;
- The City of East Orange and the East Orange Public Schools;
- Farmingdale Borough and Farmingdale School District;
- The City of Jersey City and the Jersey City Public School District
- Morris Township and the Morris School District
- Town of Newton and Newton Public Schools
- Oxford Township and the Oxford Township School District
- South Toms Rivers Borough and the Toms Rivers Regional Schools
- City of Wildwood, NJ and Wildwood Public Schools
- Winfield Township and the Winfield Township School District

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