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January 7, 2022

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

I. State Issues

a. Responsible Collective Negotiations Bill Amended

Yesterday, the Assembly Appropriations Committee and the Senate Budget Committee both amended and released A-5862/S-3810, the Responsible Collective Negotiations Act. The amended bill is now poised for consideration by the full Senate and Assembly on Monday.

Most importantly, the amendments address the objections raised by the League along with the New Jersey Association of Counties, New Jersey Municipal Managers Association, and Government Finance Officers Association. One amendment changes the language in Section 2 to remove the confusing "...unless a negotiated agreement would prevent government from carrying out its statutory mission," no longer altering the test for what is a negotiable subject. Another amendment adds language *explicitly* exempting counties and municipalities from being subject to negotiating previously non-negotiable items.

We thank the sponsors for listening to the concerns raised by local government officials and ensuring that collective bargaining for municipalities and counties would not be drastically altered. And we thank you for reaching out to your Senators and Assembly representatives. Your collective voices made a difference.

Contacts:

- Mike Cerra, Executive Director, mcerra@njlm.org, 609-695-3481, x120.
- Lori Buckelew, Deputy Executive Director, lbuckelew@njlm.org, 609-695-3481, x112.

b. Deadline Extended for Local Government to Participate in National Opioid Settlement

The deadline for local governments to sign on to participate in the [National Opioid Settlement](#) has been extended until January 26, 2022. Previously local governments across the country had until January 2, 2022 to sign on to participate in the settlement.

As you are likely aware, a national settlement agreement has been reached between national pharmaceutical distributors and states and local governments regarding the distributors' role in the nationwide opioid abuse crisis. The settlement provides substantial funds to states and local governments for abatement of the opioid epidemic and will impose transformative changes in the way the settling distributors conduct their business.

The total amount of settlement funds allocated to each state is dependent upon the number of counties and municipalities that agree to participation. Greater participation from local governments triggers additional settlement funding distribution to the state. You do not need to have filed a lawsuit to be part of the settlement, or to participate. However, you do need to complete an electronic [settlement registration](#) and return the executed participation agreements before the extended January 26, 2022 deadline.

For more information on the settlement and the extension, please see the [website](#) created by the settlement officers. You can also find more information on the Settlement Agreement and the participation process on the League's [Opioid Settlement Resource](#) page, which also includes information from last month's webinar with the State Attorney General's Office and Governor's Office.

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

c. Legislation to Address Implementation Challenges to Daniel's Law Advances

Yesterday, the Senate Judiciary Committee unanimously approved legislation ([A-6171/S-4219](#)) that would create an Office of Information Privacy to streamline the process of implementing Daniel's Law. The full Senate is scheduled to consider the legislation on Monday. Last year Governor signed [P.L. 2020, c. 125](#), which prohibits disclosure of active, formerly active, and retired judicial officers, prosecutors, and law enforcement officers' home address, both primary and secondary. The well-intended law is fraught with implementation challenges. Please see our [recent blog post](#) for more information on this legislation, which the League supports.

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

d. Bill Restricting Farmland Assessed Properties from Redevelopment Law Set for Senate Vote

On Monday, the Senate is scheduled to vote on [S-4067](#), a bill the League opposes. S-4067 would exclude any farmland assessed land from being designated as a redevelopment area or rehabilitation area under the Local Redevelopment and Housing Law. The League opposes the bill because it is overly broad and restrictive, and limits the effectiveness of a critical tool used by municipalities to combat blight.

A-5793, the Assembly companion for S-4067, has not had consideration in committee.

We urge our members to ask your Senator to oppose this legislation.

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

e. Senate Committee Advances Bill Expanding CAFRA Permitting Requirements

Yesterday, the Senate Budget and Appropriations Committee advanced [S-4096](#), a bill that seeks to revise the permitting thresholds for certain types of development requiring an individual CAFRA permit from the DEP. The League opposes S-4096 as it creates duplicative permitting requirements that could hinder development and redevelopment efforts in our shore communities.

S-4096 will be considered by the full Senate on Monday, January 10. While no Assembly companion has been introduced, it is possible that the Assembly considers S-4096 on Monday, during its scheduled voting session.

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

f. Senate to Vote on Bill Preempting Local Control Over Small Cell/5G Deployment in Municipal ROW

The Senate is scheduled to consider [A-1116\(R3\)/S-2674](#) on Monday. This legislation seeks to preempt and supersede local regulation of small cell (5G) deployment within the municipal rights-of-way. The League **opposes** A-1116/S-2674 because it provides broadband telecommunications providers with favorable and discounted access to public rights-of-way without requiring these cost savings be passed on to customers, or requiring broadband infrastructure buildout necessary to help bridge the digital divide. Further, recent amendments to A-1116/S-2674 expand the scope of the legislation beyond the bill's original intention, further limiting safeguards for local communities.

The Assembly has already approved A-1116 and if S-2674 is passed in the Senate on Monday, it would then be sent to Governor Murphy for his action.

We urge our members to [contact your legislators](#) and ask them to vote against this legislation. For more information, please see the League's [blog post](#) on the topic, and [the recent op-ed](#) written by Mayors Adrian Mapp and Ras Baraka, an NJLM Executive Board Member.

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

g. S-3009/A-4847 Harm Reduction Program

During the busy and volatile legislative lame duck period, [A-4847](#), which authorizes expanded provision of harm reduction services to distribute sterile syringes and provide certain support services to persons who use drugs intravenously and appropriates \$15 million. However, when the bill was considered and released from the Assembly Health Committee in December, it removed municipal planning and zoning authority. The League registered objections to this new language.

To be clear, expanding harm reduction services is laudable and the League has worked to amplify the effort through conference resolutions and conference educational sessions.

Yesterday, the bill was amended in both the Assembly Appropriations Committee and the Senate Budget and Appropriations Committee to ensure municipal prerogatives are preserved. While the League is optimistic that the amendments will safeguard municipal zoning prerogatives, we will review the language when it is available and advise accordingly.

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

h. State Minimum Wage Increase

Effective January 1, 2022, the state's minimum wage increased \$1 to \$13 per hour. The increase is part of [legislation](#) signed into law in 2019 that will ultimately see the state's minimum wage increase to \$15 per hour by 2024. Under the law, seasonal and small employers were given until 2026 to reach \$15 per hour. The minimum wage for these employees increased to \$11.90 per hour on January 1, 2022, up from \$11.10.

You should review this increase with your business administrator and other department heads to ensure compliance with the new minimum wage requirements.

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

II. Federal Issue

a. American Rescue Plan: U.S. Treasury Issues Final Rule

The U.S. Department of the Treasury issued the [Final Rule](#) for the State and Local Fiscal Recovery Funds (SLFRF) program, enacted as a part of the American Rescue Plan, which delivers funds to the state and all municipalities to support their response to and recovery from the COVID-19 pandemic.

The final rule takes effect on April 1, 2022, and provides state, county and local governments with increased flexibility to pursue a wider range of uses with greater simplicity so they can respond to the crisis in their communities and maximize the impact

of their funds.

The State and Local Fiscal Recovery Funds Program final rule provides [additional clarity and flexibility for recipient governments](#), including:

- Expansion of the list of uses that recipients can use to respond to COVID-19 and its economic.
- Expansion of support for public sector hiring and capacity.
- Streamlining options to provide premium pay for essential workers.
- Broadening eligible water, sewer, and broadband infrastructure projects.
- Simplifying the program for small localities by Treasury.

The first municipal funding tranche was received in spring 2021 and the second will be sent this spring. Municipalities should be aware of the [federal](#) and [state](#) reporting requirements.

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

III. COVID-19 Update

During the recent COVID-19 briefing, Governor Murphy noted that the Food and Drug Administration has authorized a Pfizer booster dose for children between the ages of 12 and 15. Everyone who received a Pfizer primary series is now eligible for a booster at five months rather than six. He also reported that there are more than 1,000 testing sites open across the state; the State's Department of Health distributed guidance on additional steps to take when the school is in a region with very high COVID activity on the CALI score; and the Department of Health issued guidance regarding Test to Stay option, testing to allow an asymptomatic student who was determined to be a close contact of another student who has tested positive to remain in school if they test negative.

Also this week, Governor Murphy announced that, beginning Monday, approximately 150 members of the New Jersey National Guard will be deploying to long-term care facilities throughout New Jersey to assist with COVID-19 response efforts and to augment facilities' staffing. Guard members will assist staff with a variety of tasks, including administrative and logistical support.

COVID Data for Friday, January 7, 2022:

- 27,404 new positive cases for a total of 1,502,150 confirmed cases
- 106 new confirmed deaths for a total of 26,460 confirmed deaths
- The rate of transmission is at 1.67
- 11 new outbreaks linked within the school setting. This brings the statewide total number of outbreaks directly related to in-school activity since mid-August 2020 to 384 outbreaks linked to 2,227 school outbreaks.
- 13,074,784 vaccine doses have been administered, including 7,331,360 who have received at least one dose, and 6,235,797 who are fully vaccinated. In addition, the following additional doses have been administered: 1,230,795 of Pfizer, 1,041,590 of Moderna, and 49,286 of J&J.

Extension of Governor's Emergency Powers

On January 1, the Governor formally notified Senate and Assembly leadership of a request to extend for additional 90 days the Governor's emergency powers related to vaccine distribution and administration, testing, and ensuring adherence to CDC guidance, particularly as it relates to masking in vulnerable settings, including our schools and childcare centers where we know there are large numbers of unvaccinated individuals. Included in the request was a 90-day extension of a number of administrative orders, directives, and waivers that have been issued in response to the pandemic.

Yesterday, the Senate Health Committee considered and amended SCR-165, which expresses approval of Legislature for an extension of certain administrative orders, directives, and waivers issued in response to COVID-19 Public Health Emergency. While the text of SCR-165 is unavailable at this time, Senate President Sweeney released a statement that "this resolution will authorize the 45-day extension of administrative orders, executive directives, and guidance issued by the Governor during the pandemic to address crisis conditions in our hospitals and other health care facilities. The extended waivers and authorizations will grant the administration and the health care community the ability to counter the more acute and persistent problems that plague the health care system. The staffing shortages are systemic, threatening to put a chokehold on hospitals, long-term care centers, paramedic services, and even doctors' offices. The resolution will enable frontline medical services to manage the crisis by helping to resolve the severe staffing shortages and provide them with the regulatory flexibility to ensure patients are treated safely and effectively." Assembly Appropriations Committee released a similar bill ACR-223, but that text is also unavailable.

We do know from published reports that the resolutions will not grant the Governor an extension of all the powers he has requested. We will provide an update once the text of the resolutions becomes publicly available. Both bills are poised to be considered by the full Senate and Assembly on Monday.

Vaccine Information

The NJ Department of Health and Vault Medical Service have partnered on a free at-home COVID-19 saliva testing program. This free PCR test will be shipped via UPS with next day delivery. Once received, individuals will connect via Zoom with a Vault healthcare professional who will guide them through the test and answer any questions. When completed, the test can be sent back in a prepaid package via UPS next day shipping. Test results are received in 24 to 48 hours after the sample arrives at the lab. Free test kits can be requested at <https://learn.vaulthealth.com/nj/>.

Homebound residents who have not yet connected with their local health department, or a home health agency and who need an in-home vaccination should visit www.covid19.nj.gov/homeboundvax or contact the call center at 855-568-0545.

To find a vaccine site visit, including booster information, visit www.covid19.nj.gov/vaccine.

As a reminder, the Department of Health is providing access to individuals COVID vaccination records through [NJ Docket, a secure and free smartphone app](#), which is CDC approved.

Mental Health Resources

As a reminder, the Department of Children and Families has put together a new page on their COVID information hub with a wealth of mental health support resources for youth, for parents, and for educators. This all can be found at that website, www.covid19.nj.gov/youthhelp.

Contacts:

- Mike Cerra, Executive Director, mcerra@njlm.org, 609-695-3481, x120.
- Lori Buckelew, Assistant Executive Director, lbuckelew@njlm.org, 609-695-3481, x112.

IV. Also of Interest

a. State of the State Address to Be Delivered Next Week

The current legislative session will end at 12 noon on Tuesday, January 11. Following the swearing-in of the legislature and start of the new legislative term, the Governor traditionally delivers a State of the State Address. Due to COVID-19, Governor Murphy's 2022 State of the State Address will be streamed online and via social media instead of in person in Assembly chambers.

The prerecorded speech will be available at 5:00 p.m. on Tuesday, January 11, on the Governor's [Facebook](#), [Twitter](#), and [You Tube](#) pages as well as on LiveU Matrix. The speech will also be broadcasted by News 12 New Jersey and NJ Spotlight News on NJ PBS.

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

b. NJEDA Help Establish Food Desert Relief Program Seeking Public Input

On January 7, 2021, Governor Murphy signed the New Jersey Economic Recovery Act of 2020. This act included the Food Desert Relief Program (FDRP). A Food Desert Community is a physically contiguous area in the state in where residents have limited access to nutritious foods, such as fresh fruits and vegetables, through supermarkets and grocery stores. The FDRP directs New Jersey Economic Development Authority (NJEDA) to address the food security needs of communities across New Jersey by providing up to \$40 million per year for six years in tax credits, grants, loans, and technical assistance to increase access to nutritious foods and develop new approaches to alleviate food deserts.

NJEDA, in conjunction with the Department of Agriculture and the Department of Community Affairs, were directed to develop criteria to designate not more than 50 separate and distinct geographic areas that are most in need of a supermarket or grocery store. The criteria incorporate the analysis of municipal or census tract poverty

statistics, food desert information from the Economic Research Service of the U.S. Department of Agriculture, and healthier food retail tract information from the federal Centers for Disease Control and Prevention.

The draft of New Jersey's [Food Desert Community designations](#) is now available for feedback. NJEDA will be hosting two public listening sessions on January 12 ([register here](#)) and January 13 ([register here](#)). Written feedback is welcome through February 4, 2022. You can also send questions to fooddesertrelief@njeda.com

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



222 West State Street, Trenton, NJ 08608
Phone: 609-695-3481 Web: www.njlm.org

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