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March 6, 2020

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

I. State Issues

a. Coronavirus (COVID-19) Resources Available for Local Leaders

Local responses might be essential if the coronavirus (COVID-19) hits New Jersey hard. The League is committed to providing you with the best information and advice available. League Attorney Frank Marshall has analyzed your legal rights during a public health emergency in a [post](#) on our Town Crier blog. Amy Spiezio, Managing Editor of *New Jersey Municipalities* magazine, is curating a [Coronavirus \(COVID-19\) webpage](#) on our website. There, you will find links to the latest information posted by the Centers for Disease Control (CDC), the New Jersey Department of Health, the World Health Organization (WHO), and other trusted sources. The website includes reliable sources providing specific *Guidance for Local Officials*.

In addition to your efforts to protect the public, your first responders, and your workforce, you have to think about how your operations could be effected by staff shortages. You might also consider how you can ensure technological security, if employees are required to work from home. Finally, you may need to protect yourself, your employees, and your citizens from any 'disinformation campaigns' that might arise on the internet. The Department of Homeland Security's Cybersecurity and Infrastructure Security Agency (CISA) has established a [landing page](#), where information on management planning and response to the current coronavirus (COVID19) outbreak is being posted.

Over the next few days, and on an ongoing basis, CISA will be posting guidance for public

and private employers focusing on the following four areas:

- Workforce and citizens/clients/customers protection
- Cybersecurity, including planning for remote work security (including firewalls, malware protection and network access protections) and guarding against phishing scams
- Supply chain issues, crucially including personal protective equipment (PPE) for health care workers and first responders
- Disinformation avoidance and response, including disinformation relating to elections and the availability of public services, as well as the importance of directing concerned parties to reliable sources, like the CDC

In addition, CISA is preparing a Pandemic Guide expected to be posted soon. That document will include important planning information, including assembling a response team, identifying essential personnel, clearly delineating areas of responsibility, and planning for staff shortages.

Relying on trusted sources, we will continue to update our COVID-19 webpage and will do our best to give you tools that you can use to better serve those who depend on you.

Contact: Michael F. Cerra, Assistant Executive Director, mcerra@njlm.org, 609-695-3481 x120.

b. Senate Committee Unanimously Releases PFRS 20 and Out Legislation

On Thursday, the Senate State Government Committee unanimously released [S-1017](#), which permits a PFRS employee who is enrolled before or after the bill's effective date to retire, regardless of age, upon attaining 20 or more years of service credit. It would also allow that employee to receive a retirement allowance equal to 50% of the member's final compensation. The bill now awaits consideration by the Senate Budget and Appropriations Committee.

As we previously [reported in our February 28 Weekly Roundup](#), the public safety unions are pushing this legislation in response to what they believe is a misinterpretation of the 1999 law. During their testimony, the public safety unions argued that the minimum increase cost incurred by this legislation will be offset by the healthcare savings.

The League along with the New Jersey Association of Counties testified in opposition to the bill noting that the benefits would impact the pension fund liability leading to increase costs and that before enhanced benefits are considered the pension fund must be stable and healthy.

While a 74% funding ratio for the local Police and Fire System (PFRS) is on the right track, the fund is not yet stable enough to consider enhanced benefits. This legislation does not account for the impact of the recent market downturn or the reduction of the assumed rate of return on the pension fund.

In addition, we question how healthcare benefits savings will offset the increase pension liability cost as not all municipalities and counties provide healthcare benefits in retirement and while the state will fund the liability the municipality or county pays for healthcare benefits if provided, in retirement.

Please [contact your Senator](#) and urge them to vote against providing an enhanced benefit before the pension fund is fully funded and stable. The bill could be before the Senate

Budget and Appropriations Committee as early as March 16.

Contact: Lori Buckelew, Senior Legislative Analyst, lbuckelew@njlm.org, 609-695-3481 x112.

c. DEP Adopts New Stormwater Management Rules and Offers Updates to BMP Manual

The Department of Environmental Protection (DEP) this week [adopted new Stormwater Management rules](#), originally [proposed in December 2018](#). These new rules represent substantial changes to how major developments must incorporate nonstructural stormwater management strategies, with an increased focus and requirement on the use of green infrastructure best management practices (BMPs). The goal of these new rules is to improve the quality and reduce the volume of stormwater runoff all while maintaining the natural hydrological cycle of the area of development. The DEP has updated its [Model Stormwater Control Ordinance](#) to reflect these rule adoptions.

The DEP also released [two draft chapters](#) of the New Jersey Stormwater BMP Manual for public comment this week. They are [Chapter 5: Stormwater Management Quantity and Quality Standards and Computations](#) and [Chapter 12: Soil Testing Criteria](#). Each chapter will be open for comment for 60 days. Any comment should be emailed to DWQ-BNPC-StormwaterManagement@dep.nj.gov. If you comment on these draft chapters, we ask that you also provide a copy to the League.

Please review these newly adopted rules and the draft BMP Manual chapters with your planning board, municipal attorney, planning board attorney, and engineer for further information on how these new rules and proposed BMP Manual changes could impact your municipality.

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

d. Division on Civil Rights Issues Guidance on Equal Pay Act

This week, the Office of the Attorney General, Division on Civil Rights (DCR) issued [guidance](#) on the [Diane B. Allen Equal Pay Act](#). As the may recall, the Diane B. Allen Equal Pay Act (Act) modified the State's Law Against Discrimination (LAD) to provide protections against employment discrimination and promote equal pay for all groups protected by the LAD. It prohibits an employer from paying an employee who is a member of a LAD-protected class less than what it pays an employee who is not a member of that LAD-protected class for substantially similar work.

Although the law took effect on July 1, 2018, the DCR released its guidance this week. The guidance document does not impose any new or additional requirements under the LAD, nor does it provide additional rights or obligations under the law. The purpose of the guidance is to clarify and explain the DCR's understanding of existing legal requirements to facilitate compliance with the LAD.

Please review this guidance document with your employment attorney and anyone within your municipality responsible for hiring employees.

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

3481 x137.

II. Federal Issues

a. Congress Sends Coronavirus Response Funding Bill to White House

Congress has sent to the President an \$8.3 billion emergency funding bill to combat the coronavirus.

[The bill, H.R. 6074 \(116\)](#) includes almost \$6.5 billion to the Department of Health and Human Services, nearly \$1.3 billion to the State Department, and \$20 million to the Small Business Administration. A portion of these funds is intended to aid state and local response to the virus that has sickened more than 160 people in more than a dozen states.

Contact: Jon Moran, Senior Legislative Analyst, jmoran@njlm.org, 609-695-3481 x121.

b. Delays on Gateway Continue

On Wednesday in Washington, U.S. Department of Transportation (USDOT) Secretary Elaine Chao said that three hurdles remain to be cleared before a Gateway Tunnel start. A decision on the project's eligibility for Capital Investment Grant (CIG) funding will be the last of those. But USDOT will not consider funding before an Environmental Impact Statement (EIS) is released by the Federal Railroad Authority (FRA). The Secretary told the Senate Appropriations Committee that the project's Federal Transit Agency (FTA) rating will need to improve before that.

In 1971, when Amtrak took over the Penn Central Railroad's inter-city service, NJ Gov. William Cahill called for the construction of another trans-Hudson railroad tunnel. Between 1976 and 2010, the number of NJ Transit weekday trains crossing the Hudson using the North River Tunnels increased from 147 to 438. Currently, the 109-year-old North River Tunnels accommodate nearly 200,000 passengers daily.

The tunnels have an aging electrical system and crumbling concrete walls that were damaged during Superstorm Sandy in 2012. This damage led Amtrak to estimate that one of the two tubes could fail within the next decade. Such a tunnel failure could reduce peak service by 75% and affect the rail corridor, and interstate commerce, between Boston and Washington, D.C.

Contact: Jon Moran, Senior Legislative Analyst, jmoran@njlm.org, 609-695-3481 x121.

III. Annual League Conference

a. Claim Your CEUs from the 2019 League Conference

Attention Municipal Officials! Do Not Forget to Claim Your CEUs from the 2019 NJLM Annual Conference! Visit the [Conference Tracking page](#) to claim your credits.

IV. Also of Interest

a. Share Your Cities Pandemic Plan

If your city has a pandemic plan or related emergency procedures plan and you are willing to share with other cities, please send it to Amy Spiezio ASpiezio@njlm.org. The League will post models we receive on our [Public Health Issues page](#).



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

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