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October 16, 2020

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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

a. COVID-19 Update

Today Governor Murphy announced that there were 976 new positive cases and an additional 5 confirmed deaths resulting from COVID-19. To date, there have been 217,804 confirmed cases, and 14,413 confirmed deaths. The rate of transmission is at 1.18.

Since our last update, Governor Murphy issued the following COVID-19 related Executive Orders:

[Executive Order 187](#) permitting indoor and outdoor no-contact practices, contact practices, and competitions for “Low Risk”, “Medium Risk”, and “High Risk” sports, as defined by New Jersey Department of Health’s [Guidance for Sports Activities](#)”.

[Executive Order 189](#) extending the due date for the filing of the 2019 Corporation Business Tax (CBT) annual return from October 15, 2020 to November 16, 2020.

[Executive Order 190](#) extends the utility shutoff moratorium. No gas, electric, or water system can discontinue service to residential accounts, or any accounts primarily serving residential customers, due to nonpayment until March 15, 2021. Any fee or charge for later payments or service reconnections can continue to accrue. A company can disconnect services to prevent or ameliorate a risk to public health or safety. This moratorium applies to both private and public utilities.

In addition, Executive Order 190 prohibits a cable or telecommunications provider from terminating internet or voice service to residential customers for nonpayment before November 15, 2020. Prior to disconnect residential customers must be offered enrollment in an interest free payment plan of at least 12 equal monthly installments that include any outstanding balances as well as ongoing balances for services provided. In addition, services may not be disconnected to a residential account that has one or more school-aged children utilizing the services for educational purposes.

On Tuesday, the Governor added Ohio, Michigan, and Virginia to the list of states and territories subject to the [Travel quarantine and advisory](#) list. There are currently 38 states and territories subject to the Travel quarantine advisory.

For the week ending October 10 New Jersey Labor Department [announced](#) 29,029 new unemployment applications. The increase in applications was driven by applications for Pandemic Unemployment Assistance by independent contractors out of work due to COVID-19 and other not eligible for traditional state unemployment.

As a reminder last week, the Governor announced that Halloween activities can go forward with local [guidance](#) provided by the New Jersey Department of Health to local officials, schools, outside organizations, and businesses. Please see our [blog post](#) for more information on the Halloween guidance.

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

b. Property Tax Relief Bill Hearing on Monday

On Monday, the Assembly State and Local Government Committee will hear [A-2991](#). This legislation will clarify telecommunications industry corporate tax responsibilities, and shield local taxpayers from the costs of endless tax court litigation.

Please contact your representatives in the General Assembly in support of this bill. If you are represented by a member of that committee, please reach out to the right away. Those members are:

- Assemblyman Vincent Mazzeo, Chair (and a sponsor of the bill), AsmMazzeo@njleg.org
- Assemblyman Roy Freiman, Vice Chair, AsmFreiman@njleg.org
- Assemblyman Robert J. Karabinchak, AsmKarabinchak@njleg.org
- Assemblyman Erik Simonsen, AsmSimonsen@njleg.org
- Assemblyman Edward H. Thomson (also a co-sponsor), AsmThomson@njleg.org

Based on a misreading of a 1997 law, one telecommunications service provider decided that it could exempt itself from the payment of business personal property taxes (BPPT),

in any year and in any municipality, when and where it, unilaterally, determined that it provided less than 51% of dial tone service.

The dispute began in 2008, when Verizon informed a handful of municipalities that it had decided to exempt itself from payment of taxes on all of the cables and electronic equipment it houses in local switching stations. In the years that followed, similar decisions by Verizon have led to cases affecting taxpayers in hundreds of other New Jersey municipalities.

In 2018, Hopewell Borough in Mercer County prevailed over Verizon in a Tax Court case involving the corporation's claimed exemption for 2008. It took one municipality ten years to ensure that Verizon would pay its 2008 taxes. Further litigation will be needed for Hopewell to secure BPPT payments for each subsequent year in which the exemption was claimed. Every other municipality faces the same prospect of costly annual tax court filings, which, as we have seen, can drag on for over a decade. But even that might not end the problem, as Verizon has appealed the final Tax Court decision, forcing Hopewell Borough to put even more time and treasure into the fight.

A-2991 will put an end to the travail. It will clarify the Legislature's intent to permanently apply the business personal property tax on local exchange telephone companies that were subject to the tax as of April 1, 1997.

We thank Assemblymen Burzichelli, Mazzeo, Armato and Thomson for their leadership on this clarification. Please urge your Assembly Members to join them.

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

c. Local Government Emergency Fund Grant Application Now Available

Counties and municipalities excluded from the federal government's direct Coronavirus Relief Fund (CRF) allocation plan, as well as those counties and municipalities that are currently the most impacted in comparison to their available resources, are eligible for Local Government Emergency Funds. Each Local Unit's maximum distribution is determined by formula. Program details, including application requirements and the grant funding process, are set forth in the [Program Description and Guidelines](#) document. A total of \$60 million is currently being made available under the Program. All awards are subject to the availability of funds. Applications are due no later than Tuesday, November 10, 2020.

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

d. Appellate Panel Affirms Attorney General Directive Regarding Release of Police Disciplinary Records

Today, a [State Appellate Panel](#) affirmed Attorney General Law Enforcement Directive 2020-5 ([AG Directive 2020-5](#)) which made changes to the statewide rules for police internal affairs investigations, known as the Internal Affairs Policy and Procedures (IAPP), applicable to every law enforcement agency in New Jersey.

In June, shortly after Attorney General Gurbir Grewal issued AG Directive 2020-5, police unions representing law enforcement officers from across the state challenged the AG

Directive on multiple grounds. While the unions were granted a stay, halting the application of the Directive until after the court could review the challenge, the appellate panel determined that the Attorney General possessed the authority to issue and enforce the Directive, although its retroactive application would need to be reviewed on an as-applied basis.

AG Directive 2020-5 amends the IAAP to require every law enforcement agency throughout the state to publish a synopsis of all complaints in which an officer received final discipline of termination, demotion, or a suspension of more than five days, including the name of the officer, a summary of the misconduct, and the sanction imposed.

The Directive further permits, but does not require, county and municipal agencies to release similar information about earlier incidents of officer misconduct resulting in the same sanctions.

You should review this Directive and the Appellate Court decision with your chief of police and/or public safety director for more information.

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

e. Request for Comments Regarding Emergency Remote Meeting Regulations

As we have previously [reported](#), the Department of Community Affairs (DCA) issued [emergency regulations](#) regarding emergency remote meeting protocols for local public bodies. The DCA is also taking action to make these emergency regulations permanent and will be accepting public comments.

The League is working with stakeholders to review these regulations in order to submit comprehensive comments and we invite you to provide your feedback for inclusion in League comments. If you have thoughts or concerns regarding the emergency regulations or plan to submit your own comments to the DCA, we ask that you please share these with the League.

These rules will be published and proposed for permanent adoption in the upcoming October 19, 2020 New Jersey Register. Comments on these regulations can be made but must be submitted no later than November 18, 2020.

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

f. Executive Order Implementing Interagency Task Force to Combat Youth Violence

This week, Governor Phil Murphy signed [Executive Order No. 188 \(PDF\)](#) which directs various state agencies to implement the recommendations of the [Interagency Task Force to Combat Youth Bias Report \(PDF\)](#) that do not require legislation. The purpose of the Task Force was to identify and implement strategies to reduce the increase in youth bias crimes that has occurred over the past few years.

For more information on the executive order please see the League's recent [blog post](#).

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

II. Federal

a. Hopes for Federal COVID Aid Package Dim ... Again

On Wednesday, Treasury Secretary Steve Mnuchin, the administration's point person on COVID relief, stated, "At this point getting something done before the election and executing on that would be difficult, just given where we are in the level of details."

In the past two weeks, President Trump first ordered his team to break off talks, then sent them back to the table, and finally called for a bigger bill than previously put forward. Recently, Senate Majority Leader Mitch McConnell stated he has no intention of accepting a deal that exceeds his previous, \$500 billion, proposal. This latest news may not be the last we hear about this before Election Day. But it is no cause for optimism.

We will continue to keep you posted on further developments. For now, we urge you to speak with your Federal Representatives. In addition to thanking them for their past support for direct aid to local governments, please remind them these four principles:

1. **Aid should be fair and appropriate funding for each and every local government, with no minimum population threshold for eligibility.** Residents should not tolerate a preventable decline in local government operations as a result of being excluded from emergency federal aid.
2. **Aid should be directly allocated through familiar and proven government revenue-sharing programs.** Relying on a Community Development Block Grant (CDBG) framework would eliminate the time-consuming need to stand up a completely new administrative or regulatory framework, as was required by the Coronavirus Relief Fund (CRF). CDBG is also the most familiar revenue-sharing mechanism for states and localities operating at reduced capacities due to staff furloughs and layoffs.
3. **Entanglement of state and local funding should be minimized.** Unclear legislation and regulations burdened the CARES Act CRF from the start, resulting in confusion, delays, and infighting among primary and secondary grant recipients. Federal aid for states and localities should be allocated from three clearly set-aside funds for state government, municipal government, and county government. Overall federal aid for municipal governments and county governments should be provided at equal levels.
4. **Eligible expenditures should be targeted to the widespread health and economic consequences of COVID-19,** including unavoidable revenue shortfalls resulting from federal, state, and local measures to contain the spread of coronavirus.

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

III. 2020 Annual League Conference

a. Governor to Keynote

We are pleased to announce that Governor Phil Murphy will again deliver the keynote address at the League's Annual Conference, presented virtually in 2020. The address will be streamed on Thursday, November 19, 12:30 PM.

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

b. Early Registration Prices End Today!

Today is the last day to lock in your registration for the 2020 NJLM Annual Conference presented virtually at the early rate! After today, registration prices increase.

To preview the Conference, including the most up-to-date schedule, CUEs, exhibitor listing and networking chatrooms, visit the [2020 NJLM Virtual Conference](#).

A full interactive exhibit hall will be available beginning November 2, complete with details and information on each exhibitor, exhibitor handouts, and graphics. During Conference week, you can live chat with exhibitors for more information about their products and service solutions.

We are also in the process of putting together Networking Chatrooms, and these chatrooms will be added to the main schedule of events as they are confirmed.

Please check back often—we are adding more information to [2020 NJLM Virtual Conference](#) daily.

IV. Also of Interest

a. US Conference of Mayors for Webinar Partnering with National Restaurant Association

The National Restaurant Association is partnering with the US Conference of Mayors to host a webinar, "What Will Your City Be Like Without Restaurants?" They will discuss the challenges that the restaurant industry is facing and what mayors can do to help restaurants survive the pandemic and the years ahead.

[Registration](#) is open to all. The Webinar will take place on October 19.

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

b. The League is Accepting Applications for the Innovation in Governance Program

The New Jersey Department of Community Affairs (DCA) and the New Jersey League of Municipalities (NJLM) will again acknowledge and promote Innovation in Governance through our annual recognition program. This is a great opportunity to showcase innovative solutions to any problems that have cropped up – either suddenly or over time

– in your municipality. It can also be an opportunity to let your peers in on innovations that prevented problems from even arising. The deadline is extended to **Friday, October 30, 2020**, and is fast approaching.

[Visit our awards page](#) to see previous years of impressive ideas created by our winning municipalities as well as the full invitation and application to this year's program.

Contact: Ciara Bradley, Legislative Administrator, CBradley@njlm.org, 609-695-3481, x128.

c. NJ Hall of Fame Ceremony on Sunday

On Sunday, 7 PM the NJ Hall of Fame induction ceremony will be broadcast WWOR my9, NJTV, nj.com and the NJ Hall of Fame Facebook and YouTube pages.

The following will be inducted. The hometown for each inductee is included in case you would like to publicize this through your social media feeds.

Arts & Letters:

- **Charles Addams***, Westfield, Cartoonist and creator of *The Addams Family*
- **Stephen Crane***, Newark, Author of *The Red Badge of Courage*
- **Joyce Kilmer***, New Brunswick, Journalist, literary critic and poet best known for "Trees"
- **Fran Lebowitz**, Morristown, World-renowned author and public speaker
- **Mort Pye***, Tewksbury, 31-year editor of The Star-Ledger

Enterprise:

- **The Borg Family**, Hackensack, Former owners and publishers of The Record
- **Linda Bowden**, East Brunswick, N.J. regional president at PNC Bank and N.J. Chamber of Commerce board chair
- **Fairleigh Dickinson***, Rutherford, Co-Founder of Fortune 500 company Becton Dickinson, benefactor of Fairleigh Dickinson University
- **Steve Kalafer**, Flemington, Chairman of the Flemington Car and Truck Country Family of Brands
- **Joseph Simunovich***, West New York, Former Hudson County freeholder director and chairman of the New Jersey Turnpike Authority

Arts & Entertainment:

- **Danny Aiello***, Ramsey, Academy Award-nominated actor
- **John Amos**, Newark, *Roots* and *Good Times* actor
- **Ed Harris**, Tenafly, Multiple award-winning actor
- **Cissy Houston**, Newark, Grammy Award-winning soul and gospel singer
- **Ernie Kovacs***, Trenton, Emmy Award-winning and influential comedian, actor and writer
- **The Nelson Family (Ozzie, Harriet, Ricky and Dave)***, Jersey City, Stars of *The Adventures of Ozzie and Harriet*
- **Flip Wilson***, Jersey City, Grammy and Emmy Award-winning host of *The Flip*

Wilson Show, comedian and actor

Public Service:

- **Dr. Virginia Apgar***, Westfield, Anesthesiologist and inventor of the Apgar Score
- **Sister Jane Brady**, Paterson, Former president and CEO of St. Joseph's Health
- **General Martin Dempsey**, Bayonne, Former Army general and chairman of the Joint Chiefs of Staff, USA Basketball chair
- **Alfred E. Driscoll***, Haddonfield, 43rd Governor of New Jersey and president of Warner-Lambert
- **Milton Friedman***, Rahway, Noble Prize-winning economist

Sports:

- **Rick Barry**, Roselle Park, NBA player named one of 50 greatest in history
- **Gerry Cooney**, Fanwood, Two-time boxing heavyweight contender
- **Eli Manning**, Summit, Former NY Giant quarterback and two-time Super Bowl MVP
- **Robert Mulcahy, III**, Mendham, Former athletic director of Rutgers University
- **C. Vivian Stringer**, Piscataway, Head coach of the Rutgers University women's basketball team



New Jersey State League of Municipalities

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