
BOROUGH OF WASHINGTON, WARREN COUNTY, NEW JERSEY

WASHINGTON BOROUGH COUNCIL MINUTES

June 10, 2020 Special Meeting

The regular meeting of the Borough Council of Washington, Warren County, New Jersey was held via ZOOM live stream at 7:00 P.M.

Roll Call: Conry, Duchemin, Noone, Norris and Higgins.

Also Present: Matthew Hall, Manager
Laurie A. Barton, Borough Clerk
Leslie Parikh, Attorney

Absent: Conry (portion of meeting) Cox and Valle.

Mayor Higgins led everyone in the flag salute.

Mayor Higgins read the following statement into record:

“The requirements of the Open Public Meetings Law, 1975, Chapter 231, have been satisfied in that adequate notice of this meeting has been published in the Star Gazette and posted on the bulletin board, borough website and Facebook stating the time, place and purpose of the meeting as required by law.”

PUBLIC COMMENT

Motion made by Norris and seconded by Duchemin to continue the audience portion; all were in favor.

Manager Hall briefly reviewed permitting changes due to Covid-19 in regards to restaurants for outdoor dining and establishments with liquor licenses. The County will reimburse business owners for the permitting fee of \$75.00.

Mel Thiel, BID Director stated all businesses were emailed today with regards to the new guidelines and getting their merchandise outside on the sidewalks.

Hearing no further comments, motion to close public portion made by Norris and seconded by Conry, all were in favor.

David Perricone 14 Washington Sqr. asked if any businesses won't be opening up. Wanted to know if the pool will be open and if any portion of taxes going to the pool will that money be refunded to tax payers.

Mel Thiel, Bid Executive Director, stated that a Go Fund Me page created by Keith Norris on Facebook was started to raise \$10,000 in donations to help struggling businesses in the borough. A comment on the thread on Facebook regarding a comment against the BID. Ms. Thiel stated that the BID is helping a lot of the businesses and will not conduct business on Facebook or comment and concerned with logistics to this GO Fund Me and does not want the BID attached to this.

Hearing no further comments, motion to close public portion made by Norris and seconded by Conry, all were in favor.

RESOLUTIONS

Motion made by Noone and seconded by Duchemin to approve Resolution 2020-91.

Roll Call: Duchemin, Noone, Norris and Higgins.

Ayes: 4 Nays: 0

Motion passes.

RESOLUTION 2020-91

RESOLUTION OF THE BOROUGH OF WASHINGTON AUTHORIZING TEMPORARY PROCEDURES TO ASSIST CERTAIN ESTABLISHMENTS WITH OUTDOOR SIGNAGE AND SALES OUTDOOR DINING PERMITS DURING THE COVID-19 PANDEMIC

WHEREAS, Governor Murphy has issued Executive Order No. 150 permitting, in part, the resumption of non-essential retail sales and outdoor dining with beverage sales and consumption with restrictions imposed by Executive Order 122 and the New Jersey Department of Health; and

WHEREAS, according to Executive Order No. 150, effective at 6:00 a.m. on Monday, June 15, 2020, restaurants, cafeterias, dining establishments, and food courts, with or without a liquor license, bars, and all other holders of a liquor license with retail consumption privileges, collectively referred to as "food or beverage establishments," are permitted to offer in-person service at outdoor areas; and

WHEREAS, on June 3, 2020, the State of New Jersey Department of Health has issued Executive Directive No.20-014, which further Ordered and Directed food and/or beverage establishments offering service at outdoor areas pursuant to Executive Order No. 150 to adhere to certain guidelines and protocols; and

WHEREAS, on June 3, 2020, the State of New Jersey, Department of Law and Public Safety/Division of Alcohol Beverage Control (NJABC) issued Special Ruling 2020-10, authorizing a process pursuant to which certain food and beverage establishments may obtain a

temporary COVID 19 permit to expand licensed premises through their local municipalities and the NJABC; and

WHEREAS, additionally, Executive Order No. 150 permits brick-and-mortar premises of non-essential retail businesses can reopen to the public effective at 6:00 a.m. on Monday, June 15, 2020, subject to certain conditions; and

WHEREAS, Borough Ordinance §75-11 requires a permit for the sale of goods on sidewalks within the Borough; and

WHEREAS, the Borough's Downtown Redevelopment Plan permits "open-air/covered outdoor dining areas of restaurants" as a secondary use; and

WHEREAS, the Borough is desirous to assist retail and restaurant businesses during the COVID-19 pandemic and emergency by establishing an expedited process for the possible temporary expansion of the space available for outdoor retail sales, outdoor signage, and outdoor dining in compliance with Executive Order No. 150, State of New Jersey Department of Health has issued Executive Directive No.20-014 and Special Ruling 2020-10

NOW, THEREFORE, BE IT RESOLVED that, in light of the fact that Executive Order No. 150, and Department of Health Executive Directive 20-014 and Special Ruling 2020-10, have specifically allowed outdoor dining to resume with the restrictions contained therein, the Borough hereby temporarily waives any regular procedures for zoning / land use permits for outdoor dining expansion by permitting businesses to submit an expedited Outdoor Dining Permit application and plan (Expedited Application and Plan) for the balance of the year 2020, including the potential expansion of such dining onto sidewalks and parking lots, to the appropriate Zoning Officer for review; and

BE IT FURTHER RESOLVED, in order to assist its retail businesses in reopening, temporarily waives any regular procedures for zoning / land use permits for the placement of retail sales and signage on Borough sidewalks by permitting business to submit an Expedited Retail Sales and Signage Permit application and plan (together with the above known as Expedited Application and Plan) for the balance of the year 2020 to the Zoning Officer for review, including the placement of tables on Borough sidewalks for the sale of merchandise or the placement of signage on Borough sidewalks advertising an adjacent business; and

BE IT FURTHER RESOLVED, the Zoning Officer, in consultation with the Fire Code Official, Subcode Official, local Police Department and the Board of Health and any other official deemed necessary, shall review such Expedited Application and Plan on an expedited basis, pending necessary NJABC permit, if applicable and shall work with such business to reach accommodations to assist such businesses with obtaining an Outdoor Dining Permit from the Township, keeping in mind that the safety and health of the public shall be of the utmost importance; and

BE IT FURTHER RESOLVED, that the Zoning Officer is authorized to develop and post on the Borough website an application form for the above-referenced Permits; and

BE IT FURTHER RESOLVED, that once the Zoning Officer, in consultation with the other aforementioned Borough officials, is satisfied that the business has demonstrated that their outdoor retail, outdoor signage, or outdoor seating plan is safe for customers, staff and the general public, she/he shall issue such Outdoor dining permit; and,

BE IT FURTHER RESOLVED, that the fees associated with such Permits shall be waived for the year 2020 to assist such businesses during the COVID-19 pandemic and

BE IT FURTHER RESOLVED that all approvals granted pursuant to this Resolution shall expire on December 21, 2020.

Motion made by Noone and seconded by Duchemin to approve Resolution 2020-92.

Roll Call: Duchemin, Noone, Norris and Higgins.

Ayes: 4 Nays: 0

Motion passes.

RESOLUTION 2020-92

AUTHORIZING THE CLERK TO ENDORSE OUTDOOR DINING PRIOR TO A MEETING

BOROUGH OF WASHINGTON WARREN COUNTY, NEW JERSEY

WHEREAS, Coronavirus disease 2019 (“COVID-19”) is a contagious, and at times fatal, respiratory disease caused by the SARS-CoV-2 virus; and

WHEREAS, pursuant to Executive Order No. 103, NJ Governor Phil Murphy declared that a Public Health Emergency and State of Emergency exist in the State of New Jersey; and

WHEREAS, Governor Murphy issued Executive Order No. 150 permitting, in part, the resumption of outdoor dining and beverage sales and consumption with restrictions imposed by the New Jersey Department of Health; and

WHEREAS, according to Executive Order No. 150, effective 6:00 a.m. on Monday, June 15, 2020, restaurants, cafeterias, dining establishments, and food courts (with or without a liquor license) bars, and all other holders of a liquor license with retail consumption privileges, collectively referred to as “food or beverage establishments,” are permitted to offer in-person service at outdoor areas; and

WHEREAS, on June 3, 2020, the State of New Jersey, Department of Law and Public Safety/Division of Alcohol Beverage Control (“NJABC”) issued Special Ruling 2020-10, authorizing a process pursuant to which certain food and beverage establishments may obtain a

“COVID-19 Temporary Permit to Expand the Licensed Premises” to include adjacent outdoor areas due to the COVID-19 pandemic through their local municipalities and the NJABC; and

WHEREAS, such applications must be endorsed by the Municipal Clerk; and

WHEREAS, the issuance of these permits is extremely time sensitive, and endorsements to the NJABC may be needed by an establishment prior to the time that regularly scheduled meetings fall; and

WHEREAS, the Borough Clerk has been advised by the governing body that if appropriate, she may provide the endorsements to the NJABC, prior the time of a scheduled meeting in order to assist business owners during this COVID 19 Pandemic.

NOW, THEREFORE BE IT RESOLVED, by the governing body of the Borough of Washington, County of Warren, State of New Jersey that the Clerk is hereby authorized to review and issue, if appropriate, endorsements to the NJABC for outdoor dining prior to the same being authorized via resolution at the next regularly scheduled meeting.

**Conry back in meeting*

Motion made by Noone and seconded by Duchemin to approve Resolution 2020-93.

Roll Call: Conry, Duchemin, Noone, Norris and Higgins.

Ayes: 5 Nays: 0

Motion passes.

RESOLUTION 2020-93

A RESOLUTION ENDORSING A RESOLUTION OF THE BOARD OF CHOSEN FREEHOLDERS OF THE COUNTY OF WARREN MADE A PART HEREOF AND ATTACHED HERETO:

**THE BOARD OF CHOSEN FREEHOLDERS
OF THE COUNTY OF WARREN**

Wayne Dumont, Jr. Administration Building
165 County Route 519, South
Belvidere, NJ 07823

RESOLUTION

On motion by _____, seconded by _____ the following resolution was adopted by the Board of Chosen Freeholders of the County of Warren at a meeting held June 10, 2020.

RESOLUTION OF THE WARREN COUNTY BOARD OF CHOSEN FREEHOLDERS TO REIMBURSE WARREN COUNTY LOCAL RESTAURANTS AND BARS THE SUM OF SEVENTY-FIVE DOLLARS (\$75.00) AS A RESULT OF THE SPECIAL FEE/TAX IMPOSED BY THE NEW JERSEY STATE ALCOHOLIC BEVERAGE COMMISSION FOR THE ABILITY TO SERVE ALCOHOLIC BEVERAGES OUTSIDE THEIR LICENSED PREMISES

WHEREAS, the Warren County Board of Chosen Freeholders of the County of Warren understand the financial destruction that the COVID19/Pandemic has imposed upon local businesses in the County of Warren; and

WHEREAS, the Warren County Board of Chosen Freeholders have created an Economic Development Advisory Committee to help foster and encourage opportunities for local businesses; and

WHEREAS, the Pandemic and concomitant closure of local restaurants and bars has had a chilling and devastating financial effect upon local business owners and their employees; and

WHEREAS, the New Jersey State Alcoholic Beverage Commission has imposed a seventy-five dollar (\$75.00) licensing fee and/or additional tax for establishments who will soon be able to serve alcoholic beverages outside their licensed premises within the guidelines for social distancing and Executive Order 150 imposed by the Governor; and

WHEREAS, this additional fee and/or tax creates an additional burden and hardship to proprietors of establishments which have been closed for ninety (90) or more days; and

WHEREAS, the Warren County Board of Chosen Freeholders understand the concerns of local business owners and are concerned for their economic viability and have determined that available funds to cover this unnecessary excessive fee/tax are available in the account of the Economic Development Advisory Committee; and

WHEREAS, the Warren County Board of Chosen Freeholders will tender payment for this unnecessary fee/tax to the Municipal Clerks of each Warren County municipality for those businesses to serve the public via outdoor dining and consumption of alcohol and in conformance with all Executive Orders from the State.

NOW, THEREFORE, BE IT RESOLVED by the Board of Chosen Freeholders of the County of Warren in the State of New Jersey as follows:

1. The Warren County Board of Chosen Freeholders will tender payment for all Warren County restaurants whom desire to open under the Governors Executive Order 150 to serve the public alcoholic beverages at outdoor settings the sum of seventy-five dollars (\$75.00) per licensee to offset the fee/tax imposed by the New Jersey Alcoholic Beverage Commission as it has been determined that this fee/tax creates an unnecessary burden on businesses located in the County of Warren.

2. A copy of this duly certified resolution will be served upon Municipal Clerks for each Warren County Municipality who may also adopt a Resolution allowing participation in this program.
3. Annexed to this Resolution is a certificate from the County Treasurer indicating the availability of funds from Account No.011720 5100.

ROLL CALL: Mr. Sarnoski, Mr. Kern, Mr. Gardner

I hereby certify the above to be a true copy of a resolution adopted by the Board of Chosen Freeholders of the County of Warren on the date above mentioned.

_, Clerk

Alex J. Lazorisak

Motion made by Norris and seconded by Duchemin to approve Resolution 2020-94.

Roll Call: Conry, Duchemin, Noone, Norris and Higgins.

Ayes: 5 Nays: 0

Motion passes.

RESOLUTION 2020-94

• RESOLUTION AUTHORIZING APPROVAL OF LIQUOR LICENSE PREMISES EXPANSION FOR PHILBERT’S PUB DURING THE COVID-19 PANDEMIC

WHEREAS, Coronavirus disease 2019 (“COVID-19”) is a contagious, and at times fatal, respiratory disease caused by the SARS-CoV-2 virus; and

WHEREAS, pursuant to Executive Order No. 103, NJ Governor Phil Murphy declared that a Public Health Emergency and State of Emergency exist in the State of New Jersey; and

WHEREAS, Governor Murphy issued Executive Order No. 150 permitting, in part, the resumption of outdoor dining and beverage sales and consumption with restrictions imposed by the New Jersey Department of Health; and

WHEREAS, according to Executive Order No. 150, effective 6:00 a.m. on Monday, June 15, 2020, restaurants, cafeterias, dining establishments, and food courts (with or without a liquor license) bars, and all other holders of a liquor license with retail consumption privileges, collectively referred to as “food or beverage establishments,” are permitted to offer in-person service at outdoor areas; and

WHEREAS, on June 3, 2020, the State of New Jersey Department of Health issued Executive Directive No.20-014, which further Ordered and Directed food and/or beverage establishments offering service at outdoor areas pursuant to Executive Order No. 150 to adhere to certain guidelines and protocols; and

WHEREAS, on June 3, 2020, the State of New Jersey, Department of Law and Public Safety/Division of Alcohol Beverage Control (“NJABC”) issued Special Ruling 2020-10, authorizing a process pursuant to which certain food and beverage establishments may obtain a “COVID-19 Temporary Permit to Expand the Licensed Premises” to include adjacent outdoor areas due to the COVID-19 pandemic through their local municipalities and the NJABC; and

WHEREAS, such applications must be endorsed by the Municipal Clerk; and

WHEREAS, Philbert’s Pub holds license # 2121-33-005-006 and has applied for a COVID-19 Temporary Permit to Expand the Licensed Premises, which is attached hereto.

WHEREAS, the Borough has reviewed the application and determined that the application should be endorsed, provided that the proper zoning permit is granted by the Zoning Officer to permit the proposed outdoor dining area.

NOW ,THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Washington, County of Warren, New Jersey, that the Clerk is authorized to endorse Philbert’s Pub application for a COVID-19 Temporary Permit to Expand the Licensed Premises.

BE IT FURTHER RESOLVED, such endorsement is conditioned upon and outdoor dining and alcohol consumption shall not be permitted on the proposed expanded premises until the Zoning Officer issues the appropriate permit for outdoor dining.

Motion made by Norris and seconded by Duchemin to approve Resolution 2020-95.

Roll Call: Conry, Duchemin, Noone, Norris and Higgins.

Ayes: 5 Nays: 0

Motion passes.

RESOLUTION 2020-95

• RESOLUTION AUTHORIZING APPROVAL OF LIQUOR LICENSE PREMISES EXPANSION FOR LINSKO T/A SCOTTY’S STADIUM DURING THE COVID-19 PANDEMIC

WHEREAS, Coronavirus disease 2019 (“COVID-19”) is a contagious, and at times fatal, respiratory disease caused by the SARS-CoV-2 virus; and

WHEREAS, pursuant to Executive Order No. 103, NJ Governor Phil Murphy declared that a Public Health Emergency and State of Emergency exist in the State of New Jersey; and

WHEREAS, Governor Murphy issued Executive Order No. 150 permitting, in part, the resumption of outdoor dining and beverage sales and consumption with restrictions imposed by the New Jersey Department of Health; and

WHEREAS, according to Executive Order No. 150, effective 6:00 a.m. on Monday, June 15, 2020, restaurants, cafeterias, dining establishments, and food courts (with or without a liquor license) bars, and all other holders of a liquor license with retail consumption privileges, collectively referred to as “food or beverage establishments,” are permitted to offer in-person service at outdoor areas; and

WHEREAS, on June 3, 2020, the State of New Jersey Department of Health issued Executive Directive No.20-014, which further Ordered and Directed food and/or beverage establishments offering service at outdoor areas pursuant to Executive Order No. 150 to adhere to certain guidelines and protocols; and

WHEREAS, on June 3, 2020, the State of New Jersey, Department of Law and Public Safety/Division of Alcohol Beverage Control (“NJABC”) issued Special Ruling 2020-10, authorizing a process pursuant to which certain food and beverage establishments may obtain a “COVID-19 Temporary Permit to Expand the Licensed Premises” to include adjacent outdoor areas due to the COVID-19 pandemic through their local municipalities and the NJABC; and

WHEREAS, such applications must be endorsed by the Municipal Clerk; and

WHEREAS, Linsco Inc..T/A Scotty’s Stadium holds license # 2121-33-004-007 and has applied for a COVID-19 Temporary Permit to Expand the Licensed Premises, which is attached hereto.

WHEREAS, the Borough has reviewed the application and determined that the application should be endorsed, provided that the proper zoning permit is granted by the Zoning Officer to permit the proposed outdoor dining area.

NOW ,THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Washington, County of Warren, New Jersey, that the Clerk is authorized to endorse Linsco, Inc. T/A Scotty’s Stadium’s application for a COVID-19 Temporary Permit to Expand the Licensed Premises.

BE IT FURTHER RESOLVED, such endorsement is conditioned upon and outdoor dining and alcohol consumption shall not be permitted on the proposed expanded premises until the Zoning Officer issues the appropriate permit for outdoor dining.

ADJOURNMENT

Hearing no further business, a motion was made by Norris seconded by Noone to adjourn the meeting at 7:35 pm.

Ayes: 5: Nays: 0
Motion Carried.

Mayor David Higgins

Laurie A. Barton, Borough Clerk