



BOROUGH OF HADDON HEIGHTS

SPECIAL MEETING AGENDA

Tuesday, June 9, 2020 at 6:00 p.m.

CALL TO ORDER

In compliance with requirements of the Open Public Meetings Act, Chapter 231, P.L. 1975, N.J.S.A. 10:4-6 the following notice of Special Meeting was transmitted to the Retrospect and the Courier Post on June 5, 2020. In addition, notice was posted on the borough website at haddonhts.com and filed in the office of the Borough Clerk on the aforementioned date. Notice on the borough website has remained continuously posted.

PLEDGE OF ALLEGIANCE

PUBLIC COMMENT ON AGENDA ITEMS ONLY

NEW BUSINESS:

Resolution 2020:111 – Resolution Adopting A Three Year Cooperation Agreement With the County of Camden for the Community Development, Home Programs And Emergency Solutions Grant Programs – Years 2021, 2022 and 2023

Resolution 2020:112 – Resolution of the Borough of Haddon Heights, County of Camden and State of New Jersey In Support of Senate Bill S-2475 and Assembly Bill A-3971, Authorizing the Issuance “Coronavirus Relief Bonds” By Municipalities and Counties

Resolution 2020:113 – Resolution Authorizing An Award Of Contract Pursuant To Competitive Contracting Request For Proposals #17-10, (1st One-Year Option) By And Between The County Of Camden (Division Of Environmental Affairs) and FCR Camden, LLC, For Marketing Services Of Singe-Stream Recyclable Materials for the Borough of Haddon Heights Under The Camden County Cooperative Pricing System, ID#57-CCPCS

Resolution 2020:114 – Resolution Authorizing Payment of Bills and Claims for the First Half of June

Resolution 2020:115 – A Resolution Providing For A Meeting Not Open To The Public In Accordance With The Provisions of the New Jersey Open Public Meetings Act, N.J.S.A. 10:4-12. ***1.) Matters of Attorney Client Privilege. Discussion is expected to be one (1) hr. in duration. Formal action may be taken following Executive Session.***

Resolution 2020:116 – Resolution Approving A Raffle License for St. Rose of Lima Parish for the Purpose of Conducting a Monetary Raffle at the Annual Christmas Bazaar – *November 6, 2020*

Resolution 2020:117 – Resolution Approving A Raffle License for St. Rose Of Lima Parish for the Purpose of Conducting A Raffle at the Annual Christmas Bazaar – *Disney World Family Vacation, November 6, 2020*

Resolution 2020:118 – Resolution Approving a Raffle License for St. Rose of Lima Parish for the Purpose of Conducting a Penny Auction at the Annual Christmas Bazaar – *November 6, 2020*

Resolution 2020:119 – Resolution of the Borough of Haddon Heights Approving and Authorizing Applications for All Food or Beverage Establishments to Expand Their Footprint to Outdoor Dining Areas Pursuant to Executive Order 150 and Granting the Endorsement and Approval for any Licensees or Permittees with a Retail Consumption License to Apply for a COVID-19 Expansion of Premises Permit from the New Jersey Division of Alcoholic Beverage Control

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EXECUTIVE SESSION

PUBLIC COMMENT

ADJOURNMENT

RESOLUTION 2020:111

**RESOLUTION ADOPTING A THREE YEAR COOPERATION AGREEMENT WITH
THE COUNTY OF CAMDEN FOR THE COMMUNITY DEVELOPMENT, HOME
PROGRAMS AND EMERGENCY SOLUTIONS GRANT PROGRAMS –
YEARS, 2021, 2022 AND 2023**

WHEREAS, the *Borough of Haddon Heights* and the County of Camden wish to establish a cooperative means of conducting certain eligible community development and affordable housing activities; and

WHEREAS, the Uniform Shared Services and Consolidation Act (N.J.S.A. 40A:65-4 et seq.) permits local units such as counties and municipalities to enter into agreements for the provision of joint services; and

WHEREAS, Title 1 of the Housing and Community Development Act of 1974, the Housing and Urban-Rural Recovery Act of 1983, the HOME Program Act of 1991, and the Emergency Solutions Grant, as amended, provides federal funds being made available to Camden County for use to carry out eligible Community Development Activities therein; and

WHEREAS, the *Borough of Haddon Heights* will propose certain activities to be carried out under the 2021, 2022 and 2023 Community Development, HOME Programs and Emergency Solutions Grant programs; and

WHEREAS, the aforesaid activities are in the best interest of the *Borough of Haddon Heights* and the County of Camden;

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the *Borough of Haddon Heights* that the 2021 to 2023 Cooperation Agreement be adopted;

BE IT FURTHER RESOLVED that this Resolution shall take effect immediately upon its enactment.

June 9, 2020

Mayor Zachary Houck

ATTEST: _____
Kelly Santosusso, RMC, Borough Clerk

CERTIFICATION:

It is hereby certified that the foregoing is a true and correct copy of a resolution duly adopted by the Governing Body of the Borough of Haddon Heights at a meeting held on June 9, 2020.

Kelly Santosusso, RMC, Borough Clerk

**COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM
COOPERATION AGREEMENT- PROGRAM YEARS 2021, 2022, and 2023**

THIS AGREEMENT made this ___ day of _____ 2020, by and between the County of Camden, 520 Market Street, Camden, NJ 08102 and the Municipalities listed below.

Whereas, the Uniform Shared Services and Consolidation Act (N.J.S.A. 40A:65-4 et seq.) permits local units such as counties and municipalities to enter into agreements for the provision of joint services; and

Whereas Title I of the Housing and Community Development Act of 1974, the Housing and Urban-Rural Recovery Act of 1983, and the HOME Partnership Act of 1991, (hereinafter referred to as the "Acts") and the Emergency Solutions Grant (ESG) provides federal funds from the US Department of Housing and Urban Development (hereinafter, "HUD") to urban counties such as Camden County (hereinafter referred to as the "COUNTY") to support eligible community development projects and affordable housing activities therein; and

Whereas, this Agreement covers both the Community Development Block Grant Entitlement (hereinafter referred to as "CDBG"), the HOME Investment Partnership programs (hereinafter referred to as "HOME"), and the Emergency Solutions Grant (hereinafter referred to as "ESG"); and

Whereas, the County of Camden's Office of Community Development administers the programs; and

Whereas, the Municipalities of Audubon Borough, Audubon Park Borough, Barrington Borough, Bellmawr Borough, Berlin Borough, Berlin Township, Brooklawn Borough, Chesilhurst Borough, Clementon Borough, Collingswood Borough, Gibbsboro Borough, Haddon Township, Haddon Heights Borough, Haddonfield Borough, Hi-Nella Borough, Laurel Springs Borough, Lawnside Borough, Lindenwold Borough, Magnolia Borough, Merchantville Borough, Mount Ephraim Borough, Oaklyn Borough, Pennsauken Township, Pine Hill Borough, Runnemede Borough, Somerdale Borough, Stratford Borough, Voorhees Township, Waterford Township, Winslow Township and Woodlynne Borough (hereinafter referred to as the "MUNICIPALITY") wish to participate in eligible activities to be carried out under the COUNTY 3-year CDBG, HOME, and ESG Programs; and

Whereas, the Municipality wishes to participate in eligible activities to be carried out under the COUNTY 3-year CDBG, HOME, and ESG Programs

NOW, THEREFORE, in consideration of the promises and of the covenants, terms and conditions hereinafter set forth, it is mutually agreed as follows:

1. Administration

The COUNTY agrees to provide, at no cost to the MUNICIPALITY, the staff, resources, and other services necessary to plan and administer with the assistance of the MUNICIPALITY, the CDBG, HOME, and ESG programs.

2. Mutual Cooperation

The COUNTY and the MUNICIPALITY agree to cooperate to undertake, or assist in undertaking community renewal and lower-income housing assistance activities. The MUNICIPALITY recognizes that the COUNTY, with input from the MUNICIPALITY, acts as the agent for all municipalities in the implementation of the CDBG, HOME, and ESG programs.

3. Projects Funded

- A. The COUNTY agrees to facilitate, encourage and allow municipal officials and the citizens of the MUNICIPALITY to have a full and open opportunity to submit projects for funding consideration.
- B. The MUNICIPALITY understands and agrees that the COUNTY shall have the sole decision on selecting activities to be funded through the CDBG, HOME and ESG Programs and the responsibility for the annual filing of the Consolidated Action Plan with HUD.

4. Municipal Obligations

- A. The MUNICIPALITY shall be responsible for ensuring that all CDBG, HOME, and ESG funds are used in accordance with all program requirements as set forth in 24 CFR § 570.501(b).
- B. The MUNICIPALITY may not apply for grants under the Small Cities or State CDBG Programs for appropriations for fiscal years during the period in which it is participating in the COUNTY's Program.
- C. The MUNICIPALITY may not participate in a HOME consortium except through the COUNTY's approved organization, regardless of whether the COUNTY received a HOME formula allocation.
- D. The MUNICIPALITY may only receive a formula allocation under the ESG Program through the COUNTY.
- E. The MUNICIPALITY shall affirmatively further fair housing.
- F. A unit of local government may not sell, trade or otherwise transfer all or any portion of such funds to another metropolitan city, urban county, unit of general local government, or Indian tribe, or insular area that directly or indirectly receives

CDBG funds in exchange for any other funds, credits or Federal considerations, but must use such funds for activities eligible under Title I of the Housing and Community Development Act of 1974.

5. Term of Agreement

- A. This Agreement covers CDBG, HOME, and ESG appropriations for program years 2021, 2022 and 2023 starting July 1, 2021, through June 30, 2024. This Agreement shall remain in effect until the CDBG, HOME, and ESG funds and program income received with respect to the three-year qualification period and any successive three year qualification periods has been expended and the funded activities completed. The MUNICIPALITY may not terminate this Agreement or withdraw from it while it remains in effect.
- B. Upon expiration of this Agreement, the MUNICIPALITY shall transfer to the COUNTY any CDBG funds on hand at the time of expiration and any accounts receivable attributable to the use of CDBG funds.

6. Performance of Services/Contracts

- A. The MUNICIPALITY shall take all appropriate actions as determined by the COUNTY in order to carry out the objectives of the CDBG, HOME, and ESG Programs, and the Consolidated Action Plan, in accordance with the Acts and applicable regulations.
- B. The MUNICIPALITY shall take all appropriate actions to carry out the objectives of the CDBG, HOME, and ESG Programs within the time period or periods specified by HUD.

7. Applicable Laws and Compliance

- A. The COUNTY and the MUNICIPALITY shall take all required actions to comply with the certifications required by Section 104(b) of Title I of the Housing and Community Development Act of 1974, as amended, including but not limited to, Title VI of the Civil Rights Acts of 1964, the Fair Housing Act, Section 109 of the Housing and Community Development Act of 1974, The Americans with Disabilities Act of 1990 and laws and regulations applicable to the CDBG and Home programs.
- B. The MUNICIPALITY agrees to comply with the audit requirements and standards imposed by 24 CFR § 570.502(a) and the COUNTY.
- C. The MUNICIPALITY shall conduct and administer the grant in conformity with title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d), the Fair Housing Act (42 U.S.C. 3601-3619), and implementing regulations.
- D. The MUNICIPALITY shall comply with lead-based paint procedures.

- E. The MUNICIPALITY shall comply with applicable uniform administrative requirements as described in 24 CFR § 570.502.
- F. The MUNICIPALITY is subject to the same requirements applicable to sub recipients, including the written agreement, as described in 24 CFR 570.503.
- G. The County and the Municipality agree to comply with all other applicable laws.

8. Fair Housing

The MUNICIPALITY acknowledges that the COUNTY will terminate CDBG, HOME, and ESG funds to the MUNICIPALITY if the MUNICIPALITY does not affirmatively further fair housing within the MUNICIPALITY's jurisdiction and/or if the MUNICIPALITY impedes the COUNTY's actions to comply with its fair housing certification.

9. Law Enforcement

- A. The MUNICIPALITY has adopted and is enforcing a policy prohibiting the use of excessive force by law enforcement agencies within its jurisdiction against any individuals engaged in non-violent civil rights demonstrations.
- B. The MUNICIPALITY has adopted and is enforcing a policy of enforcing applicable state and local laws against physically barring entrance to or exit from a facility or location that is the subject of such non-violent civil rights demonstrations within its jurisdiction.
- C. The MUNICIPALITY agrees to indemnify and hold the COUNTY harmless of and from any and all claims, demands, losses and expenses that it may incur by reason the MUNICIPALITY's failure to comply with subsections A and B of this paragraph 9.

10. Equal Employment Opportunities

The MUNICIPALITY will abide by and enforce all applicable equal employment requirements including but not limited to, Executive Order 11246 (Equal Employment Opportunities Act).

11. Real Property

The MUNICIPALITY shall comply with the following standards regarding real property acquired or improved in whole or in part using the CDBG funds.

- A. The MUNICIPALITY shall notify the COUNTY, in a timely manner of any modification or change in the use of real property from that intended at the time of the acquisition or improvement including disposition thereof.

- B. The MUNICIPALITY shall reimburse the COUNTY in an amount equal to the current fair market value (less any portion thereof attributable to expenditure of non-CDBG funds) of property acquired or improved with CDBG funds that is disposed of or transferred for use incongruent with CDBG regulations.
- C. In the event of the COUNTY's failure to qualify as an urban county or a change in the MUNICIPALITY's status, any program income generated from the disposition or transfer of property shall be paid to the COUNTY.
- D. Any real property under the MUNICIPALITY's control that was acquired or improved in whole or in part with CDBG funds (including CDBG funds provided to the MUNICIPALITY in the form of a loan) in excess of \$25,000 shall either be:
 - (1) Used to meet one of the national objectives in 24 CFR § 570.208 (formerly §570.901) until five years after expiration of this Agreement, or for such longer period of time as determined to be appropriate by the COUNTY; or
 - (2) Not used in accordance with 24 CFR § 570. 503(b)(7)(i), in which event the MUNICIPALITY shall pay to the COUNTY an amount equal to the current market value of the property less any portion of the value attributable to expenditures of non-CDBG funds for the acquisition of, or improvement to, the property. The payment is program income to the COUNTY. (No payment is required after the period of time specified in paragraph § 570.503 (b)(7)(i).)

12. Suspension and Termination.

In accordance with 24 CFR 85.43, suspension or termination of funding may occur if the MUNICIPALITY materially fails to comply with any term of this Agreement or applicable laws and regulations. In accordance with 24 CFR 85.44 funding or may be terminated for convenience. In the event of termination, the COUNTY may take one or more of the actions specified in 24 CFR 85.43.

13. Effective Date

This Agreement shall take effect upon execution by all parties.

14. Counterparts

This Agreement may be executed in counterparts, each part of which shall be deemed an original but all of which shall constitute one and the same agreement.

15. Minor Amendments

Should it become necessary to change the language of this Agreement to meet HUD approval, without making major changes and without altering the intent of this Agreement, such changes may be made administratively with the written consent of the Chief

Executive Officer of the Municipality and the Office of County Counsel. All remaining provisions of this Agreement shall remain in full force and effect for the term provided herein.

16. Severability

In the event that a provision of this Agreement is held to be invalid, illegal or unenforceable, the validity, legality and enforceability of the remaining provisions shall not be affected.

17. Entire Agreement

This Agreement represents the entire and integrated agreement between the parties and supersedes all prior negotiations, representations, proposals or agreements, either written or oral. This Agreement may be amended only by written instrument signed by both parties.

IN WITNESS THEREOF, the County and the Municipality have executed this Agreement of the day and year first above written.

Municipality

County Administrator

Mayor

Clerk of the Board

Municipal Clerk

Date

**RESOLUTION OF THE BOROUGH OF HADDON HEIGHTS
RESOLUTION 2020:112**

**RESOLUTION OF THE BOROUGH OF HADDON HEIGHTS, COUNTY OF CAMDEN AND
STATE OF NEW JERSEY IN SUPPORT OF SENATE BILL S-2475 and ASSEMBLY BILL A-
3971, AUTHORIZING THE ISSUANCE “CORONAVIRUS RELIEF BONDS” BY
MUNICIPALITIES AND COUNTIES**

WHEREAS, A-3971, which authorizes the issuance of “coronavirus relief bonds” by municipalities and counties and is sponsored by Assemblyman Dan Benson, Assembly Speaker Craig Coughlin and Assemblyman Wayne DeAngelo, was approved by the New Jersey General Assembly on May 14, 2020; and

WHEREAS, the Senate companion, S-2475, sponsored by Senators Troy Singleton and Vin Gopal was introduced on May 11 and awaits Senate committee action; and

WHEREAS, municipalities and counties are experiencing unprecedented financial challenges, including significant loss of and unanticipated expenses because of the on-going COVID-19 global pandemic; and

WHEREAS, these fiscal consequences of the pandemic and the ongoing COVID-19 State of Emergency and Public Health Emergency, are likely to continue and further impact the Borough of Haddon Heights (“Borough”); and

WHEREAS, the current public health emergency led to shuttering of businesses, construction, courts, and schools; and

WHEREAS, local governments are experiencing a record decline in revenue from permitting fees, licensing fees, parking revenue, hotel/motel occupancy taxes, and court fines at the same time experiencing income losses due to declining returns on investments with the uncertainty of property tax collection and state aid revenues in the horizon; and

WHEREAS, Borough budget has significant fixed statutory expenses and provides essential public services; and

WHEREAS, the cost of providing many essential services is likely to increase as a result of the COVID-19 pandemic for an extended period afterwards; and

WHEREAS, A-3971 and S-2475 would allow counties and municipalities to borrow moneys through the issuance of bonds and notes to cover the revenue shortfalls and additional costs that are directly attributable to the COVID-19 pandemic and pay that money back over a ten-year period; and

WHEREAS, the A-3971 and S-2475 would also require a local government to thoroughly investigate and apply for financial assistance that may be available to it from the federal government, the State and other sources due to revenue shortfalls and expenditures because of the pandemic, prior to authorizing the issuance of the “coronavirus relief bonds”; and

WHEREAS, under A-3971 and S-2475 a municipality may use the proceeds from the sale and issuance of the coronavirus relief bonds to address a revenue shortfall experienced by the municipality and cover the cost of unanticipated expenses that are directly attributable to the COVID-19 pandemic and which occurred within 24 months after the end of the Public Health Emergency and State of Emergency; and

WHEREAS, A-3971 and S-2475 is not a one size fits all solution that provides the appropriate financial assistance to the Borough to help address all revenue shortfalls and expenditures directly attributable to this pandemic; and

WHEREAS, without this legislation, to address the revenue shortfall some municipalities would be required to take extreme measures that would gut local government eliminating critical public service. Local governments need the flexibility that A-3971 and S-2575 provides to limit the impact on property taxpayers;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Borough Council of the Borough of Haddon Heights, County of Camden and State of New Jersey as follows:

1. The provisions of the **WHEREAS** clauses set forth above are incorporated herein by reference and made a part hereof.

2. The Borough strongly supports the swift passage and signing into law A-3971 and S-2475, which will provide flexibility and offer relief to municipalities and counties to address their revenue shortfalls and expenditures directly attributable to the COVID-19 pandemic.
3. A copy of this resolution be sent to the Office of the Governor, the President of the New Jersey State Senate, the Speaker of the General Assembly, the Sponsors of the Legislation, the Senate Community and Urban Affairs Committee, the Senate Budget and Appropriations Committee, our Local State Legislators, and the New Jersey League of Municipalities.

Date: June 9, 2020

Mayor Zachary Houck

I, Kelly Santosusso, RMC, Clerk of the Borough of Haddon Heights, do hereby certify the forgoing to be a true and correct copy of a resolution adopted by the Council of the Borough of Haddon Heights at the Regular Meeting of June 9, 2020 held in the Municipal Building, 625 Station Avenue, Haddon Heights, New Jersey 08035.

Kelly Santosusso, RMC, Borough Clerk

ASSEMBLY, No. 3971

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED MAY 4, 2020

Sponsored by:

Assemblyman DANIEL R. BENSON

District 14 (Mercer and Middlesex)

Assemblyman CRAIG J. COUGHLIN

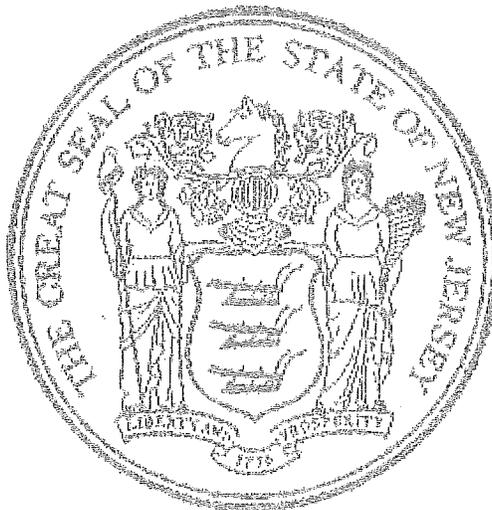
District 19 (Middlesex)

SYNOPSIS

Authorizes the issuance of "coronavirus relief bonds" by municipalities and counties.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT authorizing local units to issue coronavirus relief bonds.

2

3 BE IT ENACTED by the Senate and General Assembly of the State
4 of New Jersey:

5

6 1. a. (1) A local unit that requires moneys because of a loss
7 of revenue, unanticipated expenses, or both, which are directly
8 attributable to the COVID-19 pandemic may incur indebtedness,
9 borrow money, and authorize and issue bonds, entitled "coronavirus
10 relief bonds," in accordance with provisions governing refunding
11 bonds under the "Local Bond Law," N.J.S.40A:2-1 et seq., except
12 as otherwise provided in this act.

13 (2) A local unit shall authorize issuance of coronavirus relief
14 bonds by adoption of a refunding bond ordinance in the manner
15 prescribed for adoption of a bond ordinance, except that:

16 (a) no down payment shall be required; and

17 (b) Local Finance Board approval shall not be required, and the
18 provisions of subsection c. of N.J.S.40A:2-53, and of N.J.S.40A:2-
19 55, N.J.S.40A:2-56, and N.J.S.40A:2-57 shall not apply, unless:

20 (i) the local unit seeks to issue debt that exceeds 20% of the
21 local unit's prior year budget; or

22 (ii) the local unit seeks to issue bonds with a longer repayment
23 term than otherwise permitted in this act.

24 (3) Coronavirus relief bonds shall be payable from, and secured
25 by a pledge of, unlimited ad valorem taxes.

26 (4) In addition to the procedures for adoption of a bond
27 ordinance required under N.J.S.40A:2-17, after introduction and
28 first reading of a bond ordinance authorizing the issuance of
29 coronavirus relief bonds, and at least one week prior to the date for
30 further consideration thereof, the local unit shall prominently
31 display on the home page of the local unit's website the introduced
32 bond ordinance together with a summary thereof, the notice of the
33 introduction thereof, and of the date, time, and place of further
34 consideration for final passage.

35 (5) A bond ordinance authorizing issuance of coronavirus relief
36 bonds may provide for the capitalization of the interest thereon.

37 (6) A bond ordinance authorizing issuance of coronavirus relief
38 bonds shall provide that bonds and notes issued under this act may
39 be paid in full prior to full maturity without incurring a penalty for
40 early repayment.

41 b. (1) Prior to authorizing the issuance of coronavirus relief
42 bonds, a local unit shall thoroughly investigate, and apply for,
43 financial assistance that may be available to the local unit from the
44 federal government, the State, and other sources to address revenue
45 shortfalls and expenditures due to the COVID-19 pandemic.

46 (2) The total amount of coronavirus relief bonds that a local unit
47 may issue shall not exceed, after subtracting all amounts of
48 assistance anticipated by, available to, or provided to, the local unit

1 from the federal government, the State, and other sources to address
2 revenue shortfalls and expenditures due to the COVID-19
3 pandemic:

4 (a) the amount of lost or delayed tax and other revenues
5 experienced by the local unit due to the public health hazard created
6 by COVID-19 prior to the end of the 24th month next following the
7 end of the Public Health Emergency and State of Emergency
8 declared in the State of New Jersey due to the public health hazard
9 created by COVID-19, and

10 (b) the amount of unanticipated expenses that are incurred by
11 the local unit due to the public health hazard created by COVID-19
12 prior to the end of the 24th month next following the end of the
13 Public Health Emergency and State of Emergency declared in the
14 State of New Jersey due to the public health hazard created by
15 COVID-19.

16 c. The total amount of coronavirus relief bonds that a local unit
17 may issue under subsection b. of this section shall not exceed an
18 amount that is the lesser of:

19 (1) an amount that will not cause the local unit to exceed its net
20 debt limitation under N.J.S.40A:2-6, unless otherwise permitted by
21 subsection d. of N.J.S.40A:2-7; or

22 (2) an amount that will not cause the local unit to exceed the
23 maximum amount of tax anticipation notes the local unit may issue
24 under N.J.S.40A:4-66.

25 d. (1) A local unit may use the proceeds from the sale and
26 issuance of coronavirus relief bonds to address a revenue shortfall
27 experienced by the local unit which is directly attributable to the
28 COVID-19 pandemic and which occurred prior to the end of the
29 24th month next following the end of the Public Health Emergency
30 and State of Emergency declared in the State of New Jersey due to
31 the public health hazard created by COVID-19.

32 (2) A local unit may use the proceeds from the sale and issuance
33 of coronavirus relief bonds to cover the costs of unanticipated
34 expenses that are directly attributable to the COVID-19 pandemic,
35 and which were incurred by the local unit prior to the end of the
36 24th month next following the end of the Public Health Emergency
37 and State of Emergency declared in the State of New Jersey due to
38 the public health hazard created by COVID-19.

39 e. A local unit may, in anticipation of the issuance of
40 coronavirus relief bonds, borrow money and issue negotiable notes
41 from time to time, at public or private sale and may, from time to
42 time, renew these notes in accordance with the provisions of section
43 11 of P.L.2003, c.15 (C.40A:2-8.1), however, notwithstanding that
44 provision of law, a note issued in anticipation of the issuance of
45 coronavirus relief bonds may be issued for a period not exceeding
46 two years.

47 f. A coronavirus relief bond, or a note in anticipation thereof,
48 shall be initially issued prior to the end of the 24th month next

1 following the end of the Public Health Emergency and State of
2 Emergency declared in the State of New Jersey due to the public
3 health hazard created by COVID-19.

4 g. Final maturity of a coronavirus relief bond shall occur no
5 more than ten years from the initial issuance of the bond or the
6 initial issuance of a note in anticipation thereof, however, a local
7 unit may apply to the Local Finance Board for a longer repayment
8 term. If the local unit demonstrates a need for a longer repayment
9 term to the satisfaction of the Local Finance Board, the board may
10 authorize a longer repayment term. The maturity schedule may
11 include a combination of notes and bonds as deemed appropriate by
12 the local unit.

13 h. The Local Finance Board shall render a decision on an
14 application for approval submitted to it pursuant to this act within
15 45 days of the submission of a complete application to the board,
16 and failure of the board to do so shall result in an approval of the
17 application.

18 i. The Division of Local Government Services may issue
19 guidelines necessary or appropriate to implement the provisions of
20 this act.

21

22 2. This act shall take effect immediately.

23

24

25

STATEMENT

26

27 This bill would allow counties and municipalities to borrow
28 moneys (through the issuance of bonds and notes) to cover the
29 revenue shortfalls and additional costs that are directly attributable
30 to the COVID-19 pandemic. Municipalities and counties are
31 experiencing revenue shortfalls and expense overruns because of
32 the COVID-19 pandemic, and these fiscal consequences of the
33 pandemic are likely to continue. Local units of government have
34 significant fixed statutory expenses and provide essential services.
35 The costs of providing many essential services is likely to increase
36 as a result of the COVID-19 pandemic. Collection of revenues is
37 likely to decrease during the pandemic and for a period of time
38 afterwards.

39 This bill would establish a new financing mechanism to enable
40 local units to borrow money to address the costs attributable to
41 increased expenses and revenue shortfalls due to the COVID-19
42 pandemic, and to pay back that money over a 10-year period.

43 Under the bill, a local unit that requires moneys because of a loss
44 of revenue, unanticipated expenses, or both, which are directly
45 attributable to the COVID-19 pandemic may incur indebtedness,
46 borrow money, and authorize and issue "coronavirus relief bonds."
47 Coronavirus relief bonds would be payable from, and secured by a
48 pledge of, unlimited ad valorem taxes.

1 The process for authorizing the issuance of bonds under this bill
2 would follow the process currently applicable to the issuance of
3 refunding bonds under the "Local Bond Law," N.J.S.40A:2-1 et
4 seq., except that a local unit will not be required to secure Local
5 Finance Board approval unless:

- 6 • the local unit seeks to issue debt that exceeds 20% of the
7 local unit's prior year budget; or
- 8 • the local unit seeks to issue bonds with a repayment term
9 longer than 10 years.

10 In addition to the procedures for adoption of a bond ordinance
11 required under the Local Bond Law, after introduction and first
12 reading of a bond ordinance authorizing the issuance of coronavirus
13 relief bonds, and at least one week prior to the date set for further
14 consideration, a local unit must display the introduced bond
15 ordinance on the home page of its website together with a summary
16 of the ordinance, notice of introduction of the ordinance, and of the
17 date, time, and place of further consideration for final passage of
18 the ordinance. The bill provides that bonds and notes issued under
19 the bill may be paid in full prior to full maturity without incurring a
20 penalty for early repayment.

21 The bill requires a local unit, prior to authorizing the issuance of
22 coronavirus relief bonds, to thoroughly investigate, and apply for,
23 financial assistance that may be available to the local unit from the
24 federal government, the State, and other sources to address revenue
25 shortfalls and expenditures due to the COVID-19 pandemic. The
26 bill sets forth criteria for determining the total amount of
27 coronavirus relief bonds that a local unit may issue.

28 First, a local unit must subtract all amounts of assistance
29 anticipated by, available to, or provided to, the local unit from the
30 federal government, the State, and other sources to address revenue
31 shortfalls and expenditures due to the COVID-19 pandemic.
32 Second, the local unit must determine the amount of lost or delayed
33 tax and other revenues experienced by the local unit, and the
34 amount of unanticipated expenses that are incurred by the local
35 unit, due to COVID-19 within 24 months after the end of the Public
36 Health Emergency and State of Emergency declared in New Jersey
37 due to COVID-19. The bill then limits that amount by providing
38 that the debt cannot cause the local unit to exceed its net debt
39 limitation under the Local Bond Law or cause the local unit to
40 exceed the maximum amount of tax anticipation notes it may issue
41 under the Local Budget Law.

42 Under the bill, a local unit may use the proceeds from the sale
43 and issuance of coronavirus relief bonds to address a revenue
44 shortfall experienced by the local unit, and to cover the costs of
45 unanticipated expenses that are directly attributable to the COVID-
46 19 pandemic and which occurred within 24 months after the end of
47 the Public Health Emergency and State of Emergency declared in
48 New Jersey due to COVID-19.

1 The bill authorizes a local unit, in anticipation of the issuance of
2 coronavirus relief bonds, to borrow money and issue and renew
3 negotiable notes in accordance with the provisions of the Local
4 Bond Law, however, the bill allows a note issued in anticipation of
5 the issuance of coronavirus relief bonds to be issued for a period not
6 exceeding two years.

7 The bill provides that a coronavirus relief bond, or a note in
8 anticipation thereof, must be initially issued within 24 months after
9 the end of the Public Health Emergency and State of Emergency
10 declared in New Jersey due to COVID-19.

11 Final maturity of a coronavirus relief bond must be within ten
12 years from the initial issuance of the bond or the initial issuance of
13 a note in anticipation thereof. However, a local unit may apply to
14 the Local Finance Board for a longer repayment term. If the local
15 unit demonstrates a need for a longer repayment term to the
16 satisfaction of the Local Finance Board, the board may authorize a
17 longer repayment term. The maturity schedule may include a
18 combination of notes and bonds as deemed appropriate by the local
19 unit.

20 The bill requires the Local Finance Board to render a decision on
21 an application for approval submitted to it under the bill within 45
22 days of the submission of a complete application to the board.
23 Failure of the board to act on an application within that timeframe
24 will result in an approval of the application.

25 The bill authorizes the Division of Local Government Services to
26 issue guidelines necessary or appropriate to implement the bill's
27 provisions.

RESOLUTION 2020:113

RESOLUTION AUTHORIZING AN AWARD OF CONTRACT PURSUANT TO COMPETITIVE CONTRACTING REQUEST FOR PROPOSALS #17-10, (1ST ONE-YEAR OPTION) BY AND BETWEEN THE COUNTY OF CAMDEN (DIVISION OF ENVIRONMENTAL AFFAIRS) AND FCR CAMDEN, LLC, FOR MARKETING SERVICES OF SINGE-STREAM RECYCLABLE MATERIALS FOR THE BOROUGH OF HADDON HEIGHTS UNDER THE CAMDEN COUNTY COOPERATIVE PRICING SYSTEM, ID#57-CCCPS

WEREAS, the County of Camden, as the Lead Agency for the Camden County Cooperative Pricing System, System Identifier #57-CCCPS (Cooperative), adopted a resolution in April, 2017 authorizing an Agreement, pursuant to a publicly advertised Competitive Contracting Request for Proposals No. 17-10, to FCR Camden, LLC, 2201 Mt. Ephraim Ave, NJ 08104, for the marketing of recyclable materials services for the County of Camden and participating County Municipalities under the Camden County Cooperative pricing System, ID# 57-CCCPS for a term of three years commencing on or about May 1, 2017 through April 30, 2020; and

WHEREAS, said Competitive Contracting Request for Proposals #17-10 provided for two (2) one-year options to renew said options to be exercised at the sole discretion of the County; and

WHEREAS, it is the desire of the Borough of Haddon Heights to exercise the first (1st) one-year option to renew, at the prices provided in the Proposal provided by FCR Camden LLC, dated April 13, 2017, for a term commencing May 1, 2020 through April 30, 2021;

BE IT RESOLVED, by the Mayor and Council of the Borough of Haddon Heights that the Borough of Haddon Heights enter into an agreement with FCR Camden, LLC , under the Camden County Cooperative Pricing system, System Identifier #57-CCCPS, for the term commencing on May 1, 2020 through April 30, 2021.

Date: June 9, 2020

Mayor Zachary Houck

ATTEST: _____
Kelly Santosusso, RMC, Borough Clerk

I, Kelly Santosusso, Borough Clerk hereby certify the above resolution to be a true copy of a resolution adopted by the Council of the Borough of Haddon Heights at a regularly scheduled meeting held on June 9, 2020.

Kelly Santosusso, RMC, Borough Clerk

RESOLUTION

Res-Pg: 15-1

RESOLUTION AUTHORIZING AN AWARD OF CONTRACT PURSUANT TO COMPETITIVE CONTRACTING REQUEST FOR PROPOSALS #17-10, (1st ONE-YEAR OPTION) BY AND BETWEEN THE COUNTY OF CAMDEN (DIVISION OF ENVIRONMENTAL AFFAIRS) AND FCR CAMDEN, LLC, FOR MARKETING SERVICES OF SINGLE-STREAM RECYCLABLE MATERIALS FOR THE COUNTY OF CAMDEN AND PARTICIPATING COUNTY MUNICIPALITIES UNDER THE CAMDEN COUNTY COOPERATIVE PRICING SYSTEM, ID#57-CCCPS

WHEREAS, by Resolution No. adopted April , 2017, the Camden County Board of Chosen Freeholders (the "County") authorized an Agreement, pursuant to a publicly advertised Competitive Contracting Request for Proposals No. 17-10, to FCR Camden, LLC, (also known as FCR Camden, LLC d/b/a ReCommunity), 2201 Mt Ephraim Ave, New Jersey 08104, for the marketing of recyclable materials services for the County of Camden and participating County Municipalities under the Camden County Cooperative Pricing System, ID# 57-CCCPS for a term of three years commencing on or about May 1, 2017 through April 30, 2020; and

WHEREAS, said Competitive Contracting Request For Proposals #17-10 provided for two (2) one-year options to renew, said options to be exercised at the sole discretion of the County; and

WHEREAS, it is the desire of the County to exercise the first (1st) one-year option to renew, at the prices provided in the Proposal provided by FCR Camden LLC, dated April 13, 2017, for a term commencing May 1, 2020 through April 30, 2021; and

WHEREAS, each participating member of the Camden County Cooperative as specified in Competitive Contracting Request For Proposal #17-10, and as may be required and at their option, are hereby authorized to enter into a contract directly with FCR Camden, LLC, pursuant to the terms and conditions of

RESOLUTION

Res-Pg: 15-2

Competitive Contracting Request For Proposals #17-10, 1st One Year Option, after award by its governing body in accordance with applicable law; and

WHEREAS, this contract is awarded pursuant to the Local Public Contracts Law, N.J.S.A. 40A:11-4.1, et seq.; and

WHEREAS, funding is contingent upon passage of the County's 2020 and 2021 Temporary and/or Permanent Budgets and shall be encumbered at the unit pricing listed in FCR's Proposal dated April 13, 2017 prior to the services being utilized as authorized pursuant to N.J.A.C. 5:30-5.5(b)(2) and shall not exceed any using department's line item in the budget for this purpose; now, therefore,

BE IT RESOLVED by the Board of Chosen Freeholders of the County of Camden that, contingent upon the funding as described herein and pursuant to Competitive Contracting Request For Proposals #17-10, the proper County officials be and are hereby authorized to execute all documents necessary to effect an agreement with FCR Camden LLC (also known as FCR Camden LLC d/b/a/ ReCommunity), 2201 Mt. Ephraim Avenue, Camden, New Jersey 08104, for the provision of marketing of recyclable materials for the County of Camden and its Agencies and Authorities under the Camden County Cooperative Pricing System, ID #67-CCCPS, at the rates listed in FCR Camden, LLC's proposal dated April 13, 2017, for the one (1) Year Option to renew, commencing on or about May 1, 2020 through April 30, 2021, be and the same is hereby awarded; and

BE IT FURTHER RESOLVED that the participating members of the Camden County Cooperative as specified in Competitive Contracting Request For Proposal #17-10 are hereby authorized to enter into a contract directly with FCR Camden, LLC, pursuant to the terms and conditions of Competitive Contracting Request

RESOLUTION

Res-Pg: 15-3

For Proposal #17-10, First One (1) Year Option, after award by its governing body in accordance with funding and applicable law; and

BE IT FURTHER RESOLVED that the remaining one-year option to renew shall be exercised at the sole discretion of the County; and

BE IT FURTHER RESOLVED that a copy of this Resolution or a Notice of Contract Award be advertised in accordance with N.J.S.A. 40A: 11-4.5(g).

LJP
File No. 7738

Z:\Files Gen\FCR\CCRF #17-10 Marketing of recyclable materials
Resol. Auth. 1st one-yr option contract w FCR Camden (a/k/a ReCommunity)
Auth. 4-16-20

RESOLUTION 2020:114

**RESOLUTION AUTHORIZING PAYMENT OF BILLS & CLAIMS
FOR THE FIRST HALF OF JUNE**

Trust Account	\$	13,006.29
Capital Account	\$	6,486.00
Payroll Account (5/21/2020 Trust)	\$	16,890.00
(5/21/2020 Current)	\$	76,602.98
Animal Account	\$	-0-
Current & Grant Fund	\$	40,435.40
School Tax (1 st Half of June)	\$	602,824.67
County Tax	\$	-0-
Library Tax	\$	-0-
Total Spending	\$	<u>756,246.27</u>

Date: June 9, 2020

Mayor Zachary Houck

ATTEST: _____
Kelly Santosusso, RMC, Borough Clerk

Bill List Expenditures for Council Meeting
6/9/2020

<u>Fund</u>	<u>Amount</u>
<u>Trust</u>	
Per Attached Report	13,006.29
Total Trust	13,006.29
<u>General Capital</u>	
Per Attached Report	6,486.00
Total Capital	6,486.00
<u>Payroll</u>	
Payroll 05/21/2020 - Trust Fund	16,890.93
Payroll 05/21/2020 - Current Fund	76,602.98
Total Payroll	93,493.91
<u>Animal</u>	
Per Attached Report	0.00
Total Animal	0.00
Current and Grant Fund	
Per Attached Report	40,435.40
Library Tax	0.00
School Tax	602,824.67
County Taxes	0.00
Total Current and Grant	643,260.07
Total Spending 06/03/2020	\$ 756,246.27

Vendor # Name	PO # PO Date Description	Item Description	Amount	Charge Account	Contract PO Type	Acct Type Description	Stat/Chk	Enc Date	First Rcvd Date	Chk/Void Date	Invoice	1099 EXC
WB/MASON WB MASON												
	20-00514	05/27/20 WB MASON										
	1	INKCART BL, INKCART C/M/Y 3PK	95.48	0-01-20-100-311	B	Office Supplies	R	05/27/20	05/27/20		210512358	N
	2	28BK CLASP	37.33	0-01-20-100-311	B	Office Supplies	R	05/27/20	05/27/20		210512358	N
			<u>132.81</u>									
		Vendor Total:	132.81									

Total Purchase Orders: 27 Total P.O. Line Items: 55 Total List Amount: 662,424.91 Total Void Amount: 0.00

Totals by Year-Fund Fund Description	Fund	Budget Total	Revenue Total	G/L Total	Total
CURRENT FUND	0-01	638,173.30	0.00	0.00	638,173.30
GENERAL CAPITAL FUND	C-04	6,486.00	0.00	0.00	6,486.00
	G-02	5,086.77	0.00	0.00	5,086.77
TRUST - OTHER TRUST	T-13	12,678.84	0.00	0.00	12,678.84
Total of All Funds:		<u>662,424.91</u>	<u>0.00</u>	<u>0.00</u>	<u>662,424.91</u>

P.O. Type: All
 Range: First to Last
 Format: Detail without Line Item Notes
 Include Non-Budgeted: Y
 Open: N Paid: N Void: N
 Rcvd: N Held: N Aprv: Y
 Bid: Y State: Y Other: Y Exempt: Y
 First Enc Date Range: First to 12/31/20

PO #	PO Date	Vendor	Amount	Charge Account	Acct Type	Description	Contract	PO Type	Stat/Chk	Enc Date	First Rcvd	Chk/Void	Date	Invoice
20-00543	06/05/20	HOTL001	327.45	T-13-56-860-823	B	Reserve for Neighbor Night Out (520)			A	06/05/20	06/05/20			
1	Eagle scout Project	Tyler Hoilien												

Total Purchase Orders: 1 Total P.O. Line Items: 1 Total List Amount: 327.45 Total Void Amount: 0.00

Totals by Year-Fund Fund Description	Fund	Budget Total	Revenue Total	G/L Total	Total
TRUST - OTHER TRUST	T-13	327.45	0.00	0.00	327.45
Total of All Funds:		<u>327.45</u>	<u>0.00</u>	<u>0.00</u>	<u>327.45</u>

RESOLUTION 2020:115

A RESOLUTION PROVIDING FOR A MEETING NOT OPEN TO THE PUBLIC IN ACCORDANCE WITH THE PROVISIONS OF THE NEW JERSEY OPEN PUBLIC MEETINGS ACT, N.J.S.A. 10:4-12

WHEREAS, the Governing Body of the Borough of Haddon Heights is subject to certain requirements of the *Open Public Meetings Act*, N.J.S.A. 10:4-6 et seq., and

WHEREAS, the *Open Public Meetings Act*, N.J.S.A. 10:4-12, provides that an Executive Session, not open to the public, may be held for certain specified purposes when authorized by Resolution, and

WHEREAS, it is necessary for the Governing Body of the Borough of Haddon Heights to discuss in a session not open to the public certain matters relating to the item or items authorized by N.J.S.A. 10:4-12b and designated below:

- _____ (1) ***Matters required by Law to be Confidential:*** Any matter which, by express provision of Federal law or State statute or rule of court shall be rendered confidential or excluded from the provisions of the Open Public Meetings Act.
- _____ (2) ***Matters Where the Release of Information Would Impair the Right to Receive Funds:*** Any matter in which the release of information would impair a right to receive funds from the Government of the United States.
- _____ (3) ***Matters Involving Individual Privacy:*** Any material the disclosure of which constitutes an unwarranted invasion of individual privacy such as any records, data, reports, recommendations, or other personal material of any educational, training, social service, medical, health, custodial, child protection, rehabilitation, legal defense, welfare, housing, relocation, insurance and similar program or institution operated by a public body pertaining to any specific individual admitted to or served by such institution or program, including, but not limited to information relative to the individual's personal and family circumstances, and any material pertaining to admission, discharge, treatment, progress or condition of any individual, unless the individual concerned (or, in the case of a minor or incompetent, his guardian) shall request in writing that the same be disclosed publicly.
- _____ (4) ***Matters Relating to Collective Bargaining Agreements:*** Any collective bargaining agreement, or the terms and conditions which are proposed for inclusion in any collective bargaining agreement, including the negotiation of the terms and conditions thereof with employees or representatives of employees of the public body.
- _____ (5) ***Matters Relating to the Purchase, Lease or Acquisition of Real Property or the Investment of Public Funds:*** Any matter involving the purchase, lease, or acquisition of real property with public funds, the setting of banking rates or investment of public funds, where it could adversely affect the public interest if discussion of such matters were disclosed.

- _____ (6) **Matters Relating to Public Safety and Property:** Any tactics and techniques utilized in protecting the safety and property of the public, provided that their disclosure could impair such protection. Any investigations of possible violations of the law.
- X (7) **Matters Relating to Litigation, Negotiations and the Attorney-Client Privilege:** Any pending or anticipated litigation or contract negotiation in which the public body is, or may become a party. Any matters falling within the attorney-client privilege, to the extent that confidentiality is required in order for the attorney to exercise his ethical duties as a lawyer. **1.) Matters of Attorney Client Privilege. Discussion is expected to be ½ hour in duration. Formal action may be taken following Executive Session.**
- _____ (8) **Matters Relating to the Employment Relationship:** Any matter involving the employment, appointment, termination of employment, terms and conditions of employment, evaluation of the performance of promotion or disciplining of any specific prospective public officer or employee or current public officer or employee employed or appointed by the public body, unless all the individual employees or appointees whose rights could be adversely affected request in writing that such matter or matters be discussed at a public meeting.
- _____ (9) **Matters Relating to the Potential Imposition of a Penalty:** Any deliberations of a public body occurring after a public hearing that may result in the imposition of a specific civil penalty upon the responding party or the suspension or loss of a license or permit belonging to the responding party bears responsibility.

NOW, THEREFORE BE IT RESOLVED by the Governing Body of the Borough of Haddon Heights, assembled in public session on June 9, 2020 that an Executive Session closed to the public shall be held on June 9, 2020 at approximately 6:00 p.m. for the discussion of matters relating to the specified item(s) designated above. Session will be conducted through a telephonic means of communication due to circumstances related to COVID19.

It is anticipated that the deliberations conducted in Closed Session may be disclosed to the public upon the determination of the Governing Body that public interest will no longer be served by such confidentiality.

The following resolution was duly adopted by the Governing Body of the Borough of Haddon Heights at a public meeting held on June 9, 2020.

Date: June 9, 2020

Mayor Zachary Houck

ATTEST: _____
Kelly Santosusso, RMC, Borough Clerk

RESOLUTION 2020:116

**RESOLUTION APPROVING A RAFFLE LICENSE FOR ST. ROSE OF LIMA
PARISH FOR THE PURPOSE OF CONDUCTING A MONETARY RAFFLE
AT THE ANNUAL CHRISTMAS BAZAAR**

50/50 Monetary Raffle – November 6, 2020

NOW, THEREFORE BE IT RESOLVED by the Governing Body of the Borough of Haddon Heights in the County of Camden and State of New Jersey that a raffle license is hereby approved for St. Rose of Lima Parish, 300 Kings Highway, Haddon Heights, New Jersey for the purpose of conducting a 50/50 Monetary raffle; drawing to be held at the annual Christmas Bazaar on Friday, November 6, 2020.

BE IT FURTHER RESOLVED that said approval is subject to following all Executive Orders and other restrictions and guidance put in place by the Governor and/or any other authority due to COVID-19 at the time of the event.

Date: June 9, 2020

Mayor Zachary Houck

ATTEST: _____
Kelly Santosusso, RMC, Borough Clerk

RESOLUTION 2020:117

**RESOLUTION APPROVING A RAFFLE LICENSE FOR ST. ROSE OF LIMA
PARISH FOR THE PURPOSE OF CONDUCTING A RAFFLE
AT ANNUAL CHRISTMAS BAZAAR -
Walt Disney World Family Vacation
November 6, 2020**

NOW, THEREFORE BE IT RESOLVED by the Governing Body of the Borough of Haddon Heights in the County of Camden and State of New Jersey that a raffle license is hereby approved for St. Rose of Lima Parish, 300 Kings Highway, Haddon Heights, New Jersey for the purpose of conducting a raffle for a *Walt Disney World Family Vacation*; drawing to be held at the annual Christmas Bazaar on Friday, November 6, 2020.

BE IT FURTHER RESOLVED that said approval is subject to following all Executive Orders and other restrictions and guidance put in place by the Governor and/or any other authority due to COVID-19 at the time of the event.

Date: June 9, 2020

Mayor Zachary Houck

ATTEST: _____
Kelly Santosusso, RMC, Borough Clerk

RESOLUTION 2020:118

**RESOLUTION APPROVING A RAFFLE LICENSE FOR ST. ROSE OF LIMA
PARISH FOR THE PURPOSE OF CONDUCTING A PENNY AUCTION
AT THE ANNUAL CHRISTMAS BAZAAR**

November 6, 2020

NOW, THEREFORE BE IT RESOLVED by the Governing Body of the Borough of Haddon Heights in the County of Camden and State of New Jersey that a raffle license is hereby approved for St. Rose of Lima Parish, 300 Kings Highway, Haddon Heights, New Jersey for the purpose of conducting a Penny Auction on November 6, 2020.

BE IT FURTHER RESOLVED that said approval is subject to following all Executive Orders and other restrictions and guidance put in place by the Governor and/or any other authority due to COVID-19 at the time of the event.

Date: June 9, 2020

Mayor Zachary Houck

ATTEST: _____
Kelly Santosusso, RMC, Borough Clerk

RESOLUTION 2020:119

RESOLUTION OF THE BOROUGH OF HADDON HEIGHTS APPROVING AND AUTHORIZING APPLICATIONS FOR ALL FOOD OR BEVERAGE ESTABLISHMENTS TO EXPAND THEIR FOOTPRINT TO OUTDOOR DINING AREAS PURSUANT TO EXECUTIVE ORDER 150 AND GRANTING THE ENDORSEMENT AND APPROVAL FOR ANY LICENSEES OR PERMITEES WITH A RETAIL CONSUMPTION LICENSE TO APPLY FOR A COVID-19 EXPANSION OF PREMISES PERMIT FROM THE NEW JERSEY DIVISION OF ALCOHOLIC BEVERAGE CONTROL

WHEREAS, given the reduced risks of COVID-19 transmission outdoors, The Honorable Philip D. Murphy, Governor of the State of New Jersey, issued Executive Order 150 on June 3, 2020, allowing restaurants, bars, and other food or beverage establishments to provide in-person service at areas designated for food and/or beverage consumption (“outdoor dining”) in accordance with health guidelines on June 15, 2020; and

WHEREAS, Executive Order 150 acknowledged that many restaurants or bars will not have sufficient outdoor space to serve their patrons, and thus may seek to use additional space for outdoor food and/or beverage consumption, including other areas of their property, such as parking lots, shared spaces, sidewalks, streets, and parks; and

WHEREAS, Executive Order 150 further acknowledged that municipalities are in the best position to make decisions on allowing restaurants or bars to expand their service footprint on their property and potentially into shared spaces, but must do so in a way that comports with public safety and in an equitable manner among restaurants or bars who may feasibly seek to use such spaces; and

WHEREAS, Executive Order 150 allows municipalities to use their existing authority to allow food or beverage establishments to expand their footprint to outdoor areas, both within their property and among municipally-governed areas, including but not limited to sidewalks, streets, or parks; and

WHEREAS, in an effort to mitigate financial hardship and to alleviate some of the tremendous financial burden caused as a result of COVID-19 on food and beverage establishments within the Borough, the Mayor and Borough Council of the Borough of Haddon Heights desire to utilize the authority as outlined in Executive Order 150 to allow food or beverage establishments to expand their footprint to outdoor areas, both within their property and amongst municipally-

governed areas as authorized, including but not limited to sidewalks, streets, or parks, where appropriate; and

WHEREAS, via a Special Ruling dated June 3, 2020, the Director of the Division of Alcoholic Beverage Control (the “Division”) has determined it necessary to create a temporary permit, known as the COVID-19 Expansion of Premises Permit (“COVID-19 Expansion Permit”), and to enable all licensees and permittees with on-premises retail consumption privilege to apply for the COVID-19 Expansion Permit to allow for the expansion of their licensed premises into outdoor areas, either contiguous or non-contiguous to their permanently licensed premises; and

WHEREAS, the Division requires any application submitted by any licensee or permittee with on-premises retail consumption for the COVID-19 Expansion Permit to have the express endorsement or approval by the appropriate governing body officials, prior to the Division’s approval of the application and issuance of the COVID-19 Expansion Permit; and

WHEREAS, in an effort to further mitigate financial hardship and provide certain businesses relief from COVID-19 on holders of on-premises retail consumption licenses and/or permits within the Borough, and to reduce any potential delay associated with the approval of such applications for a COVID-19 Expansion Permit by the Division, the Mayor and Borough Council desire to grant any and all endorsements and approvals that may be needed for all applications from licensees or permittees with on-premises retail consumption privileges who are permitted to apply for the COVID-19 Expansion Permit pursuant to the Division’s June 3, 2020, Special Ruling within the Borough at this time.

NOW THEREFORE BE IT RESOLVED by the Mayor and Borough Council of the Borough of Haddon Heights, Borough of Haddon Heights, County of Camden and State of New Jersey, that:

1. The provisions of the **WHEREAS** clauses set forth above are incorporated herein by reference and made a part hereof.
2. Upon submission by a food or beverage establishment or retail establishment within the Borough of a written application and plot plan detailing the proposed expansion of their footprint to outdoor areas, which shall include, at minimum, a detailing of the location to be utilized, the number of tables and seating capacity of the outdoor dining space which complies with all existing health guidelines and regulations, and establishes that the plan comports with public safety and is equitable among restaurants or bars who may be seeking the same, the Zoning Officer of the Borough

is authorized to issue a temporary zoning permit authorizing the expansion of the establishment's footprint to outdoor areas, which may include areas both within the establishment's property and among municipally-governed areas, including but not limited to sidewalks, streets, or parks. Any and all application or permit fees for any temporary use in this application are hereby waived to the extent permitted by law.

3. Any temporary zoning permit issued in accordance with Section 2 of this resolution shall be effective for a period of 120 days from June 15, 2020, the effective date of Executive Order 150 permitting outdoor dining and non-essential retail operation.
4. The Mayor and Borough Council hereby provides any and all endorsements, approvals and express permission, as may be necessary, for any licensees or permittees with on-premises retail consumption privileges to seek a COVID-19 Expansion Permit pursuant to the New Jersey Division of Alcoholic Beverage Control's June 3, 2020, under the Special Ruling within the Borough.
5. This resolution shall take effect immediately.

Zachary Houck, Mayor

Passed by the Mayor and Council of the Borough of Haddon Heights this ____ day of June, 2020.

Kelly Santosusso, Borough Clerk

**STATE OF NEW JERSEY
DEPARTMENT OF LAW AND PUBLIC SAFETY
DIVISION OF ALCOHOLIC BEVERAGE CONTROL**

IN THE MATTER OF THE EXPANSION)	
OF CERTAIN LICENSED PREMISES)	SR 2020-10
TO ACCOMMODATE SOCIAL DISTANCING)	SPECIAL RULING ESTABLISHING
REQUIREMENTS DUE TO THE COVID-19)	TEMPORARY COVID 19 PERMIT TO
PANDEMIC)	EXPAND LICENSED PREMISES
_____)	

BY THE ACTING DIRECTOR:

By Executive Order No. 150 (2020), Governor Murphy announced that, given the reduced transmission of COVID-19 outdoors, licensees or permittees with on-premises retail consumption privileges would be permitted to reopen their establishments and serve patrons in outdoor areas. To facilitate this reopening, which is to become effective on June 15, 2020, the Director of the Division of Alcoholic Beverage Control (the "Division") has determined it necessary to create a temporary permit, known as the COVID-19 Expansion of Premises Permit ("COVID-19 Expansion Permit"), to enable licensees and permittees to expand their licensed premises into outdoor areas, either contiguous or non-contiguous to their permanently licensed premises. This Special Ruling will establish which licensees are eligible for the permit, the application process, and the privileges and limitations of the permit. Licensees may apply immediately through the POSSE ABC Online Licensing System ("POSSE"), but no permit that is issued shall be effective before June 15, 2020. All licensees and permittees with on-premises retail consumption privileges are eligible to apply for this permit, and if they meet the criteria set forth herein, the Division will issue a permit.

The Director of the Division has broad authority to regulate the alcoholic beverage industry and receives heightened deference from the courts to allow for the exercise of the Director's

discretion in the “delicate area” of alcohol regulation. Circus Liquors, Inc. v. Middletown, 199 N.J. 1, 12-13 (2009). The Director is authorized to provide for contingencies “where it would be appropriate and consonant with the spirit of this chapter to issue a license but the contingency has not been expressly provided for,” and the Director may, for special cause shown, issue temporary permits. N.J.S.A. 33:1-74. It is under this authority that the Director is authorizing creation of a COVID-19 Expansion Permit.

I. New Permit.

The COVID-19 Expansion Permit will allow licensees to expand their premises onto areas adjacent to or contiguous with the licensed premises, where they may provide for the sale and service of alcoholic beverages as on the primary licensed premises. The Director may also permit a licensee to expand its premises onto non-contiguous property, provided the property is in reasonable proximity to the licensed premise and the licensee has safeguards in place to ensure that alcoholic beverages will be sold and served in a manner that protects public health, safety and welfare. In both contiguous and non-contiguous expansions, the licensee must demonstrate that it has a possessory interest and control over those areas, and that it will exercise the same privileges afforded to it on its existing licensed premises. Specifically, licensees that offer food service on their licensed premises must offer *bona fide* food service on the expanded premises. This permit would also allow Class A manufacturers, such as plenary and farm wineries, limited breweries, craft distilleries and cideries and meaderies, to expand their licensed tasting rooms into outdoor areas, but would not otherwise expand their existing privileges.

Examples of permissible expansion areas include, but are not limited to: decks, patios, sidewalks, and parking lots adjacent to or contiguous with the licensed premises, or parks, “parklets” established by a municipality, and other public rights-of-way, as long as these areas are

accessible from the licensed premises and comply with all provisions of the Governor’s Executive Orders and Administrative Orders concerning public health and social distancing requirements.

A COVID-19 Expansion Permit would not be required if a licensee sells a cocktail-to-go, as authorized by P.L. 2020, c. 33, to a patron who consumes it off of the licensed premises (e.g., on a public roadway closed off to traffic, sidewalk, park or beach) in accordance with local laws. Off-premises consumption of alcoholic beverages in public areas is within the jurisdiction of each municipality. See N.J.S.A. 40:48-1.

II. Eligible Licensees and Permittees.

The following licensees or permittees with on-premises retail consumption privileges may apply for the COVID-19 Expansion Permit:

1. Plenary Retail Consumption licensees (“33”);
2. Plenary Retail Consumption licensees with the “broad package privilege” operating primarily as a bar/restaurant (“32”);
3. Seasonal Retail Consumption licensees (“34”);
4. Plenary Retail Consumption licensees operating under the Hotel/Motel exception (“36”);
5. State Concessionaire permittees (“14”);
6. Golf Facility permittees (“40”);
7. Club licensees (“31”);
8. Limited Brewery licensees (“11”);
9. Restricted Brewery licensees (“08”)
10. Plenary Winery licensees (“21”);
11. Farm Winery licensees (“22”);
12. Cidery and Meadery licensees (“02”); and
13. Craft Distillery licensees (“07”).

Holders of Temporary Authorization Permits (“TAP”), with on-premises retail consumption privileges, are also eligible to apply. However, licensees that do not have on-premises retail consumption privileges are not eligible to apply for the COVID-19 Expansion Permit. As noted above, applications must be submitted exclusively through POSSE.

III. Application Requirements.

The application for the COVID-19 Expansion Permit will require the applicant to provide, at a minimum, the following information:

1. Name, address and license number of the applicant;
2. A description of the property that is the subject of the application (as well as a sketch or photographs of the property);
3. Written approval or documentation from the property owner authorizing the temporary use of the expanded property by a licensee;
4. Proposed security plan for sale and service of alcoholic beverages on the expanded premises including prevention of pass-offs, underage drinking, and over-consumption; and
5. Acknowledgement by the licensee that it has reviewed all applicable local and State safety and social distancing guidelines, including Executive Order No. 150 (2020) and the COVID-19 Outdoor Dining Guidelines for Retail Food Establishments, and will operate the proposed expanded premises in accordance with those guidelines or any that may be promulgated during the term of the permit.

The fee for the COVID-19 Expansion Permit will be \$75.00, in accordance with N.J.A.C. 13:2-5.5. The COVID-19 Expansion Permit will be effective as of the date of issuance by the Division, but not before June 15, 2020, and the term will run until November 30, 2020, which coincides with the month in which seasonal retail consumption licenses expire and the possibility of appropriate seasonal weather conditions. The expiration date of the COVID-19 Expansion Permit may be extended by the Director in a supplementary Special Ruling should circumstances warrant.

IV. Review Procedure.

Upon submission of a complete COVID-19 Expansion Permit application in POSSE and payment of the permit fee, the application will be transmitted to the municipal clerk and police chief (or designee) of the locality where the license is issued, whether the license is municipally-issued or State-issued. For licensed premises located on property owned by or under the control of any political subdivision of the State of New Jersey, the application will be reviewed and approved

by a designated administrative official and the chief law enforcement officer (or designee) responsible for the licensed property. The Division will not take action on any application until it receives an endorsement or approval by the appropriate governing body officials. For municipalities that do not consider permit applications on their regularly scheduled business meetings, municipalities may consider posting notices of applications received on their website. Again, all eligible licensees and permittees with on-premises retail consumption privileges, as described above, may apply for this permit, and if they meet the criteria set forth herein, the Division will grant their application.

The Division will issue the COVID-19 Expansion Permit through POSSE. The Division may impose special conditions on the permit if it determines that they are necessary and proper to accomplish the purposes of Title 33, including the protection of public health, safety and welfare. See N.J.S.A. 33:1-32. The Division will seek to ensure that municipal concerns regarding hours, proximity to neighbors, structures, and other issues of local concern are appropriately addressed in the COVID-19 Expansion Permit. It is the responsibility of the licensee to comply with local ordinances and site plan requirements.

A licensee who receives a COVID-19 Expansion Permit may exercise only those privileges authorized by the licensee's existing license and shall comply with all provisions of Title 33 and the implementing regulations. Violations of these provisions, as well as the terms and conditions of the COVID-19 Expansion Permit, may be grounds for suspension or revocation of the license, as though the violation occurred on the licensed premises.

A handwritten signature in black ink, appearing to read 'J. B. Graziano', written over a horizontal line.

JAMES B. GRAZIANO
ACTING DIRECTOR

Dated: June 03, 2020