

Township of West Milford

Passaic County, New Jersey

~ Resolution 2020 – 213 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING THE TOWNSHIP ADMINISTRATOR TO ENDORSE APPLICATIONS FOR TEMPORARY COVID-19 PERMITS TO EXPAND LICENSED PREMISES

WHEREAS, a worldwide pandemic has occurred involving a novel Coronavirus more commonly known as COVID-19; and

WHEREAS, on June 3, 2020, Governor Murphy issued Executive Order 150 which allows outdoor dining at food or beverage establishments in New Jersey starting on Monday, June 15, 2020, provided that establishments follow a number of COVID-19 health and safety protocols issued by the New Jersey Department of Health; and

WHEREAS, Executive Order 150 further notes that Municipal Governments are permitted 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 connection with expansion of the outdoor dining capabilities, the New Jersey Division of Alcoholic Beverage Control (“ABC”) issued an Order SR 2020-10 on June 3, 2020 which established an online application specifically for temporarily expanding the licensed premises to permit retail alcoholic beverage sales at the outdoor areas; and

WHEREAS, the ABC requires that current plenary retail license holders apply to the ABC for a temporary expansion of a licensed premise and it is also required that the application be endorsed by the Township or local approval authority; and

WHEREAS, the need to support the expeditious processing of these applications and endorsement of same necessitates the Governing Body to designate the Township Administrator with the authority to endorse those applications for expansion of ABC licensed premises on behalf of the Township; and

WHEREAS, the endorsement of such permits would be subject to a review of the application, confirmation with the Municipal Clerk that other aspects of the applicant's license are in good order and standing and that the applicant has local approval to expand its premises for outdoor dining in accordance with the Township Code.

WHEREAS, the Mayor and Township Council find it in the best interests of the Township of West Milford to temporarily authorize the Township Administrator to consult with the Chief of Police and then, if all are in agreement, to provide the endorsement on behalf of the governing body.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Township of West Milford, in the County of Passaic and State of New Jersey, as follows:

1. Anytime the Municipal Clerk receives an application for a COVID-19 Expansion Permit from the ABC, the Municipal Clerk shall first provide a copy to the Township Administrator, Health Officer and Chief of Police.
2. The Township Administrator is hereby authorized to review ABC expansion application in accordance with ABC Order SR 2020-10 and the application shall be posted accordingly on the Township website.

3. The Administrator will confer with the Chief of Police and the Health Officer and expeditiously review the application and provide the endorsement or a statement of reasons for the denial of the endorsement through the ABC's online licensing system.
4. The Application shall be posted on the Township's website.
5. The authority subject to this Resolution shall expire on November 30, 2020 unless otherwise renewed or extended.
6. This Resolution shall take effect immediately.

Adopted: June 10, 2020

Adopted this 10th day of June, 2020
and certified as a true copy of an original.

William Senande, Township Clerk