

**WORK SESSION
MUNICIPAL BUILDING**

**June 9, 2020
DELRAN, NJ**

Sunshine Statement: Be advised that proper notice has been given by the Township Council in accordance with the sunshine law in the following manner. Notice advertised in the Burlington County Times and Camden Courier Post on January 10, 2020 and posted on the bulletin board on the same date.

ROLL CALL: Mr. Lyon, Mr. Mormando, Ms. Parejo, Mr. Burrell and Mr. Catrambone were present.

ALSO PRESENT: Mr. Riso, Solicitor and Ms. Eggers, Municipal Clerk.

BACKGROUND CHECK ORDINANCE

Mr. Catrambone stated that there is a need to add this item to the agenda to review the response email from Detective Sergeant Cassey and our legal department.

Mr. Riso reported that if Council chooses they need to confirm that they agree to the recommendation of Detective Sergeant Cassey regarding the interim approval of background checks for youth sport coaches. The vendor that we usually use for the background check process is currently closed. Detective Sergeant Cassey is recommending that we use protectyouthsports.com on a temporary basis until IDENTOGO begins accepting appointments. The temporary approval will valid for thirty day.

After discussion between the Township Council and the Delran AA, Council agreed with the recommendation of Detective Sergeant Cassey. Council will revisit this issue if there is an issue with the thirty-day approval.

Mr. Burrell made a motion authorizing the issuance of temporary ID cards and grants permission to use protectyouthsports.com on a temporary basis for the background checks as per the recommendation of Detective Sergeant Cassey. Mr. Lyon seconded the motion.

There being no questions, the roll was called.

Mr. Lyon, Mr. Mormando, Ms. Parejo, Mr. Burrell and Mr. Catrambone voted aye.

Ayes: 5

Nays: None

Motion Approved

DISCUSSION ON OUTDOOR DINING REGULATIONS RESOLUTION/ORDINANCE

Mr. Catrambone stated that this discussion surrounds the temporary approval for restaurants to have outdoor seating for dining. The Township Attorney has provided a draft Resolution and Ordinance for review. The Executive Order issued by the Governor allows to restaurants to open with outdoor seating beginning on June 15th. Mr. Catrambone stated that any restaurant that wishes to have outdoor dining would apply for a temporary zoning permit. There would be no charge for the permit. The permit would be valid for 120 days from June 15th and would be reviewed by the Zoning Officer, Police Department and Fire Department.

Mr. Riso stated that this eliminates the requirement of an amended site plan for the restaurant.

At the same time the Township professionals will review the plan to make sure that it follows the Governor's order. This also allow restaurants to apply to the ABC for an extension of their license to cover the outdoor dining area including club licenses.

After discussion, Council agreed to approve the Resolution and Ordinance as prepared by the Township Attorney.

**TOWNSHIP OF DELRAN
RESOLUTION 2020-96**

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 RETAIL CONSUMPTION PRIVILEGES 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 Township, the Governing Body desires 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 ("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 Township, and to reduce any potential delay associated with the approval of such applications for a COVID-19 Expansion Permit by the Division, the Governing Body desires 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 Township at this time;

NOW THEREFORE, BE IT RESOLVED by the Township Council of the Township of Delran, County of Burlington 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. Upon submission by a food or beverage establishment or retail establishment within the Township 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, a barrier or separation between the outdoor areas and parking areas and drive aisles, 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 Township of Delran 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 Governing Body of the Township of Delran 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 Township.

5. This resolution shall take effect immediately.

Mr. Burrell made a motion approving Resolution 2020-96. The motion was seconded by Mr. Lyon.

There being no questions, the roll was called.

Mr. Lyon, Mr. Mormando, Ms. Parejo, Mr. Burrell and Mr. Catrambone voted aye.

Ayes: 5

Nays: None

Motion Approved

**TOWNSHIP OF DELRAN
ORDINANCE 2020-08**

**ORDINANCE OF THE TOWNSHIP OF DELRAN, COUNTY OF BURLINGTON
AND STATE OF NEW JERSEY AUTHORIZING INTERIM ZONING, PURSUANT
TO N.J.S.A. 40:55D-90(B), TO ALLOW FOR ISSUANCE OF ZONING PERMITS, EFFECTIVE
FOR A TIME PERIOD OF 120 DAYS, TO PERMIT TEMPORARY OUTDOOR RESTAURANT
SEATING AND RETAIL OUTDOOR DISPLAY SALES AREAS AT EXISTING LAWFUL
BUSINESSES, SUBJECT TO BULK ZONING
AND CONSTRUCTION CODE REQUIREMENTS AND OTHER OUTSIDE AGENCY
APPROVALS**

WHEREAS, the Township Council of the Township of Delran is authorized to adopt interim zoning, pursuant to N.J.S.A. 40:55D-90, when matters of an imminent public health and safety issue are implicated as confirmed by a qualified health professional; and

WHEREAS, Township Council seeks to establish a balance between the competing and conflicting public interests in promoting the reestablishment of public commerce in Delran Township, while maintaining safe social distancing to minimize the threat and spread of the Coronavirus pandemic; and

WHEREAS, Township Council has determined that interim zoning to permit temporary outdoor restaurant seating and outdoor retail sales displays will promote these compelling public interest goals in a complementary fashion, provided that the implementation of same will occur on a temporary basis, and does not contravene any other public health and safety concerns as set forth in the Township's bulk zoning requirements, Construction Code requirements and requirements of any other outside County or State agencies or Executive Orders of the Governor; and

WHEREAS, Township Council desires to implement such measure as expeditiously as possible to minimize red tape and bureaucratic delay, but subject to a lawful process that will protect the interests of the residents of Delran Township and its taxpayers; and

WHEREAS, Township Council acknowledges the existence of the Governor's Executive Orders in respect of the restricted operations of retail businesses and restaurants at this time for take-out business only and, thus, such time period for the implementation of any 120-day temporary Zoning Permit issued hereunder, shall commence upon the repeal, expiration, modification or non-renewal of the Governor's Executive Orders restricting sales to take-out only or otherwise; and

WHEREAS, a public health and safety emergency from the Coronavirus pandemic has been deemed to exist authorizing the adoption of interim zoning ordinance, because it will further promote social distancing;

NOW, THEREFORE BE IT ORDAINED, by the Township Council of the Township of Delran, County of Burlington, and State of New Jersey as follows:

SECTION 1: Interim zoning is hereby adopted for a period of 120 days from June 15, 2020, the effective date of Executive Order 150 to permit the establishment of temporary outdoor seating at lawfully existing restaurants and outdoor retail sales displays at existing lawful retail businesses.

SECTION 2: Upon submission of a written application and plot or sketch plan detailing the proposed temporary use activities described in Section 1 above including, at minimum, a detailing of the location to be utilized, depicting a barrier or separation between the outdoor seating area and parking areas and drive aisles, the number of tables and seating capacity of the

outdoor dining space or outdoor retail sales locations which complies with all existing health guidelines and regulations, and establishes that the plan comports with public safety and is equitable among establishments who may be seeking the same, the Zoning Officer of the Township of Delran is authorized to issue a temporary zoning permit, provided that such issuance is authorized by existing bulk zoning requirements, the Township's Construction Code official's determination that it meets applicable Code requirements, and further that it complies with the legal requirements of any county or state agency with jurisdiction over the proposed use and retail sales activity and any Executive Order issued by the Governor. Since the proposed use is temporary in nature, no application for site plan approval shall be required.

SECTION 3: This Ordinance shall be construed in a manner to fully comport with any future executive orders issued by the Governor.

SECTION 4: Any and all application or permit fees for any temporary use in this Ordinance are hereby waived to the extent permitted by law.

SECTION 5: All Ordinances contrary to the provisions of this Ordinance are hereby repealed to the extent that they are inconsistent herewith.

SECTION 6: The provisions of this Ordinance shall supersede the terms of any previous site plan approval, to the extent there is any conflict therewith.

SECTION 7: This Ordinance shall take effect as set forth above and upon final passage and publication in accordance with law.

Mr. Lyon made a motion approving Ordinance 2020-08 on first reading. The motion was seconded by Ms. Parejo.

There being no questions, the roll was called.

Mr. Lyon, Mr. Mormando, Ms. Parejo, Mr. Burrell and Mr. Catrambone voted aye.

Ayes: 5

Nays: None

Motion Approved

REPORTS

Ms. Eggers – No report.

Mr. Winckowski – Mr. Winckowski reported that we were notified two weeks ago that we need to prepare a mid-point review and monitoring report for the Affordable Housing plan and it is due by the end of the month. The Planner gave an estimate of \$3,000.00 to prepare the report. Mr. Winckowski stated that there are sufficient funds in the COAH fund to cover the costs.

Mr. Burrell made a motion authorizing CME Associates to complete the mid-point review and monitoring report. The motion was seconded by Mr. Mormando. All were in favor, motion approved.

Mr. Winckowski stated that PSE&G will begin sending notifications to the residents in the areas where the mains will be replaced. Notices will be going out tomorrow in the Cornell, Army, Navy, Purdue and Auburn area and then the other areas next week. The change in service will require an in-home visit in case the Township gets any calls.

Mr. Riso – No report.

Mr. Mormando – Mr. Mormando thanked the Police and Fire Department who were very active after the storms rolled through last week. We appreciate their response.

As a reminder, everyone please stay safe, take care of each other and stay positive.

Mr. Lyon – Mr. Lyon thanked the Police Department, Public Works, Fire Department and the residents helping out during the recent storms.

Mr. Lyon stated that he had the pleasure to participate in the march through Delran and Riverside. He commended that residents and the public safety employees. The event was well attended and was a very emotional and moving day.

Mr. Lyon encouraged everyone to continue with social distancing.

Ms. Parejo – Ms. Parejo state that in her opinion, one of the greatest things about being an American is our right to protest and bring about change. It was a privilege and an honor to participate in the peaceful protest that took place in Delran and Riverside this past Saturday. Ms. Parejo thanked John Walls and the other organization that put together the event. Ms. Parejo thanked the Delran Fire Department, EMS, Delran and Riverside Police Departments that walked along with the protesters.

Mr. Burrell – Mr. Burrell echoed the comments from other Council members regarding the march this past weekend. Mr. Burrell thanked the volunteers and organizers that put together the event. Mr. Burrell thanked the Police Department, Chief Parente, Lieutenant Mitchell and Lieutenant Gasper for making sure the event was safe for the community. Mr. Burrell thanked the Delran Fire Department, EMS and other agencies for making the event a success.

Mr. Catrambone – Mr. Catrambone stated that both himself and Mr. Burrell received an email from a resident involved with responsible pet ownership. We will be putting this on a work session agenda for discussion.

Mr. Catrambone reported that he also had the privilege of participating in the Black Lives Matter protest. It was remarkable that everyone along the route was supportive. The coolest thing to see were the children out there which was heartwarming to see. Mr. Catrambone thanked all the Township departments and the individuals that participated including the Mayors from Riverside and Delran. It was a remarkable site.

PUBLIC PORTION

Mr. Mormando made a motion to open the meeting to the public. The motion was seconded by Mr. Lyon. All were in favor, motion approved.

John Brophy, 824 Waterford Drive, stated that he is here tonight with the blessing of the Delran AA Board. They recently met with the membership and one thing they could not come to an agreement on is how they work as a unit with Township Council. Mr. Brophy stated that they would like to come up with a way to have one representative work with Township Council to move things forward together. Some questions were raised over who was responsible for what and no one had an answer.

Mr. Burrell stated that he spoke to Mr. Toth about these concerns last week and then talked to Mr. Catrambone about discussing the possibility of a sub-committee to engage in conversation.

Mr. Catrambone stated that he agrees to that it is a great idea.

Mr. Toth, 4 Auburn Drive, stated that they don't want to create a short-term issues list, they are looking to create a long-term relationship where they can work and plan together to make the fields better and understand the responsibilities.

Mr. Lyon stated that he feels Mr. Mullen, Public Works Superintendent or the Assistant Superintendent should serve on the sub-committee.

After discussion, Council agreed to establish the sub-committee.

Mr. Burrell made a motion, seconded by Mr. Mormando to form the sub-committee. All were in favor, motion approve.

Mr. Catrambone stated that Council will work out the details.

Gary Shanahan, 39 Suburban Blvd, asked if the thirty-day approval on the background checks starts today or from the date of issuance.

Mr. Riso stated that they will be valid thirty days from the date of issuance.

Mr. Burrell made a motion to close the public portion, seconded by Mr. Mormando. All were in favor, the motion was approved.

Mr. Mormando made a motion, seconded by Mr. Burrell to enter into closed session for discussion on the following issue: Contract Negotiations – Lieutenant's

Mr. Burrell made a motion to end the closed session and reopen the meeting to the public. The motion was seconded by Mr. Mormando. All were in favor, motion approved.

There was no action taken after executive session.

Mr. Lyon made a motion to adjourn the meeting, seconded by Ms. Parejo. All were in favor, the meeting was adjourned.

Respectfully submitted,

Jamey Eggers, Township Clerk