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June 4, 2020

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Municipal Clerks: Please forward to your Mayor, Governing Body and Department Heads.

To assist in providing guidance and information we have created a [COVID-19 resource page](#). We will continue to update the page as we get pertinent information and include announcements in our Daily Updates.

I. Governor Signs Executive Order Permitting Outdoor Dining & In-Person Non-Essential Retail

Yesterday Governor Murphy signed [Executive Order 150](#) permitting outdoor dining and in-person non-essential retail effective Monday, June 15 at 6:00 a.m.

Outdoor Dining

In-person service at outdoor areas for restaurants, cafeterias, dining establishments, and food courts, as well as picnic areas and pavilions open to the public, will be permitted starting Monday, June 15 at 6:00 a.m. The Division of Alcoholic Beverage Control has created a [COVID-19 Expansion Permit](#) to address establishments with liquor licenses. Please note that the take-out options are still permitted.

The order details the requirements that outdoor dining facilities must follow. The requirements include limiting capacity; satisfying the [Department of Health standards](#), which includes obtaining all municipal approvals and permits before offering outdoor dining; ensuring group seatings are six feet apart in all directions; prohibiting patrons from entering the indoor premise except for walking through or use of the restroom, and requiring face covering while doing such; prohibiting smoking in the outdoor areas designated for food and drink service; and compliance with applicable local, State and federal regulations.

The order also permits municipalities to use their existing authority to permit food or beverage establishments to expand their footprint to outdoor areas, both within their property and in municipally-governed areas such as sidewalks, streets or parks. Municipalities that make outdoor shared spaces, such as sidewalks, streets or parks available for use by a food or beverage establishment, should equitably divided these spaces among food or beverage establishments that can feasibly use it. Please note if a municipality seeks to close off a State or county road they must obtain approval of the state or county as appropriate.

In-person Non-Essential Retail

The order permits brick-and-mortar premises of non-essential retail businesses that were closed to the public by Executive Order No. 107 can reopen to the public. Such businesses will be required to adopt the requirements outlined in [Executive Order 122](#), paragraph 1. This includes limiting capacity to 50% of maximum capacity, installing physical barriers between customers and cashiers, and requiring workers and customers to wear face coverings, among other requirements.

Contact: Lori Buckelew, Senior Legislative Analyst, lbuckelew@njlm.org, 609-695-3481 x112.

II. Division of Alcoholic Beverage Control Issues Guidance on New Permit for Outdoor Dining

The Division of Alcoholic Beverage Control (ABC) has created a new permit for licensed premises to expand their premise to allow for reasonable seating capacity while observing social distancing guidelines. The COVID-19 Expansion Permit is available to all retail consumption and club licensees as well as golf facilities, certain brewery and winery licensees, craft distillery and cidery and meadery licensees. The permit will require the endorsement by the municipal clerk and chief of police to ensure that local concerns, such as hours, proximity to neighbors, site plan approvals and other local concerns are taken into account. Special conditions may be incorporated into permits, if needed to address particular circumstances.

Subject to local approval, the permit will allow for expansion into areas adjacent to or contiguous to the licensed premises, such as public or private decks, patios, sidewalks and parking lots, or non- contiguous areas, such as municipally established “parklets” or other public rights-of-way, as long as these areas are reasonably accessible from the licensed premise.

The licensee will have to show it has the legal right to use the property or they have a lease agreement or some other written document from the owner. For public property they must have a resolution, ordinance or express written permission for the public entity.

Please note that off-premise consumption of alcoholic beverages in public areas is within the jurisdiction of each municipality.

The permit will become available on June 5 through the ABC's Online licensing system (POSSE) and will expire on November 30, 2020. There is a one-time \$75 fee for the permit.

Contact: Lori Buckelew, Senior Legislative Analyst, lbuckelew@njlm.org, 609-695-3481 x112.

III. Surgeon General Urges Continued Precautions

The White House Office of Intergovernmental Affairs has been conducting weekly briefings on the Federal government's COVID response and recovery efforts. League staff has been monitoring the weekly calls for state, local and tribal leaders. This week's call focused on the need to guard against a resurgence of infections, while the economy reopens.

As reopening progresses, United States Surgeon General Jerome Adams urges local leaders to set an example and to continue to emphasize the need for careful hygiene and hand washing, the need to continue social distancing, and the need to wear face masks in public settings. 'I wear my mask, because I respect and I care about you.'

He suggested local officials might consider making masks available to peaceful protestors, warning the protestors that, if they have any at-risk relatives at home, they could be bringing the disease home with them, and telling them where they can get tested.

He finished up by saying, 'Just because we've bent the COVID curve, it doesn't mean the disease has gone away, it isn't any less contagious, and it hasn't become any less lethal. It just means that we have room in the ICU for you.'

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

IV. Are You Ready for Police & Fire Contract Negotiations?

Could different contract provisions increase efficiency in your fire services? Is there a way to provide more effective policing, while lowering costs? And how much do your neighbors pay for police and fire protection? The answers to these questions can help you to better serve the interests of your local residents and businesses, and many of those answers can be found through the League's Police and Fire Labor Data Service.

What is included?

Selected provisions and salary scales are provided in Microsoft Excel files, allowing you to easily search and sort through information as it best applies to your municipality. Included contract provisions include, but are not limited to: educational provisions, travel

reimbursement, vacation and longevity schedules, and health benefits. Visit the League's website for the [full list of provisions included](#).

This data was released in two editions, and this latest edition also includes the information that was released in the first edition. The Police and Fire Labor Data Service is part of the League's Bureau of Municipal Information.

To order visit the League's website and [complete the order form](#).

Contact: Suzanne Allen, sallen@njlm.org, 609-695-3481 x129.

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