


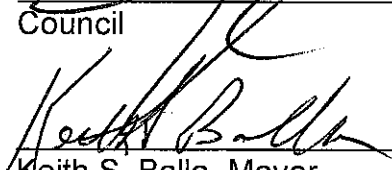
## RESOLUTION

BE IT RESOLVED that Ordinance **OR:20/02** entitled:

**"ORDINANCE TO EXCEED THE MUNICIPAL BUDGET COST OF LIVING ALLOWANCE AND TO ESTABLISH A CAP BANK WHEN THE COLA IS EQUAL TO OR LESS THAN 2.5 PERCENT (N.J.S.A. 40a:4-45.14)"** has been adopted after public hearing.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Watchung, that the Borough Clerk is hereby authorized to publish notice of adoption, according to law. This ordinance shall become effective after final passage, adoption and publication, according to law.

  
\_\_\_\_\_  
Council

  
\_\_\_\_\_  
Keith S. Balla, Mayor

Date: June 4, 2020  
Index: Finance Budget  
C: DGLS  
W. Hance 6/23/20

**CALENDAR YEAR 2020  
ORDINANCE TO EXCEED THE MUNICIPAL BUDGET COST OF LIVING ALLOWANCE  
AND TO ESTABLISH A CAP BANK  
WHEN THE COLA IS EQUAL TO OR LESS THAN 2.5 PERCENT  
(N.J.S.A. 40A:4-45.14)**

**WHEREAS**, the Local Government Cap Law, N.J.S. A. 40A:4-45.1 *et seq.*, provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget to 2.5% or the Cost-of-Living Adjustment (COLA), whichever is less, over the previous year's final appropriations, subject to certain exceptions; and,

**WHEREAS**, N.J.S.A. 40A:4-45.14 provides that a municipality may, in any year in which the COLA is equal to or less than 2.5% increase its final appropriations by a percentage greater than the COLA, but not to exceed the 3.5% rate as specified in the law, when authorized by ordinance; and,

**WHEREAS**, the COLA for 2020 has been certified by the Director of the Division of Local Government Services in the Department of Community Affairs as 2.5% and,

**WHEREAS**, N.J.S.A. 40A:4-45.15a provides that a municipality may, in any year in which the COLA is equal to or less than 2.5%, may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

**WHEREAS**, the Borough Council of the Borough of Watchung in the County of Somerset finds it advisable and necessary to increase its 2020 budget by more than 2.50% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

**WHEREAS**, the Borough Council hereby determines that a 3.5% increase in the budget for said year, amounting to \$113,786.21 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

**WHEREAS**, the Borough Council hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

**NOW THEREFORE BE IT ORDAINED**, by the Borough Council of the Borough of Watchung, in the County of Somerset, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the 2020 budget year, the final appropriations of the Borough of Watchung shall, in accordance with this ordinance and N. J.S.A. 40A:4-45.14, be increased by 3.5% amounting to \$398,251.74 and that the 2020 municipal budget for the Borough of Watchung be approved and adopted in accordance with this ordinance; and,

**BE IT FURTHER ORDAINED**, that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and

**BE IT FURTHER ORDAINED**, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

**BE IT FURTHER ORDAINED**, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

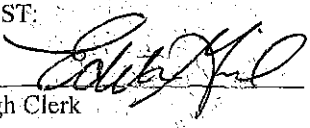
INTRODUCED BY: Jubin

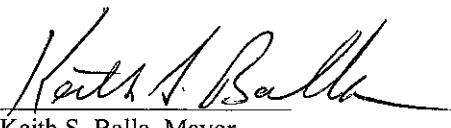
PASSED: May 7, 2020

PUBLISHED: May 14, 2020

ADOPTED: June 4, 2020

ATTEST:

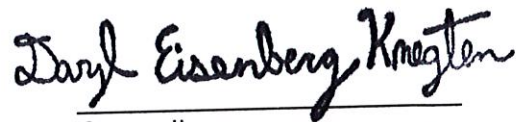
  
Borough Clerk

  
Keith S. Balla, Mayor


## RESOLUTION

BE IT RESOLVED that the Ordinance **OR:20/03** entitled **AN AMENDMENT TO THE ORDINANCE OF THE BOROUGH OF WATCHUNG, COUNTY OF SOMERSET, STATE OF NEW JERSEY, AMENDING CHAPTER XXVIII, ENTITLED, "LAND DEVELOPMENT", SECTION 28-502, ENTITLED "FENCES AND WALLS" OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF WATCHUNG** having been adopted on first reading.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Watchung that the Borough Clerk is hereby directed to publish notice of said ordinance, along with notice of Public Hearing to be held on June 18, 2020 at a meeting beginning at 7:30 P.M. in the Municipal Building, 15 Mountain Boulevard, Watchung, New Jersey.



Council

  
Keith S. Balla, Mayor

Date: June 4, 2020  
Index: Code, Police, Roads

C: Clerk, J. Cina, J. Mack

**BOROUGH OF WATCHUNG**

**AMENDED ORDINANCE OR:20/03**

**AN ORDINANCE OF THE BOROUGH OF WATCHUNG, COUNTY OF SOMERSET,  
STATE OF NEW JERSEY, AMENDING CHAPTER XXVIII, ENTITLED, "LAND  
DEVELOPMENT", SECTION 28-502, ENTITLED "FENCES AND WALLS" OF THE  
REVISED GERNERAL ORDINANCES OF THE BOROUGH OF WATCHUNG**

**WHEREAS**, the Borough of Watchung has determined that it is in the best interest of the residents to amend Chapter XXVIII, entitled, "Land Development", Section 28-502, entitled "Fences and Walls" to allow and provide for a six (6) foot fence above the ground to enclose the rear and side yards.

**NOW THEREFORE BE IT ORDAINED** by the Borough of Watchung, County of Somerset, State of New Jersey that Chapter XXVIII, entitled, "Land Development", Section 28-502(A)(1) is hereby amended to state as follows:

**§ 28 - 502        Fences and Walls**

Fences and walls may be erected on a lot, subject to the following provisions:

**A.    General Requirements.**

1. In a residential district, a fence or wall may be erected to a total height of four (4) feet above the ground, except that the supporting post may extend to a height of four and one-half (4 1/2) feet above the ground. However:

(a) Fences shall be no more than fifty (50%) percent solid;

(b) An estate fence may be erected to a height of six (6) feet above the ground, except that the supporting post may extend to a height of six and one-half (6 1/2) feet above the ground.

(c) Fences may be erected from the front edge of a residence and may extend into the side and rear yards to enclose an area ending at an edge perpendicular to the front of the residence at a height of six (6) feet above the ground, except that the supporting post may extend to a height of six and one half (6 ½) feet above ground. Fences erected pursuant to the within subsection are not required to comply with subsection (a) above.

**BE IT FURTHER ORDAINED** by the Mayor and Council that if any section, subsection, paragraph, sentence, clause or phrase of this Ordinance shall be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this Ordinance, which shall continue in full force and effect, and to this end, the provisions of this Ordinance are hereby declared to be severable; and

**BE IT FURTHER ORDAINED** by the Mayor and Council that all prior ordinances, or sections of ordinances, inconsistent with the within ordinance are hereby repealed.

**BE IT FURTHER ORDAINED** by the Mayor and Council that all remaining sections of Chapter XXVIII, Section 28-502 not amended herein or inconsistent with the within ordinance shall not be affected thereby and shall remain in full force and effect.

**BE IT FURTHER ORDAINED** by the Mayor and Council that this ordinance shall become effective upon final passage and publication according to law.

INTRODUCED BY: Eisenberg Knegten  
PASSED: May 7, 2020  
PUBLISHED: May 14, 2020  
AMENDED & RE-INTRODUCED BY: Eisenberg Knegten  
AMENDED & RE-INTRODUCED: June 4, 2020  
PUBLISHED:  
ADOPTED:

ATTEST:

\_\_\_\_\_  
Borough Clerk

\_\_\_\_\_  
Keith S. Balla, Mayor

## RESOLUTION

BE IT RESOLVED that Ordinance **OR:20/04** entitled: "AN ORDINANCE OF THE BOROUGH OF WATCHUNG, COUNTY OF SOMERSET, STATE OF NEW JERSEY, AMENDING SECTION 7-34 SPEED LIMITS. AN ORDINANCE TO AMEND, REVISE AND SUPPLEMENT THE BOROUGH CODE OF THE BOROUGH OF WATCHUNG" has been adopted after public hearing.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Watchung, that the Borough Clerk is hereby authorized to publish notice of adoption, according to law. This ordinance shall become effective after final passage, and twenty (20) days after approval by the Somerset County Board of Chosen Freeholders and publication as required by law.

  
Council

  
Keith S. Balla, Mayor

Date: June 4, 2020

Index: Code

C: Chief Cina

6/23/20

Somerset County Board of Chosen Freeholders

J. Mack, Court Administrator

**BOROUGH OF WATCHUNG  
ORDINANCE NO. OR:20/04**

**AN ORDINANCE OF THE BOROUGH OF WATCHUNG, COUNTY OF SOMERSET,  
STATE OF NEW JERSEY, TO AMEND, REVISE AND SUPPLEMENT  
THE BOROUGH CODE OF THE BOROUGH OF WATCHUNG AMENDING SECTION  
7-34 SPEED LIMITS**

**WHEREAS**, residents of the Borough Watchung have expressed safety concerns to the Mayor and Council relating to the current speed limits on County of Somerset Roads: Mountain Boulevard, Valley Road, Hillcrest Road, Stirling Road, and Somerset Street; and

**WHEREAS**, the Borough Council of the Borough of Watchung desires to lower the speed limit on Mountain Boulevard, Valley Road, Hillcrest Road, Stirling Road, and Somerset Street for the health and safety of our residents; and

**WHEREAS**, N.J.S.A. 39:4-197.2, entitled, "County road lying within municipality; regulation of traffic and parking" permits "any municipality, which maintains a paid police force, may, by ordinance, resolution, or regulation, pursuant to R.S.39:4-197 and with the consent of the governing body of the county, regulate traffic and parking along and upon any county road or part thereof, lying within its corporate limits, in the same manner and to the same extent that it is authorized by law to regulate the same upon municipal roads and streets"; and

**WHEREAS**, the residential density has increased greatly over the years from when the original speed limit was set until present conditions; and

**WHEREAS**, N.J.S.A. 39:1-1 defines the roadway as a "Suburban business or residential district" means that portion of highway and the territory contiguous thereto, where within any 1,320 feet along that highway there is land in use for business or residential purposes and that land occupies more than 660 feet of frontage on one side or collectively more than 660 feet of frontage on both sides of that roadway; and

**WHEREAS**, N.J.S.A. 39:4-98, entitled, "Rates of speed", sets the statutory speed limit at thirty-five (35) miles per hour in any suburban business or residential district; and

**WHEREAS**, Mountain Boulevard, Valley Road, Hillcrest Road, Stirling Road, and Somerset Street are the main roads children must walk to get to School; and

**WHEREAS**, parks for Borough children and families are all adjacent or require access from these roads attracting children and families at all times of the day, evening and non-school hours; and

**WHEREAS**, a youth pedestrian was the hit by a vehicle and sustained serious injury while walking home from the park at Bayberry School on Valley Road; and

**WHEREAS**, Mountain Boulevard has no sidewalks except at Watchung lake, Valley Road has limited walking paths but no sidewalks, Hillcrest Road has no sidewalks and no shoulder, and Stirling Road has a limited length of sidewalks, and very few crosswalks for pedestrians; and

**WHEREAS**, Mountain Boulevard, Valley Road, Hillcrest Road and Stirling Road's lack of sidewalks forces pedestrians to walk in the shoulder of the roadway creating a pedestrian hazard; and

**WHEREAS**, the Borough Council of the Borough of Watchung believes it is in the best interest, welfare and safety of its residents and the general public to lower the speed limit on Mountain Boulevard, Valley Road, Hillcrest Road, Stirling Road, and Somerset Street.

**NOW, THEREFORE, BE IT ORDAINED**, by the Borough Council of the Borough of Watchung, in the County of Somerset, State of New Jersey, as follows:

1. In accordance with N.J.S.A. 39:4-197.2 "County road lying within municipality", Section 7-34 of the Code of the Borough of Watchung, entitled, "Speed Limits" is hereby amended to provide as follows:
  - a. The speed limit on Mountain Boulevard (County 527) between Wildwood Terrace and Brookdale Road shall be lowered and set at 35 MPH.
  - b. The speed limit on Mountain Boulevard between Brookdale Road and the Watchung Circle shall be lowered and set at 25 MPH.
  - c. The speed limit on Valley Road (County 527) between Bonnie Burn Road and Knightsbridge shall be lowered and set at 35 MPH.
  - d. The speed limit on Valley Road between Knightsbridge and the Watchung Circle shall be lowered and set at 25 MPH.
  - e. The speed limit on Stirling Road (County 653) between Dogwood Lane and Watchung Circle shall be lowered and set at 25 MPH.
  - f. The speed limit on Somerset Street (County 531) between Johnston Dr and Watchung Circle shall be lowered and set at 25 MPH.
  - g. The speed limit on Hillcrest Road (County 531) between Crestwood Dr and Watchung Circle shall be lowered and set to 25 MPH.

**BE IT FURTHER ORDAINED** by the Borough Council of the Borough of Watchung that a copy of the within Ordinance shall be forwarded to, and the effectiveness shall be contingent upon, the County of Somerset passage and approval of the same; and

**BE IT FURTHER ORDAINED** by the Borough Council of the Borough of Watchung that upon the County of Somerset approval and in conjunction with the County, all Borough officials, employees and agents shall take all necessary actions to in order to effectuate the within Ordinance, including but not limited to the installation and removal of "Speed Limit" signs in and from the designated areas in order to provide sufficient notice to motorists; and

**BE IT FURTHER ORDAINED** by the Council of the Borough of Watchung that should any section, paragraph, sentence, clause or phrase of this ordinance be declared unconstitutional or invalid for any reason, or not approved by the County of Somerset, the remaining portions of this ordinance shall not be affected thereby and shall remain in full force and effect, and to that end the provisions of this ordinance are hereby declared to be severable; and

**BE IT FURTHER ORDAINED** by the Council of the Borough of Watchung that, upon County of Somerset approval, all ordinances or parts of ordinances inconsistent with this amending ordinance are hereby repealed to the extent of their inconsistencies only; and

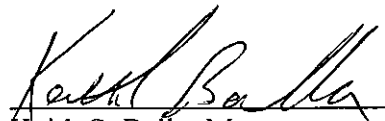


**BE IT FURTHER ORDAINED** by the Council of the Borough of Watchung that this ordinance and requirements thereof shall take effect after final passage and twenty (20) days after approval by the Somerset County Board of Chosen Freeholders and publication as required by law.

INTRODUCED BY: Robinson  
PASSED: May 7, 2020  
PUBLISHED: May 14, 2020  
ADOPTED: June 4, 2020

ATTEST:

  
Borough Clerk

  
Keith S. Balla, Mayor

R6/06/04/20

## RESOLUTION

WHEREAS, Section 2-25.13 of the Code of the Borough of Watchung requires that contracts for purchases or services involving more than two thousand dollars be awarded by a resolution of the Mayor and Council.


NOW, THEREFORE, BE IT RESOLVED that the Purchasing Agent be authorized to issue Purchase Orders as follows:

Vendor: First Battalion Firefighting, PO Box 6107, Bridgewater, NJ 08807  
Item: Ready Rack Extractor, House Gear Dryer  
Total Price: \$9,518.00  
Charged to: C-02-915-A12

Vendor: Deegan Roofing, 61 Terrill Rd, Plainfield, NJ 07062  
Item: Police Building / Roof  
Total Price: \$23,900.00  
Charged to: Capital Ordinance 2001/10

Vendor: Solitude Lake Management  
Item: Lighting Upgrade Contract  
Total Price: \$ \$2,262.00  
Charged to: Capital Ordinance 2001/10

Vendor: Nelson Construction, 22 Fitzrandolph Street, Green Brook, NJ 08812  
Item: Court Ceiling Repair and Painting  
Total Price: \$ \$3,325.00  
Charged to: Capital Ordinance 2001/10

  
Council

  
Keith S. Balla, Mayor

Date: June 4, 2020  
INDEX: Purchases  
C: BH 6/23/20

## RESOLUTION

WHEREAS, Sisters of Mercy of the Americas, Mid-Atlantic Community has made application to the Borough of Watchung, Somerset County for a Raffle License; and

WHEREAS, said application has been presented as required for Findings and Determinations; and

WHEREAS, the Clerk has reported that the proper fees have been paid,

NOW, THEREFORE, BE IT RESOLVED that the Clerk be instructed to issue Raffle Licenses as follows:

NAME & ADDRESS OF ORGANIZATION

DATE OF RAFFLE

Sisters of Mercy of The Americas,  
Mid-Atlantic Community  
1645 US Highway 22 West  
Watchung, NJ 07069-6587

Dec. 3, 10, 17, 24, 31, 2020  
Jan. 7, 14, 21, 28, 2021  
Feb. 4, 11, 18, 25, 2021

  
Council

  
Keith S. Balla, Mayor

Date: June 4, 2020

INDEX: License

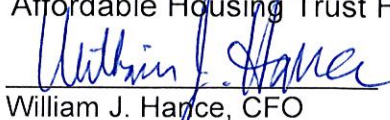
C: R. Angelo 6/23/20

## RESOLUTION

WHEREAS, it is necessary to retain the Professional Services of an Affordable Housing Administrative Agent as regulated by the Department of Community Affairs; and

WHEREAS, the Borough solicited for a "Cost Proposal: General Administrative Agent" and received a written cost proposal and this cost proposal was reviewed by the Administrator and Attorney; and

WHEREAS, the Chief Financial Officer of the Borough of Watchung has certified that funds are available in the following account: Affordable Housing Trust Fund

  
William J. Hance, CFO

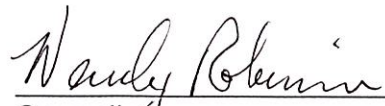

WHEREAS, it is the consensus of the Governing Body that it would be in the best interest of the Borough to authorize a Professional Service contract to CGP&H, 101 Interchange Plaza, Suite 301, Cranbury, New Jersey 08512.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Watchung that a contract be awarded to CGP&H, in an amount not to exceed \$29,500.00;

BE IT FURTHER RESOLVED that this contract is being awarded upon recommendation by the Administrator, and the Administration and Finance Committee after review and based on the merits and abilities of the professionals to provide the goods or services as described herein;

BE IT FURTHER RESOLVED that this contract was not awarded through a "fair and open process" pursuant to N.J.S.A. 19:44A-20.4 *et seq.* but has been awarded based on the merits and abilities of CGP&H to provide these professional services described herein;

BE IT FURTHER RESOLVED that the Borough Clerk is hereby authorized to advertise the award of this professional services contract within ten days from the date hereof in accordance with the Local Public Contracts Law (N.J.S.A. 40A:11-1, *et seq.*).

  
Council  
  
Keith S. Balla, Mayor

Date: June 4, 2020  
Index: Awards - Professional Contracts  
C: R. Angelo 6/23/20

**BOROUGH OF WATCHUNG  
SOMERSET COUNTY, NEW JERSEY**

**RESOLUTION TEMPORARILY RELAXING THE PROHIBITION OF OUTDOOR  
DINING IN THE BOROUGH OF WATCHUNG TO PROVIDE ASSISTANCE TO  
LOCAL RETAIL BUSINESSES UNDER THE CURRENT SOCIAL DISTANCING  
RESTRICTIONS ENACTED IN CONNECTION WITH THE ONGOING,  
CORONAVIRUS PUBLIC HEALTH EMERGENCY**

**WHEREAS**, on January 30, 2020, the World Health Organization declared the outbreak of the novel coronavirus (COVID-19) to be a Public Health Emergency of International Concern as human-to-human transmission; and

**WHEREAS**, on January 31, 2020, the United States Department of Health and Human Services Secretary declared the novel Coronavirus to be a United States Public Health Emergency.

**WHEREAS**, on February 3, 2020, New Jersey's Governor, Philip D. Murphy, issued Executive Order 102 establishing the New Jersey Coronavirus Task Force in an effort to monitor the spread of the Coronavirus within the State of New Jersey, the United States of America, and the entire world in order to facilitate necessary and appropriate action to ensure the safety and security of the residents of the State of New Jersey; and

**WHEREAS**, on March 4, 2020, the State of New Jersey reported the first confirmed positive case of Coronavirus throughout the State; and

**WHEREAS**, on March 9, 2020, Governor Murphy issued Executive Order 103 declaring a State of Emergency and a Public Health Emergency in response to the outbreak of the novel Coronavirus within the State of New Jersey; and

**WHEREAS**, on March 13, 2020, the President of the United States of America formally declared the outbreak of the novel Coronavirus to constitute a National Emergency pursuant to the National Emergencies Act (50 U.S.C. § 1601. et seq.); and

**WHEREAS**, on March 16, 2020, Governor Murphy issued Executive Order 104 enacting several "social distancing" regulations, including but not limited to, limiting public gatherings to no more than 50 people, closing educational facilities, closing various recreation and entertainment based businesses, imposed restrictions on scope of service and hours of operation for other non-essential retail, recreational, restaurants/bars and entertainment businesses; and

**WHEREAS**, on March 21, 2020, Governor Murphy issued Executive Order 107 which expanded the social distancing regulations set forth within Executive Order 104, including but not limited to, directing all New Jersey remain in their home or place of residence with specific limited exceptions, prohibited gatherings of any size, closed all non-essential retail businesses and identified essential businesses permitted to continue to operate subject to specific limitations, and reiterated and strengthened social distancing requirements when in public; and



**WHEREAS**, on March 21, 2020, Governor Murphy also issued Executive Order 108 which specifically voided and precluded County and Municipal Governments from imposing or enforcing any restrictions/regulations that in any way would or might conflict with any of the provisions of Executive Order 107, with the exception of regulating online marketplaces for arranging or offering lodging, municipal or country parks, and beaches and boardwalks; and

**WHEREAS**, Executive Order 107 specifically regulated the continued operation of Bars/Restaurants and provided, in part, that "All restaurants, cafeterias, dining establishments and food courts, with or without a liquor license, all bars, and all other holders of a liquor license with retail consumption privileges, are permitted to operate their normal business hours, but are limited to offering only food delivery and/or take-out services in accordance with their existing liquor licenses;" and

**WHEREAS**, on June 3, 2020, Governor Murphy issued Executive Order 150 permitting restaurants, cafeterias, dining establishments and food courts, with or without a liquor license, and all bars to offer "in person" service at outdoor areas subject to certain requirements and conditions effective June 15, 2020; and

**WHEREAS**, on June 3, 2020, Judith Persichilli, R.N., B.S.N., M.A., the Commissioner of the State of New Jersey Board of Health issued Executive Directive No. 20-014 providing for "COVID-19 Protocols for Food Establishments Offering Service in Outdoor Areas Pursuant to Executive Order No. 150"; and

**WHEREAS**, *N.J.A.C. 13:2-5.5* provides: "The Director [of Alcoholic Beverage Control] for special cause shown, may issue such temporary permits for such contingencies where a license is not expressly provided for by law, and such a permit would be appropriate and consonant with the spirit of the Alcoholic Beverage Control Act" and that "The Director may impose special conditions or requirements on any such permit;" and

**WHEREAS**, *N.J.A.C. 13:2-9.1* provides: "The rules of [*N.J.A.C. 13:2-1.1, et. seq.*] may be relaxed by the Director upon a showing of undue hardship, economic or otherwise, on a licensee; that the waiver of the rule would not unduly burden any affected parties; and that the waiver is consistent with the underlying purposes of Title 33 and the implementing rules.;" and

**WHEREAS**, on June 3, 2020, James Graziano, Acting Director of the Division of Alcoholic Beverage Control of the State of New Jersey, Department of Law and Public Safety issued a Special Ruling Establishing a Temporary COVID-19 Permit to Expand Licensed Premises ("COVID-19 Expansion Permit") upon application and approval by the Division and the Municipality; and

**WHEREAS**, in the anticipation of the effective date of the permission granted in Executive Order 150 (June 15, 2020), the Mayor and Council of the Borough of Watchung find it to be appropriate to temporarily relax its Ordinances, including but not limited to the prohibitions relating to outdoor dining in order to permit said establishments to locate tables and chairs out-of-doors, in existing Parking Lots and/or in other locations on site, subject to the requirements and

restrictions set forth in Executive Order 150, the Executive Directive No. 20-014 issued by the State of New Jersey Department of Health, and those set forth herein; and

**WHEREAS**, the Borough of Watchung has determined that it is in the best interests of the Borough to assist and promote the economic development of local business in these extremely difficult times and have determined that the ability for local businesses to expand its available dining space outdoors will economically assist the businesses in the reduction of capacity caused by the social distancing requirements; and

**WHEREAS**, the Mayor and Council have determined that it is in the best interest of the Borough to temporarily relax the outdoor dining restrictions on local business establishments and to extend outdoor dining into Private Parking Lots and areas to be established on private property under specific terms and conditions consistent with guidelines provided by Executive Order 150 and the State of New Jersey Department of Health and upon application and approval by a Committee of Borough Employees and Representatives to be established by the Borough.

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Borough of Watchung, County of Somerset, State of New Jersey as follows:

1. The statements that are set forth in the preamble are true and accurate. All of the statements of the preamble are repeated and are incorporated herein by this reference thereto and are made a part hereof as if each and every statement were set forth fully herein.
2. Effective immediately, a Temporary Outdoor Dining Committee ("TODC") is hereby established made up five (5) members comprised of the following: (1) the Borough Administrator, (2) the Borough Engineer, (3) the Borough Fire Official, (4) a member of the Board of Health, and (5) the Police Chief or his designee. The TODC is hereby authorized to promulgate requirements, rules and regulations pertaining to the application for and the use of outdoor areas, by local business establishments for outdoor dining consistent with the guidelines established by the State of New Jersey including but not limited to all COVID related safety precautions and measures during the effective dates of this Resolution. The TODC is also authorized to grant approval to any business establishment for the use of space for outdoor dining for the time frames contained in the within Resolution.
3. Any and all business establishments of the Borough of Watchung who wish to utilize the existing private parking lots or private property for outdoor dining shall, prior to its use, complete and submit an application to the Borough Administrator for review and approval by the TODC. In an effort to assist the local businesses, the Borough has agreed to waive any application and/or approval fees relating its review.

#### **Restaurants/Bars/Food Service Establishment – Outdoor Dining**

4. The TODC is hereby granted the authority and discretion to approve Outdoor Dining Plan Applications pertaining to existing “full-service bars/restaurants,” defined as “restaurants engaged in the preparation and service of meals/food,” in order to permit said establishments to relocate existing indoor tables/seating or locate new tables/seats to other locations on site during the designated times, and/or the designated areas of Parking Lots and/or other private locations during the designated times subject to the following requirements and restrictions:
  - A. Applicants who wish to relocate existing approved tables/seats to other locations on site, or to locate newly acquired tables/seats outdoors and/or other locations on site, shall be required to submit an Outdoor Dining Plan application, and a drawing depicting the proposed layout and location of tables/seating outside of said bar/restaurant, which shall also include but not be limited to, confirmation of the number of existing, approved tables/seats, a depiction of all aisles, routes of ingress and egress, clearances/distances between tables and between the seating area outside, the parking areas and any areas designated for “take-out” or “pick-up”, an illustration, rendering, and/or photograph of all proposed furniture, umbrellas, canopies, and trash receptacles, etc. must be of like nature and appearance to what is currently utilized on site. Applicants shall also submit a brief written narrative describing the proposed method of serving food and beverages in the newly proposed areas. The Applicant should also include how the proposed plan conforms to all safety and precautionary measures relating to social distancing and COVID-19 related issues. The approval of any temporary Outdoor Dining Plan in relation to this Resolution shall be subject to the following conditions:
    - i. Applicants may be permitted to relocate existing approved tables/seats and/or to locate newly acquired tables/seats to other locations on site, including existing Parking Lots, subject to the review and approval of the TODC. Notwithstanding the provision of the Resolution, no tables/seats shall encroach on the or obstruct the free flow of vehicular traffic and/or pedestrian traffic on a pedestrian walkways or any of its approaches. In addition, notwithstanding the provision of the Resolution, Applicants will not be permitted to increase the currently approved capacity for the Premises.
    - ii. Applicants may be permitted to utilize the private property of the adjacent property owner for outdoor dining with the express written consent and approval by the adjacent property owner and business, which must be submitted with the Application.
    - iii. Tables/seats may be permitted to be located in the existing Parking Lots and other on-site locations provided a minimum six (6) feet pedestrian walkway is maintained at all times and subject to applicable ADA requirements within the outdoor dining areas.



- iv. An approved tables/seats located in an "outdoor dining area," defined as "a designated area on the premises of a retail food establishment or restaurant, but located outside of the principal building, and where patrons may sit at tables while consuming food and beverages ordered from and served by a waiter or waitress," may be permitted to be utilized between the hours of 9:00 A.M. and 9:00 P.M.
- v. Applicants must submit a Parking Plan which sets forth the existing number of spaces and the proposed number of parking spaces to be eliminated by the outdoor dining area. The Parking Plan shall also detail the flow of vehicular traffic and parking on-site. The location of the proposed outdoor dining area must be of a sufficient distance from the vehicular traffic to maintain a safe area for dining. Outdoor Dining will only be permitted in the event a sufficient number of parking spaces remain for the safe operations and effective flow of traffic on-site for the operation of the business establishment.
- vi. Applicants must submit a Litter Control Plan, which shall include a description of the number and location of trash receptacles proposed to service the outdoor dining area, and the frequency with which the outdoor dining area will be policed for litter in order to control the accumulation of trash/recycling.
- vii. Applicants must also acknowledge and agree to full compliance with all current and newly imposed safety and precautionary measures and guidelines established by the State of New Jersey relating to COVID - 19.
- viii. The sale/service of alcoholic beverages in these locations shall be permitted, subject to compliance with any and all applicable ABC regulations/statutes, including but not limited to a COVID-19 Expansion Permit application, and subject to the review and approval of the Borough Administrator and Chief of Police and the Division of Alcoholic Beverage Control. The approval of any extension of premises application to permit the sale/consumption of alcoholic beverages in outdoor dining areas shall be temporary and shall automatically terminate upon the expiration of the within Resolution and/or by way of further Resolution of the Mayor and Council and/or direction and/or expiration of the Special Ruling of the Alcoholic Beverage Control.
- ix. Applicants proposing to relocate existing tables/seats to the Parking Lots and on-site locations shall indemnify and hold harmless the Borough of Watchung, its employees, agents, and/or or officers from all claims, losses, liens, expenses, suits and attorney's fees arising out of the placement, operation, and maintenance of the Outdoor Dining Area. Applicants must name the Borough of Watchung as an additional

insured under the Applicant's general liability insurance, bodily injury, property damage, and personal injury insurance policies, on a primary and non-contributory basis in the minimum amount of one million (\$1,000,000.00) Dollars, and provide proof of same to the Borough Administrator, and proof that said policies have been amended to reflect coverage for the proposed outdoor dining area.

### **Temporary Signs**

5. Effective immediately, the Borough hereby relaxes and permits the usage of temporary signs without the necessity of a permit during the effective dates of the within Resolution. However, upon expiration of the within Resolution all temporary signs shall be removed and the existing procedures and requirements of the erection and location of temporary signs shall be reinstated.
6. Notwithstanding Section 5 hereof, nothing herein shall be construed to allow or permit the erection or location of permanent signs within the Borough of Watchung without the necessity of the formal application and approval by the Borough as provided for in its existing Resolution.

**BE IT FURTHER RESOLVED** by the Mayor and Council of the Borough of Watchung that it hereby reserves the right to amend, terminate, or repeal this Resolution and/or any approvals granted herein at any point in time, if it determines that it is in the best interest of the health safety and welfare of the Borough, and accordingly no property rights or interests are granted to any person(s) or entities by virtue of this Resolution and/or approval hereunder and any person(s) or entities electing to pursue temporary relief in accordance with the provisions of this Resolution are hereby given notice that the expenditure of any funds, or the incurrence of any costs, in reliance upon this Resolution and any approval hereunder shall be at their sole and exclusive risk and expense. All persons and/or entities are hereby given notice that the risk of loss for any expenditure and/or costs incurred shall be their sole and exclusive responsibility; and

**BE IT FURTHER RESOLVED** by the Mayor and Council of the Borough of Watchung that with the exception of the temporary relief and application process set forth herein relating to outdoor dining, existing and proposed retail businesses must comply with any and all other federal, state, county, and local laws and regulations, including any and all other existing zoning ordinances and/or general ordinances governing the operation of bars/restaurants; and

**BE IT FURTHER RESOLVED** by the Mayor and Council of the Borough of Watchung that in the event the Borough Administrator, Zoning Officer and/or Police Department determines that a business establishment or person is in violation of the conditions of any temporary Outdoor Dining Plan approved in relation to this Resolution, the TODC is hereby authorized to immediately revoke the approval received in relation to this Resolution; and

**BE IT FURTHER RESOLVED** by the Mayor and Council of the Borough of Watchung that the Borough Administrator, Zoning Officer and Police Department are hereby authorized and

empowered to enforce this Resolution and the several provisions hereof as well as the conditions of approval for the use of outdoor dining; and

**BE IT FURTHER RESOLVED** by the Mayor and Council of the Borough of Watchung that the Borough Administrator, Zoning Officer and the TODC are hereby further empowered to enforce the discretionary powers which are considered necessary in order to make the provisions hereof properly effective and useful for the benefit of the Borough and its businesses, including but not limited to the commencement of the application and approval process for outdoor dining; and

**BE IT FURTHER RESOLVED** by the Mayor and Council of the Borough of Watchung that in order to avoid injustice or the possible abuse of discretion and to correct the possibility of error in judgment, any Applicant, who's Outdoor Dining Plan application is denied by the TODC, has the right to appeal to the Council by filing a notice of appeal with the Borough Clerk within ten (10) days of the denial of said application. Upon receipt of any such notice of appeal, the Council will hear the appeal at its regular meeting, at which time the owner and any other persons appearing in the matter will be heard or afforded the opportunity to be heard. At the conclusion of said hearing, the Council will consider the matter, determine whether to uphold, overturn or modify the TODC's decision, and thereafter notify the owner of its decision; and

**BE IT FURTHER RESOLVED** by the Mayor and Council of the Borough of Watchung that the within Resolution and the authority delegated herein and the effects of any permission and/or approvals hereto are expressly conditioned upon Governor Philip Murphy Executive Order 150 and any other restrictions on residents of the State of New Jersey and essential and non-essential businesses and no action is authorized or permitted that would conflict with the actions and/or Executive Orders of Governor Murphy, or any rules, regulations, requirements, prohibitions, and/or guidance of the State of New Jersey and any of its Departments, Agencies, Divisions, including but not limited to the Office of Emergency Management; and

**BE IT FURTHER RESOLVED** by the Mayor and Council of the Borough of Watchung that this Resolution shall take effect immediately, however any approval for outdoor dining shall not be effective until June 15, 2020. The TODC is authorized and directed to commence immediately the promulgation of requirements, rules and regulations pertaining to the application for and the use of outdoor areas by local business establishments for outdoor dining and the approval of same to be effective June 15, 2020; and

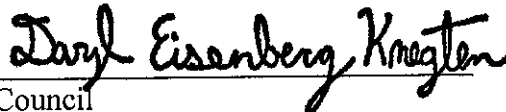
**BE IT FURTHER RESOLVED** by the Mayor and Council of the Borough of Watchung that in the event that Executive Order 150 is rescinded and/or modified to prohibit outdoor dining or this Resolution is rescinded and/or expires, any temporary approval afforded by the TODC in accordance with the terms and conditions of this Resolution shall be deemed void and have no further effect and the provision for outdoor dining shall cease; and


**BE IT FURTHER RESOLVED** by the Mayor and Council of the Borough of Watchung that, upon the effective date of this Resolution, all requirements of prior ordinances, resolution or parts of ordinances or resolutions inconsistent with this temporary resolution are hereby temporary suspended to the extent of their inconsistencies only; and

**BE IT FURTHER RESOLVED**, by the Mayor and Council of the Borough of Watchung, that the within Resolution and all authorizations contained herein, including but not limited to the delegation of authority and any and all approvals to allow for outdoor dining permitted herein on private property and the permission to locate temporary signs shall expire on July 17, 2020, unless extended further by way of formal Resolution; and

**BE IT FURTHER RESOLVED** by the Mayor and Borough Council of the Borough of Watchung that all Borough officials, employees and agents shall take all necessary actions to in order to effectuate the within Resolution; and

**BE IT FURTHER RESOLVED** by the Mayor and Council of the Borough of Watchung that should any section, paragraph, sentence, clause or phrase of this Resolution be declared unconstitutional or invalid for any reason, or not approved by the State of New Jersey, the remaining portions of this Resolution shall not be affected thereby and shall remain in full force and effect, and to that end the provisions of this Resolution are hereby declared to be severable.

  
Council

  
Keith S. Balla, Mayor

Date: June 4, 2020

INDEX:

C: Clerk, BOH, Zoning

## RESOLUTION

**WHEREAS**, in 2019, the Borough of Watchung determined it had the need to lease real property for the purposes of the location of a new communications tower to be utilized by the Police Department and other emergency service providers for the Borough in order to better serve the residents of the Borough of Watchung; and

**WHEREAS**, Weldon Materials, Inc. ("Weldon") is the owner of property located at Block 76.01, Lot 9.01 shown on the Tax Maps of the Borough of Watchung ("the Premises"); and

**WHEREAS**, as a public service to the Borough, Weldon offered to lease a portion of the Premises to the Borough for the location of a new communications tower for nominal consideration namely for one dollar annually in for a term of 25 years; and

**WHEREAS**, on or September 11, 2019, Weldon as Lessor and Watchung as Lessee entered into a Lease Agreement of property approximately 625 square feet (part of Lot 9.01, Block 76.01) upon which the Lessee was to construct a communications tower, and

**WHEREAS**, although initially and under the terms of the Lease, the Borough was to construct the communications tower, the Borough and Weldon have determined to transfer that obligation in an effort to expedite the construction of the communications tower and to allow Weldon with the ability to limit access to its property to unknown third parties and to expedite the use of the property wherein the existing communication tower is located within the quarry; and

**WHEREAS**, Weldon has received, reviewed and approved the proposals for the construction, installation and for the installation of the necessary wiring for the communications tower and provided same to the Borough Engineer, who has approved said proposals; and

**WHEREAS**, the Mayor and Council of the Borough of Watchung have determined that it is in the best interest of the Borough of Watchung to enter into a Communications Tower Agreement with Weldon reflecting the transfer of the construction of the communications tower obligation in the Lease Agreement from Watchung to Weldon.

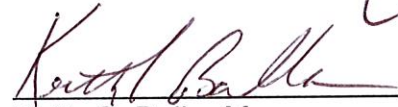
**NOW THEREFORE BE IT RESOLVED** by the Council of the Borough of Watchung that it hereby authorizes the entry into and the execution of the Communications Tower Agreement between the Borough of Watchung and Weldon reflecting the transfer of the construction of the communications tower obligation in the Lease Agreement from Watchung to Weldon and for the repayment schedule for the same; and

**BE IT FURTHER RESOLVED** by the Council of the Borough of Watchung that it hereby authorizes the Mayor, Borough Administrator, Borough Engineer and any other employee and/or official to take any further action necessary to effectuate this Resolution, including but not limited to the execution of the Communications Tower Agreement in the final form approved by the Mayor and Borough Administrator; and

**BE IT FURTHER RESOLVED** that the Borough Administrator and any other employee and/or official are authorized and directed to take any further action necessary to effectuate this Resolution and the implementation of the executed Communications Tower Agreement.

A large, stylized handwritten signature in dark ink, consisting of several loops and a long horizontal stroke at the end, positioned above a horizontal line.

Council

A handwritten signature in dark ink, appearing to read 'Keith S. Balla', positioned above a horizontal line.

Keith S. Balla, Mayor

Date: June 4, 2020

INDEX:

C:



## RESOLUTION


WHEREAS, the Administrator has recommended the issuance of a purchase order to Gray's Florist & Greenhouse, 1590 Route 22 East, Watchung, NJ 07069; and

WHEREAS, Chapter 2-25.10 of the Code of the Borough of Watchung provides that "Any purchase order or contract within the purview of the chapter in which any officer or employee of the Borough is financially interested, directly or indirectly, shall be void except that...the Council shall have the authority to waive, by resolution, compliance with this section when it finds such action to be in the best interest of the Borough."

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Watchung, that it finds it in the best interest of the Borough to waive compliance with Section 2-25.10 and authorizes the Purchasing Agent to issue a purchase order #20-00438 to Gray's Florist & Greenhouse in the total amount of \$1,053.30.



Council



Keith S. Balla, Mayor

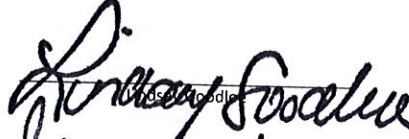
Date: June 4, 2020  
INDEX: Purchasing  
c: W. Hance 6/23/20


# RESOLUTION

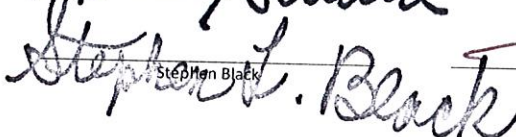
R13: 06/04/20

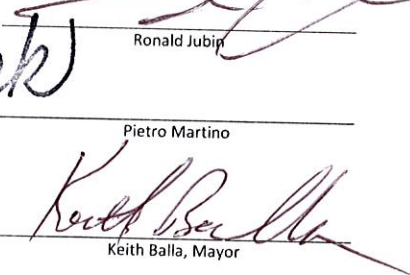
**BE IT RESOLVED**, by the Mayor and Council of the Borough of Watchung,  
that the Borough Treasurer be, and is hereby directed to pay bills in the amount of  
\$4,340,944.78 per the attached bill list. The expenditures can be broken down into  
the following categories:

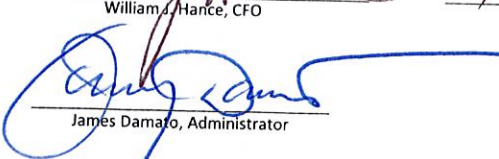
Affordable Housing Trust	\$	2,976.50
Animal Control	\$	-
Assessment Trust Fund	\$	-
Capital Fund	\$	664,204.00
Developer's Escrow	\$	15,839.82
Other Escrow	\$	6,305.00
Watchung Board of Education Taxes	\$	984,420.00
Watchung Hills Regional High School Taxes	\$	592,570.00
Somerset County Taxes	\$	1,462,784.78
Somerset County Library Tax	\$	214,192.90
Somerset County Open Space Tax	\$	136,522.79
Current Fund	\$	261,128.99
Grant Fund	\$	-
Watchung Community Foundation	\$	-
Total Expenditures:	\$	4,340,944.78

  
Wendy Robinson

  
Pietro Martino

  
William J. Hance, CFO

  
Keith Balla, Mayor

  
James Damato, Administrator

Date: June 4, 2020  
Index: Finance  
C: Finance 6/23/20