

New Milford Office of Emergency Management
Borough of New Milford
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**EMERGENCY DECLARATION
BOROUGH OF NEW MILFORD
OFFICE OF EMERGENCY MANAGEMENT**

Revised June 8, 2020, effective June 15, 2020

TO ALL RESIDENTS AND PERSONS WITHIN THE BOROUGH OF NEW MILFORD, NEW JERSEY, AND TO ALL DEPARTMENTS OF THE MUNICIPAL GOVERNMENT OF THE BOROUGH OF NEW MILFORD;

WHEREAS, on January 30, 2020, the World Health Organization designated the novel coronavirus, COVID-19, outbreak as a Public Health Emergency of International Concern; and

WHEREAS, on January 31, 2020, the United States Health and Human Services Secretary declared a public health emergency for the entire United States to aid the nation's healthcare community in responding to the Coronavirus (COVID-19); and

WHEREAS, the spread of COVID-19 within New Jersey constitutes an imminent public health hazard that threatens and presently endangers the health, safety, and welfare of residents of one or more municipalities or counties of the State; and

WHEREAS, on March 9, 2020, the Governor of the State of New Jersey declared the concurrent invocation of both a State of Emergency pursuant to N.J.S.A. App.A.:9-33 et seq. and a Public Health Emergency as contemplated by N.J.S.A. 26:13-1 et seq., which invoked the authority and powers contemplated by N.J.S.A. 26:13-3, the Emergency Health Powers Act, and remains in effect; and

WHEREAS, on March 10, 2020 in response to the health emergency posed by COVID-19, the Bergen County Executive issued Executive Order No. 2020-01, which declared a State of Emergency in Bergen County established mandates to combat COVID-19; and

WHEREAS, on March 13, 2020, the Bergen County Executive issued Supplemental Executive Order No. 2020-01A, which directed further action to be taken to combat COVID-19; and

WHEREAS, on March 13, 2020, the President of the United States, by the authority of sections 201 and 301 of the National Emergencies Act (50 U.S.C. 1601 et seq.) and consistent with section 1135 of the Social Security Act (SSA), as amended (42 U.S.C. 1320b-5), declared and proclaimed that the COVID-19 outbreak in the United States constitutes a national emergency; and

WHEREAS, the Borough is working with federal, state, and local officials and authorities on a daily basis on prevention and mitigation activities that include providing critical information to the public about

COVID-19 to provide facts and avoid unnecessary fear, training emergency responders and health professionals about the disease and investigating suspected, presumptive and confirmed cases; and,

WHEREAS, the Borough has created a Task Force to make recommendations to combat the virus, and;

WHEREAS, pursuant to the powers vested in me by chapter 251 of the Laws of 1942, as amended and supplemented, N.J.S.A. App A:9-30 et. seq.; N.J.S.A. 2C:33-1 et. seq., whichever law or laws apply, a local emergency disaster is declared to exist within the boundaries of the Borough of New Milford; and

WHEREAS, the aforesaid laws authorize the promulgation of such orders, rules and regulations, as are necessary to meet the various problems which have or may be presented by such an emergency; and

WHEREAS, by reason of the conditions which presently exist in all areas of the Borough of New Milford which may affect the health, safety, and welfare of the residents and persons within the Borough of New Milford; and

WHEREAS, the Borough, may be required to acquire goods and services that may not be currently available in the Borough's product inventory or from vendors with whom the Borough currently has a contractual relationship in order to protect and maintain the health, safety, and welfare of Borough residents and visitors, and successfully combat the impact of the virus.

WHEREAS, due to the ongoing COVID-19 health emergency, it is necessary to use every means at our disposal to implement additional measures, including but not limited to those directed at places of public gathering, in order to flatten the curve of the spread of COVID-19; and

WHEREAS, it has been determined that these areas of the Borough of New Milford should then be declared disaster areas and further that certain measures must be taken in order to insure that the authorities will be unhampered in their efforts to maintain law and order as well as an orderly flow of traffic and further to protect the persons and property of the residents affected by the conditions; and

WHEREAS, the following areas are designated disaster areas:

The entire Borough of New Milford

NOW, THEREFORE, IN ACCORDANCE WITH THE AFORESAID LAWS, effective at 08:00 hours on March 17, 2020, and until further notice, I do hereby promulgate and declare a State of Emergency within the Borough of New Milford, County of Bergen, and State of New Jersey, and do hereby order¹ and direct that;

1. Borough of New Milford and Borough offices will be closed to the public (with staff working) effective Monday, March 16, 2020 until further notice. All citizens are encouraged to contact Borough offices by e-mail or telephone if they have any questions.

¹ Nothing in this Declaration of Emergency is intended to or shall be interpreted to conflict with any provisions set forth by Executive Order of the County Executive and or the Governor of New Jersey.

2. Except as modified below, All public and Board of Education recreational fields, all school grounds, basketball courts, and playgrounds within the Borough of New Milford are closed, along with nursery schools and day care centers, and all organized sports activities within all municipal and Board of Education parks/fields, and recreational activities run by the Borough of New Milford or Board of Education are hereby postponed until further notice. Fishing and the walking path at Hardcastle Pond, and the walking path around Kennedy Field are now open as long as social distancing is observed in accordance with all CDC recommendations and guidelines.

A. Revised as of 05/29/2020: As of sunrise June 1, 2020:

1. The New Milford Recycling Center shall resume operating during normal hours.
2. The New Milford Recreation Tennis Courts shall be opened subject to the following conditions:
 - a. No more than 4 people per court.
 - b. Social distancing must be observed in accordance with all CDC recommendations and guidelines and masks are strongly encouraged.
3. Kennedy Memorial Field shall be open subject to the following conditions:
 - a. No more than 25 people on field at one time.
 - b. Social distancing must be observed in accordance with all CDC recommendations and guidelines and masks are strongly encouraged.
 - c. Contact Sports prohibited.
 - d. Organized Sports and practices are prohibited.

In the interest of Public Health, the Borough reserves the right to close these facilities without further notice if the above conditions are not followed.

3. All public meetings of non-essential municipal boards, commissions and committees are permitted as long as they are held remotely. The Borough Mayor and Council will continue to meet but attendance by members of the public is not permitted. However, provisions for the public will be made available by means of remote, telephone and computer access for public comment. All requirements for the public meeting act must be met.
4. All places of gathering shall limit attendance at any event or gathering to 25 or fewer persons, in order to comply with CDC guidelines for "social distancing." Furthermore, ALL gatherings are mandated to use their best efforts to record the name, address, phone or other appropriate contact information of all employees, patrons, visitors, vendors or any other persons within their facilities in order to aid health officials in the event contact tracing activities should become necessary in connection with their operations.
5. All residents are encouraged to stay within their own properties avoid large groups and maintain "social distancing" in accordance with CDC guidance.

6. All workplaces within the Borough are strongly encouraged to implement and observe CDC workplace "social distancing" measures, such as replacing in-person meetings with teleworking, modifying, postponing or canceling mass gatherings.
7. Except as modified below, In lieu of in-restaurant dining, all restaurants, food and beverage establishments are mandated to allow take-out, home delivery, and curbside delivery only, to assist in "social distancing" in accordance with CDC guidelines.
 - A. Revised as of 06/08/2020: As of 6:00 a.m., Monday June 15, 2020:
 1. As provided in and consistent with the Governor's Executive Order 150, restaurants, cafeterias, dining establishments, and food courts, with or without a liquor license, bars, and all other holders of a liquor license with retail consumption privileges, collectively referred to as "food or beverage establishments," are permitted to offer in-person service at outdoor areas. All food or beverage establishments offering service in outdoor areas pursuant to the Governor's Executive Order No. 150, shall comply with Executive Directive No. 20-014, issued by New Jersey Department of Health Commissioner Judith M. Persichilli, effective June 3, 2020.
 2. Upon first having obtained a COVID-19 Temporary Outdoor Dining permit from the Borough to do so, existing food or beverage establishments may temporarily expand their footprint to Outdoor Dining areas on contiguous private property in strict compliance with Governor Murphy's Executive Order no. 150 (2020), N.J. Department of Health Executive Directive No. 20-014, and N.J. Alcoholic Beverage Commission Special Ruling SR 2020-10.
 3. All COVID-19 Temporary Outdoor Dining Permit (hereinafter "permit") approvals shall be subject to the following:
 - a. Temporary Outdoor Dining Area means a designated area on the premises of a food or beverage establishment with a current interior dining area, but outside the principal building, and where patrons may sit at tables while consuming food and beverages. The premises shall include any common areas on a private property with multiple occupants.
 - b. Food or Beverage Establishment means restaurants, dining establishments with or without a liquor license, bars, and holders of a liquor license with retail consumption privileges defined in N.J. Alcoholic Beverage Commission Special Ruling SR 2020-10.
 - c. A Temporary Outdoor Dining Area as defined in this Emergency Declaration may be established for any existing food or beverage establishment with current interior dining area.

- d. No person shall operate a Temporary Outdoor Dining Area without a permit from the Borough of New Milford. A permit is valid from the date of issuance, but outdoor dining is limited to the period of June 15 through November 1 of each calendar year.
- e. Applicants shall apply to the Borough Administrator for permit approval in accordance with the provisions of this Emergency Declaration and Borough Resolution. The form of application is available on the Borough website and may be submitted electronically. All such applications shall be referred to the Chief of Police, Fire Official, Zoning Official and Health Officer, who shall provide the Borough Administrator with their opinions and recommendations regarding the application prior to issuance of the permit. Applicant shall confirm receipt and review of New Milford Board of Health Guidelines for Temporary Outdoor Dining Areas.
- f. All permits required by this section shall be applied for and obtained from the Borough Administrator, and shall require the written consent of the owner of the location of the Temporary Outdoor Dining Area, and shall include all the information required by this resolution. Approval by the Borough Administrator will be by endorsement on the Application.
- g. Any establishment which has previously received approval by resolution of the Governing Body, Planning Board or Zoning Board of Adjustment for outside seating is exempt from the above permitting requirement so long as they comply with the requirements of Governor's Executive Order 150, N.J. Department of Health Executive Directive No. 20-014, and N.J. Alcoholic Beverage Commission Special Ruling SR 2020-10 (if applicable). This exemption applies only for the specified number of seats previously approved.
- h. Outdoor Dining Areas located on a public sidewalk, public right-of-way or fire lane are prohibited.
- i. The applicant proposing to establish an Outdoor Dining Area must provide current licensed occupancy.
- j. The applicant shall submit to the Borough Administrator a layout of the proposed seating areas, and any canopies or tents (No sides permitted), which shall include a depiction of all aisles, seating areas and means of ingress and egress. The applicant shall also detail proposed barriers designed to enclose the eating area.
- k. The applicant shall detail plans to control litter and waste.

- l. Applicant shall provide the Borough with all the Application Requirement information listed in N.J. Alcoholic Beverage Commission Special Ruling SR-2020-10, Section III (if applicable).
- m. There shall be no fee for a Temporary Outdoor Dining Permit.
- n. Outdoor Dining Areas shall be solely an extension of the permitted business use and contiguous to the building or storefront.
- o. Any proposed outdoor seating shall serve as a substitute for permitted indoor seating. The total existing permitted occupancy of the establishment shall not be increased by the establishment of an outdoor dining area.
- p. No furniture, apparatus, decoration, or appurtenance used in connection with the operation with the Outdoor Dining Area shall be located in such a way as to impede the safe and speedy egress to or from any building or structure.
- q. The outdoor area used by the Outdoor Dining Area shall be kept clean and free of litter and shall be washed as required, and is subject to inspection by Borough Board of Health.
- r. Noise shall be kept at such a level as to comply in all aspects with the provisions of applicable ordinances of the Borough.
- s. Temporary Outdoor Dining Areas shall be permitted to operate from 7:00 am until 10:00 pm commencing June 15, 2020 to November 1, 2020. No Outdoor music is permitted.
- t. Furniture, apparatus, decorations, and appurtenances must be maintained in an orderly fashion within the Outdoor Dining Area during hours of operation and at closing.
- u. Canopies will be permitted in the Outdoor Dining Area. Tables are permitted to have umbrellas. Tents with sides are not permitted. All tents and canopies must receive prior approval from the Fire Prevention Office.
- v. Failure of any establishment to comply with any of the foregoing conditions may result in the revocation of the temporary permit issued by the Borough.

- w. All temporary outdoor dining permits which may be issued by the Borough shall automatically terminate upon the termination of the applicable terms and conditions of E.O. 150, on November 30, 2020, or upon further formal action of the Borough of New Milford, whichever comes first.

 - x. To the extent that any Local Ordinance (except for police ordinances governing the consumption of alcohol in public places) may be construed as containing language which conflicts with E.O. 150, E.D. 20-1040, ABC 2020-10 or with any Borough Permit which may be issued to retail dining establishments, they are hereby suspended. Temporary outdoor dining may be permitted on premises-owned parking lots in spaces that may have been previously required by land use approvals.
8. All hair and nail salons, barber shops, martial arts studios and dance studios are to remain closed.

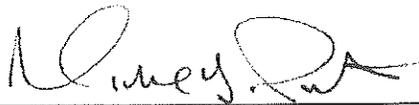
NOW THEREFORE, I, Michael J. Putrino, as Mayor of the Borough of New Milford, do hereby order and direct that:

1. The above recitals are incorporated herein as if more fully set forth at length.
2. A health emergency hereby exists within the Borough of New Milford regarding the Coronavirus (COVID-19).
3. All necessary Borough Departments are authorized to take appropriate action to assist in containing, preparing for, responding to, and recovering from this COVID-19 outbreak.
4. All Borough Departments immediately shall develop and implement any and all infectious disease guidelines and protocols and use all personal protective equipment in connection therewith.
5. All Borough employees shall follow all local, County, State and Federal health recommendations, in addition to Centers for Disease Control recommendations including but not limited to handwashing, sanitizing and basic infection control procedures.
6. There is an immediate ban on all Borough business related travel to any states and countries outside the United States that have reported COVID-19 cases. Similar travel restrictions are strongly recommended for all local travel.
7. Borough residents who are seniors, particularly those with underlying health conditions, are strongly encouraged to avoid large crowds and large gatherings while COVID-19 remains a threat.
8. To combat COVID-19, the Borough shall be permitted whenever necessary to procure the necessary goods or services, which are not available under contracts currently in existence with the Borough, without complying with the New Jersey Public Contracts Law (N.J.S.A. 40A:11-6 et. seq.) including but not limited to the following:
 - a. To award emergency contracts, including but not limited to emergency contracts or leases for relocation and support of Borough operations for professional services for purchases of commodities, services, and technology;
 - b. To purchase food, supplies, services, and equipment;
 - c. To procure any supplies or equipment required to ensure adequate sanitization, cleaning or sterilization of any facility or location
9. The Borough Health Officer shall implement any emergency regulations or amendments to any sanitary or health code of the Borough
10. The Borough Health Officer shall engage in periodic and regular communication with the County Health Officer in order to coordinate activities, avoid any gaps in information sharing and collaborate on containment and mitigation measures in order to ensure accurate and comprehensive contact tracing to effectively combat the spread of COVID-19.
11. All Borough Departments shall take all reasonable measures to protect the health and safety of such vulnerable and at-risk populations, including safe treatment, transfer and discharge practices, and to comply with the Emergency Medical Treatment and Active Labor Act (42 U.S.C. section 1395dd) and any associate regulations.
12. The Borough Health Officer and all Borough Departments shall work collaboratively to determine and execute effective strategies, initiatives, protocols and procedures to prevent, mitigate and combat the spread of COVID-19, particularly among the most vulnerable and at-risk populations, including but not limited to senior centers and nursing homes; and take all

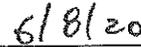
action to the extent necessary to maintain the public health with respect to treatment or containment of persons with or possibly exposed to COVID-19.

13. A copy of this Emergency Declaration shall be immediately transmitted to the Bergen County Office of Emergency Management.

14. A copy of this Emergency Declaration shall also be immediately forwarded to the Council, Police Chief and Borough Administrator.



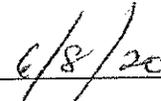
Michael J. Putrino, Mayor



Date



Denise M. Brunner, Emergency Management Coordinator



Date

Revised 06/07/2020, effective 10:00 a.m. 06/15/2020