



NEW JERSEY CONFERENCE OF MAYORS  
**Conference Courier**  
News and Updates from The NJCM

April, 2020

## From the NJCM President:

### Mayors and COVID-19

Many of us seek the position of Mayor to make an impact in our communities, whether you reside in a Borough, Town, Township, Village or City. Our role is much like that of the conductor of an orchestra. We know we need each player or band member to step up and on queue play their part so that our towns are in harmony. It is especially in times of hardship or adversity that we need to make sure that our towns stay together and in cord. You see, we already knew how valuable each player was, and at any time on queue they step up and play their part.

No one could have predicted that COVID-19 would bring such a disruption to our lifestyle and bring such uncertainty. As we watch our doctors, nurses and medical professionals step up with great confidence and accuracy on the stage, it gives our communities a sense of promise that they are working feverishly to supply us with our necessities that are so vital to our economy and wellbeing. Countless residents who are in the background, that every day hustle and bustle, that at times get lost in the big picture because quite frankly they are playing the melody we know all too well. They are the truck driver, grocery store workers, waiters, fire and police, DPW workers, town

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## NJCM Annual Spring Conference Postponed

As you are surely now aware, the NJCM Annual Spring Conference scheduled for May 13 to 15 at the Hard Rock Hotel & Casino in Atlantic City has been postponed due to the Coronavirus pandemic.

**The conference has been rescheduled to September 23 to 25, 2020 at the Hard Rock Hotel & Casino, Atlantic City**

We will continue to update you with information about the Conference in the months ahead.

## Mayors Need to Support Legislation Providing Direct Financial Assistance to Cities and Municipalities with a Population of 500,000 or Less

### *Urgent action needed*

Letters needed by mayors to congressional delegation to support direct financial assistance to local governments with a population below 500,000 as introduced in legislation (hr6467) --the coronavirus community relief act.

Under the current coronavirus relief fund created by the cares act only cities with a population of 500,000 or more will receive direct financial assistance. This language leaves out all cities and municipalities in new jersey.

Please use the sample letter on the next page which may be used to address this matter with your congressional representatives ( also provides more information )

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### Sample Letter re: Direct Financial Assistance to Cities and Municipalities with a Population of 500,000 or Less

from previous page

April \_\_\_, 2020

Honorable Members of the New Jersey House Delegation:

Thank you for all you have done to address the COVID-19 pandemic and the related economic and fiscal crisis. We appreciate that Congress has been swift in passing three coronavirus relief bills and we hope that you will soon pass a fourth measure that includes direct and flexible fiscal assistance to all cities across the nation.

We are pleased that Representative Joe Neguse (D-CO) has introduced legislation (HR 6467), the Coronavirus Community Relief Act, which would appropriate \$250 billion for direct fiscal assistance to units of local government with a population below 500,000. We respectfully urge you to cosponsor HR 6467 and to make sure it is included in the fourth coronavirus relief bill.

Under the \$150 billion Coronavirus Relief Fund created by Section 5001 of the CARES Act, only cities with a population of 500,000 or more will receive direct fiscal assistance. This language leaves out all cities and townships in New Jersey. We are pleased that the CARES Act's authors recognized the importance of direct fiscal assistance to states and cities. However, we do not understand why they chose a population cutoff. Simply put, there is no magic fairy dust that will protect local governments under 500,000 population from revenue losses during this crisis. Indeed, all of our cities are facing a devastating collapse in revenue. We are all mandated to balance our budgets; absent direct and flexible assistance, we will be forced to cut our workforce and reduce services, exacerbating the economic crisis created by this pandemic.

The budget calamity looming over local governments is not going to vanish at an arbitrary population cutoff. Tens of millions of Americans live in cities below 500,000 population and they are going to continue to need basic local government services just as much as Americans living in Los Angeles, Chicago, and New York. In New Jersey, cities are major employers that provide the core local government services that are critical to public health, safety, and welfare and that serve as the foundation of our economy and of basic civilized society.

Thank you again for your efforts during this unprecedented time. We are confident that, working together, our nation can overcome this crisis.

Sincerely,

### From NJCM President

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hall staff and countless others. Everyday heroes playing their hearts out to a song we all know.

We are mindful of the task mayors are facing. This is an extraordinary time in our history where we are fighting with one of our hands tied behind our back. Every day we are dealing with new executive orders that end up on our plates. Many things are out of our control yet our residents are looking to us for some kind of normalcy. Residents know that it's the Mayors who are on the front line with them and they look for your leadership. It may feel like we have been pushed into a new role, but remember you are the conductor and have the same players you have always counted on, and together you will bring things back into harmony.

Sincerely,

Mayor William Chegwidden  
Borough of Wharton  
NJCM President

## Executive Orders

Governor Murphy issued three additional Executive Orders in the fight against COVID-19

### Executive Order #120

Postponement of June 2nd Primary Elections until July 7th

### Executive Order #121

Executive Order Allowing Greater Weight Limit for Vehicles Carrying COVID-19 Relief Supplies

### Executive Order #122

Executive Order to Cease All Non-Essential Construction Projects and Imposes Additional Mitigation Requirements on Essential Retail Businesses and Industries to Limit the Spread of COVID-19

## Governor Murphy Signs Executive Order Authorizing Commandeering of Property Such as Medical Supplies

TRENTON - Governor Phil Murphy today signed Executive Order No. 113, authorizing the New Jersey State Director of Emergency Management to use the Governor's full authority under the Disaster Control Act to commandeer personal services and / or real or personal property. This includes medical supplies and equipment from private companies and institutions in order to help meet the continued need for ventilators and Personal Protective Equipment (PPE) in the State in hospitals, health care facilities, and emergency response agencies due to the ongoing outbreak of COVID-19.

"We must continue to take action to meet the critical medical needs of our hospitals and medical centers during this pandemic," said Governor Murphy. "While we look forward to these facilities cooperating in providing this equipment, this order gives the Office of Emergency Management the express authority to protect the public health, safety, and welfare by ensuring that supplies go to where they are most needed."

Executive Order No. 113 authorizes New Jersey State Police Superintendent Colonel Patrick Callahan, the State Director of Emergency Management, to take or use resources from private sources in order to address the continued pressing public health concern presented by COVID-19. This authority shall be exercised in consultation with the Department of Health. The Order also states that compensation for such takings will be provided by the procedures established under the Disaster Control Act.

"It is our responsibility to ensure that health care professionals in dire need of personal protective equipment are our first priority, because they are the heroes on the front lines, providing life-saving care to the sick," said Colonel Callahan. "We will continue to work cooperatively with our partners at the Department of Health to determine where these critical resources are best allocated."

Executive Order No. 113 builds on direction in Executive Order No. 109-signed on March 23, 2020-mandating that all businesses and non-hospital health care facilities submit an inventory to the State of PPE, ventilators, respirators, and anesthesia machines in their possession. Today's executive order also builds on direction in Executive Order No. 111-signed on March 28, 2020-requiring health care facilities to report data concerning their capacity and supplies to the State on a daily basis, including data relating to bed capacity, ventilators, and PPE.

### EXECUTIVE ORDER NO. 113

WHEREAS, through Executive Order No. 102 (2020), which I signed on February 3, 2020, I created the State's Coronavirus Task Force, chaired by the Commissioner of the New Jersey Department of Health ("DOH"), in order to coordinate the State's efforts to appropriately prepare for and respond to the public health hazard posed by Coronavirus disease 2019 ("COVID-19"); and

WHEREAS, on March 9, 2020, through Executive Order No. 103 (2020), the facts and circumstances of which are adopted by reference herein, I declared both a Public Health Emergency and a State of Emergency throughout the State due to the public health hazard created by COVID-19; and

WHEREAS, Executive Order No. 103 (2020) authorized and empowered the State Director of Emergency Management, who is the Superintendent of State Police, in conjunction with the Commissioner of DOH, to take any emergency measures as the State Director may determine necessary in order to fully and adequately protect the health, safety, and welfare of the citizens of New Jersey from any actual or potential threat or danger that may exist from the possible exposure to COVID-19; and

WHEREAS, in accordance with N.J.S.A. App. A:9-34 and -51, I reserved the right to utilize and employ all available resources of State government to protect against the emergency created by COVID-19; and

WHEREAS, on March 23, 2020, I signed Executive Order No. 109 (2020), the facts and circumstances of which are adopted by reference herein, requiring that all businesses and non-hospital health care facilities submit an inventory to the State of the Personal Protective Equipment ("PPE"), ventilators, respirators, and anesthesia machines they have in their possession that are not required for the provision of critical health care services; and

WHEREAS, on March 28, 2020, I signed Executive Order No. 111 (2020), the facts and circumstances of which are adopted by reference herein, requiring health care facilities to report data concerning their capacity and supplies on a daily basis, including data relating to bed capacity, ventilators, and PPE; and

WHEREAS, the collection and dissemination of this information allows the State to best allocate medical resources, such as PPE, ventilators, respirators, and anesthesia machines, during this state of emergency and public health emergency; and

WHEREAS, the State has taken aggressive steps to expand the capacity of New Jersey's overall health care system, including the assembly of four Federal Medical Stations in three convention center locations around the State, in partnership with the Federal Emergency Management Agency ("FEMA"), the U.S. Army Corps of Engineers ("USACE"), the New Jersey State Police, and the New Jersey National Guard that will result in approximately 1,000 new hospital beds, as well as working with USACE to create additional capacity at hospitals on an

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**Executive Order 113***continued from previous page*

accelerated timeline by augmenting existing space in order to address the increase in overall hospitalizations throughout the State; and

WHEREAS, the State has made and continues to make all reasonable efforts to procure medical resources from the federal Strategic National Stockpile, FEMA, existing State caches of supplies, individual and corporate donations, and through traditional private sector purchasing; and

WHEREAS, despite these efforts, there remains a critical shortage of medical resources in the State, particularly in hospitals, healthcare facilities, and emergency response agencies in the northern region of the State where the spread of COVID-19 is particularly acute and where there has been a particularly high volume of COVID-19 hospitalizations; and

WHEREAS, as of April 2, 2020, there were at least 25,590 positive cases of COVID-19 in New Jersey, with at least 537 of those cases having resulted in death; and

WHEREAS, the number of positive cases of COVID-19 and related hospitalizations is expected to continue to rise, establishing a continuing need to meet the demand for medical resources in hospitals, healthcare facilities, and emergency response agencies throughout the State, especially in those regions where the spread of COVID-19 is particularly acute and where there has been a particularly high volume of hospitalizations; and

WHEREAS, the New Jersey Civilian Defense and Disaster Control Act (the “Disaster Control Act”) authorizes the Governor to “utilize and employ all the available resources of the State Government and of each and every political subdivision of this State” and to “commandeer and utilize any personal services and any privately owned property necessary to avoid or protect against any emergency” subject to the future repayment of such takings, N.J.S.A. App. A:9-34; and

WHEREAS, the Disaster Control Act empowers the Governor “to employ, take or use the personal services, or real or personal property, of any citizen or resident of this State, or of any firm, partnership or unincorporated association doing business or domiciled in this State, or of any corporation incorporated in or doing business in this State, or the real property of a nonresident located in this State, for the purpose of securing the defense of the State or of protecting or promoting the public health, safety or welfare,” N.J.S.A. App. A:9-51(a)(3); and

WHEREAS, the reallocation of medical resources to the regions and health care facilities particularly affected by COVID-19 will protect and promote the public health, safety, and welfare of the State, including by reducing loss of life; and

WHEREAS, the Disaster Control Act also establishes emergency compensation boards in each county of the State, to be composed of three persons appointed by the Governor who shall serve at the will and pleasure of the Governor and without compensation, which will adjudicate any claims for just

compensation whenever property is taken or used pursuant to the Disaster Control Act; and

WHEREAS, the Constitution and statutes of the State of New Jersey, particularly the provisions of N.J.S.A. 26:13-1 et seq., N.J.S.A. App. A: 9-33 et seq., N.J.S.A. 38A:3-6.1, and N.J.S.A. 38A:2-4 and all amendments and supplements thereto, confer upon the Governor of the State of New Jersey certain emergency powers, which I have invoked;

NOW, THEREFORE, I, PHILIP D. MURPHY, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. The State Director of Emergency Management, who is the Superintendent of State Police, is hereby authorized and empowered to exercise the full authority afforded to the Governor under the Disaster Control Act to take or use personal services and / or real or personal property, including medical resources, for the purpose of protecting or promoting the public health, safety, or welfare. The State Director of Emergency Management shall exercise this authority in consultation with the Commissioner of DOH.

2. Compensation shall be provided following the procedures established by the Disaster Control Act, N.J.S.A. App. A:9-51.

3. It shall be the duty of every person or entity in this State or doing business in this State and of the members of the governing body and every official, employee, or agent of every political subdivision in this State and of each member of all other governmental bodies, agencies, and authorities in this State of any nature whatsoever, to cooperate fully in all matters concerning this Executive Order, and to cooperate fully with Administrative Orders issued pursuant to this Executive Order.

4. No municipality, county, or any other agency or political subdivision of this State shall enact or enforce any order, rule, regulation, ordinance, or resolution which will or might in any way conflict with any of the provisions of my Executive Order, or which will or might in any way interfere with or impede its achievement, or the achievement of Administrative Orders issued as authorized by my Executive Order.

5. This Order shall take effect immediately and shall remain in effect until revoked or modified by the Governor, who shall consult with the Commissioner of DOH as appropriate.

GIVEN, under my hand and seal this 2nd day of April, Two Thousand and Twenty, and of the Independence of the United States, the Two Hundred and Forty-Fourth.

Philip D. Murphy  
Governor

Attest:

Matthew J. Platkin  
Chief Counsel to the Governor

## P.L. 2020, c.10 and COVID-19 Impacts on OPRA a Special Statement of the Government Records Council 2020-01 by Frank F. Caruso, Executive Director

In response to the recent amendment to Open Public Records Act (“OPRA”), the Government Records Council (“GRC”) has prepared the following guidance on the effects of work disruptions and potential closures due to COVID 19. The GRC notes that this information does not constitute legal advice or a final decision of the Council since the provisions of OPRA are applied to the specific facts of the request and/or complaint.

Generally, a custodian is required to allow for inspection or copying of government records “during regular business hours.” N.J.S.A. 47:1A-5(a). Moreover, OPRA provides that a custodian must respond to an OPRA request “not later than seven business days after receiving the request.” N.J.S.A. 47:1A-5(i). In determining whether the seven (7) business days have expired, the GRC has turned to N.J. Court Rules, which provides that “. . . the day of the act or event from which the designated period begins to run is not to be included.” R. 1:3-1; See also Verry v. Franklin Fire Dist. No. 1 (Somerset), GRC Complaint No. 2014-325 (Final Decision dated October 27, 2015). Thus, the statutorily mandated seven (7) business day time frame begins on the first (1st) business day after the date of receipt of an OPRA request.

Further, the GRC has consistently interpreted the term “business days” to mean those days on which a “public agency” is open for “regular business hours.” N.J.S.A. 47:1A-5(a). This term does not include weekends, holidays, and regular or emergency closures. Thus, in the instance that a public agency is closed on an emergency basis and is not open for “regular business hours,” whether in the short- or long-term, it is reasonable to conclude that those days on which the agency is closed is not included in the statutory response time frame.

Enacted on March 20, 2020, P.L. 2020, c.10 amended N.J.S.A. 47:1A-5(i) as follows:

During a period declared pursuant to the laws of this State as a state of emergency, public health emergency, or state of local disaster emergency, the deadlines by which to respond to a request for, or grant or deny access to, a government record under paragraph (1) of this subsection or subsection e. of this section shall not apply, provided, however, that the custodian of a government record shall make a

reasonable effort, as the circumstances permit, to respond to a request for access to a government record within seven business days or as soon as possible thereafter.

[Id. at (2).]

P.L. 2020, c.10 provides that OPRA’s statutory deadlines do not apply for the duration of a Governor-declared state of emergency pursuant to the Disaster Control Act (N.J.S.A. App.A.9-33 et seq.) or a public health emergency under the Emergency Health Powers Act (N.J.S.A. 26:13-1 et seq.), or when a state of local

disaster emergency is declared by a county or by a municipality. Further, the new amendment requires custodians to make a “reasonable effort” to respond to an OPRA request during that time. However, the amendment also adds that any custodian with the ability to follow the deadlines as set forth in N.J.S.A. 47:1A-5(e) and 5(i) should do so.

In furtherance of a custodian’s “reasonable effort,” the GRC notes that an available response option is to take extensions of time as needed. Specifically, OPRA requires a custodian to respond in writing within the statutorily mandated time frame stating that an extension until a date certain is necessary. See *Criscione v. Town of Guttenberg* (Hudson), GRC Complaint No. 2010-68 (November 2010); *Rivera v. City of Plainfield Police Dep’t* (Union), GRC Complaint No. 2009-317 (May 2011); *Werner v. NJ Civil Serv. Comm’n*, GRC Complaint No. 2011-151 (December 2012). This is notwithstanding whether a requestor objects to an extension of time. However, the GRC has accepted complaints regarding disputed extensions of time. In determining these complaints, the GRC decided on the reasonableness of extensions. *Ciccarone v. N.J. Dep’t of Treasury*, GRC Complaint No. 2013-280 (Interim Order dated July 29, 2014). Since that time, the GRC has looked to *Ciccarone*, GRC 2013-280, to make a reasonableness determination in other complaints. See *Rodriguez v. Kean Univ.*, GRC Complaint No. 2015-114 (April 2016); *Rodriguez v. Kean Univ.*, GRC Complaint No. 2016-196 (February 2018).

Please note that any dispute over extensions will be reviewed on a case-by-case basis because OPRA does not include a limitation on requesting extensions. However, the GRC’s analysis of this issue has included recognition of “extenuating circumstances.” Those circumstances would include, but not be limited to, retrieval of records that are in storage or archived (especially if at a remote storage facility), conversion of records to another medium to accommodate the requestor, emergency closure of the public agency, or the public agency’s need to reallocate resources to a higher priority due to force majeure.

In closing, the GRC stresses that custodians within agencies operating under normal business hours during an emergency, even if closed to the public or working off-site, are obligated to respond to OPRA requests upon receipt in due course to the extent possible. Additionally, custodians should proactively advise the public (by website notification and/or other methods) if the method of transmission for OPRA requests has changed or been limited due to a state of emergency. Similarly, members of the public wishing to submit OPRA requests should contact the applicable public agency for updates on any limitations or disruptions affecting the OPRA process during a state of emergency.



## DLGS Planning Board and Zoning Board of Adjustments Operational Guidance - COVID-19: N.J.S.A. 40:55D-1 Recommendations for Land Use Public Meetings in New Jersey

The Division of Local Government Services issues this guidance document to ensure continuity of Land Use application procedures while New Jersey's Executive Order 103 and Executive Order 107 are in effect, to ensure due process is afforded during Planning Board and Zoning Board of Adjustment hearings and to remind local units to adhere to appropriate social distancing and health measures as they implement this process. There are many options available to Planning Boards and Zoning Boards of Adjustment to facilitate virtual and telephonic public meetings. Planning Boards and Zoning Boards of Adjustment are also reminded of their continuing obligation to comply with N.J.S.A. 10:4-6 (the "Open Public Meetings Act," or "Act"); please consult the Division's Guidance for Remote Public Meetings for further discussion on specific means of conducting electronic meetings in compliance with the Open Public Meetings Act.

N.J.S.A. 40:55D-9 governs the meetings of municipal agencies. It requires, in short, that every municipal agency must have regular, at least monthly, public meetings, and they may have special meetings, as appropriate. All business must be conducted with a quorum; action must be taken in accordance with a majority vote, except as otherwise specified within the governing statutes; and minutes must be prepared and made available to the public.

Every Planning Board and Zoning Board of Adjustment is required to grant or deny approval of applications pending before it within prescribed times, or within a further time as may be consented to by the Applicant. If the Planning Board or Zoning Board of Adjustment does not

approve or deny an application within the prescribed or agreed upon time, it shall be deemed to have granted approval to the application. The statutory timeframes are as follows:

### Application Submissions:

1. Certification by Administrative Officer of list of property owners following applicant's request – 7 days
2. Time during which plans are to be on file prior to a hearing – 10 days
3. Publication & mailing of notice of public hearing – 10 days
4. Copy of Board decision to be mailed to applicant or attorney after decision – 10 days
5. Time to appeal decision to governing body – 10 days
6. Certification of complete application – 45 days

7. Time for governing body to conclude review of record on appeal – 95 days

### Time for Board to act once the application is deemed complete:

1. Minor subdivision application – 45 days
2. Preliminary subdivision application of 10 or fewer lots – 45 days
3. Preliminary subdivision application of more than 10 lots – 95 days
4. Preliminary site plan approval where plan involves 10 acres of land or less, or 10 dwelling units or less – 45 days
5. Minor site plan – 45 days
6. Preliminary site plan approval where plan involves more than 10 acres or more than 10 dwelling units – 95 days
7. Time of protection of an approved minor site plan – 2 years
8. Time of protection against zoning changes for a minor subdivision – 2 years
9. Planning Board approval for application seeking variances or relief – 120 days
10. Time period during which a Planning Board shall grant or deny an application for conditional use – 95 days
11. Maximum number of days for Zoning Board of Adjustment to decide on an application that has been certified complete where a variance is coupled with another form of development – 120 days
12. Time of approval of a General Development Plan – 95 days
13. Maximum term for the approval of a General Development Plan – 20 years

### Approvals:

1. Time during which statutory rights exist under a preliminary major subdivision or site plan approval – 3 years
2. Maximum number of 1-year extensions to a preliminary approval that may be granted by a reviewing board - 2
3. Time during which statutory rights exist under a final major subdivision or site plan approval – 2 years
4. Maximum number of 1-year extensions to a final approval that may be granted by a reviewing board – 3
5. Variance once granted runs with the land

Currently, these timeframes remain in effect. Should future executive or legislative action authorize modification of these timelines, further appropriate guidance will be promulgated.

Given that procedural requirements and deadlines remain in effect, it is imperative that local units continue to assure public hearings are conducted timely and without procedural defect. To this end, the Division offers the following recommendations:

Recommendations regarding filing plans and application materials:

All plans and application materials must be on file with the Board Secretary for review by the public at least ten (10) days prior to the hearing. In the present circumstances, the local unit should consider receiving plans electronically, and posting them for public review on and through the municipal website, drop-box, or some other online service that is accessible to the public, free of charge so that the ten day public access period is maintained. The local unit should also publicly post, and post online, a phone number and email for the Board Secretary. Members of the public should be advised that they may contact the Board Secretary to receive a hard copy of the plans and application materials by mail or via an exchange site such as a drop/pick up box by appointment at a secure, public location such as the police station or at the municipal building, subject to any standard fees or charges.

Recommendations regarding providing adequate public notice:

Under the MLUL, a public notice must state the time, place and location of a public hearing, and where submitted plans can be found for public inspection. At this time, the notice must provide conference call access or web-meeting access information. Dial-in information should be provided to individuals without computer access or mobile device. The notice should also identify the websites on which plans are posted, contact information for the Board Secretary, and all available means of achieving public access to all documents and the meeting itself. The notice should state that individuals lacking the resources or know-how for technological access should contact the Board Secretary for assistance in accessing the plans and the meeting.

Recommendations regarding conducting hearings and facilitating public participation:

Given the restrictions currently limiting in-person public meetings, hearings will likely need to be conducted by alternative electronic means. Given the visual nature of the materials used in planning and zoning meetings, Zoom, Facebook, YouTube or some other video-conferencing technology will provide the most appropriate forum for hearings. All parties should consider coordinating in advance to assure applicants' exhibits can be provided no less than two days in advance of the meeting and posted for Board and public access prior to and during the video meeting. The Board, its professionals and secretary will need to coordinate with the applicant and their professionals, as it is likely that the applicant's attorney, engineer, planner, etc. may not all be presenting from the same location. This

deviation from the standard practice of concurrent introduction and discussion is recommended to ensure adequate information sharing and clear

labeling for Board and public participation in the session.

Planning Boards and Zoning Boards of Adjustment conducting electronic meetings must facilitate public comment on applications, as well as the public's ability to cross-examine witnesses. At the beginning of an electronic meeting, the Board Chair should announce a standard limit on public comment (e.g. time limit, length or number of text comments) for each individual. Cross-examination of witnesses by the public may require relaxing the standard limit, but in all cases the Chair should limit redundant comments and questions to ensure orderly remote public participation. Members of the public should be encouraged to advise the Chair in advance, if possible, via email or phone call to the Board Secretary, of their intention to undertake cross-examination, to ensure technological needs are accommodated and documents that will be referenced are available for review by all participants.

Please consult the Division's Guidance for Remote Public Meetings for further details on video-conferencing and facilitating public participation through video-conferencing platforms.

Recommendations regarding the record of proceedings:

Local units have a continuing obligation to record and make public the minutes of public meetings. They must also continue to transcribe quasi-judicial proceedings. To maintain compliance with these obligations, a court reporter should participate in any virtual hearing, transcribing the video session. Additionally, a record of the entire proceeding can be retained using the adopted virtual meeting technology. New Jersey's Courts have employed remote hearings for essential functions, which may be of interest to local units seeking to conduct statutorily compliant hearings under the present constraints: <https://www.njcourts.gov/>; <https://www.njcourts.gov/notices/2020/n200315a.pdf>.

Conclusion:

Planning Boards and Zoning Boards of Adjustment have options available to ensure the continuation of public business during this challenging time. The Division encourages local officials to review this guidance with their Board secretaries and professionals. Should you have any further questions or seek additional information, please contact the Division by email at [DLGS@dca.nj.gov](mailto:DLGS@dca.nj.gov) or by phone at 609-292-6613.



## Full text of Administrative Order re: Hotels, Motels & Guest Houses

STATE OF NEW JERSEY  
DEPARTMENT OF LAW AND PUBLIC SAFETY  
DIVISION OF NEW JERSEY STATE POLICE  
OFFICE OF EMERGENCY MANAGEMENT  
ADMINISTRATIVE ORDER  
HOTELS, MOTELS, GUEST HOMES

No. 2020-8

WHEREAS, on March 9, 2020, through Executive Order No. 103, the facts and circumstances of which are adopted by reference herein, the Governor declared both a Public Health Emergency and a State of Emergency throughout the State due to the public health hazard posed by Coronavirus disease 2019 (COVID-19); and

WHEREAS, to further protect the health, safety, and welfare of New Jersey residents by, among other things, reducing the rate of community spread of COVID-19, the Governor issued Executive Order No. 107 (2020) on March 21, 2020, the facts and circumstances of which are adopted by reference herein, which established enhanced social mitigation strategies for combatting COVID-19; and

WHEREAS, the Governor issued Executive Order No. 108 (2020) on March 21, 2020, the facts and circumstances of which are adopted by reference herein, finding that unitary management is essential for coordination needed during an emergency, and invalidating any county or municipal restriction imposed in response to COVID-19 that in any way will or might conflict with any of the provisions of Executive Order No. 107, or that in any way will or might in any way interfere with or impede its achievement or the achievement of Administrative Orders issued as authorized by the Governor's Executive Orders; and

WHEREAS, Executive Order No. 108 recognized that there are certain limited circumstances in which it may be beneficial for localities to be able to impose additional restrictions, and specifically identified that certain municipalities may have legitimate concerns about an influx of new visitors, which may cause public health concerns as the State imposes social distancing measures and aims to avoid unnecessary increases in density of individuals; and

WHEREAS, substantial influxes of new visitors may overtax the health care facilities and public safety and emergency services in a particular locality as COVID-19 spreads through the increased population; and

WHEREAS, Executive Order No. 108 permitted municipalities or counties to impose additional restrictions in response to

COVID-19 on online marketplaces for arranging or offering lodging and further authorized the State Director of Emergency Management to make additions, amendments, clarifications, exceptions, and exclusions to this list;

NOW, THEREFORE, I, Patrick J. Callahan, State Director of Emergency Management, hereby ORDER as follows:

1. Paragraph 3 of Executive Order No. 108 (2020) is hereby amended to allow municipalities and counties to impose additional restrictions in response to COVID-19 on the ability of hotels, motels, guest houses, or private residences, or parts thereof, to accept new transient guests or seasonal tenants after the effective date of this order.

2. As used in this Order, the term "transient guest or seasonal tenant" described in paragraph 1 shall not include: (i) individuals housed as a part of State-directed non-congregate shelter initiative, (ii) individuals taking temporary residence supported by Federal, State, or local emergency and/or other housing assistance, or (iii) healthcare workers taking temporary residence. Municipalities or counties may not impose restrictions in response to COVID-19 on the ability of hotels, motels, guest houses, or private residences, or parts thereof, to accept any such individuals. The State Director of Emergency Management reserves the right to amend this paragraph as needed to address the ongoing public health emergency.

3. When determining whether any hotel, motel, guest house, or private residence is permissibly operating by housing individuals who are listed in the categories in paragraph 2, the municipality or county shall defer to the determination made by the County Office of Emergency Management, which shall consult with the New Jersey Office of Emergency Management in making that determination.

4. Nothing in this Order shall be construed to conflict with the directive in Executive Order No. 106 (2020) that prohibited the removal of an individual from a residential property as the result of an eviction proceeding.

5. This Order shall take effect at 8:00 p.m. on Sunday, April 5, 2020.

April 4, 2020

Colonel Patrick J. Callahan

State Director of Emergency Management

## NJCM WINTER SUMMIT



NJCM President Mayor William Chegwidden made introductory comments.



NJCM Executive Director John Morrissey welcomed the Mayors.



New Jersey Assembly Speaker Craig J. Coughlin

The New Jersey Conference of Mayors hosted the 2020 Winter Summit on Thursday, February 13 at the Masonic Temple in Trenton. The morning session featured a legislative session that included discussions with state legislators including Senate President Stephen Sweeney, Assembly Speaker Craig J. Coughlin, Senator Robert Singer, Senator Anthony M. Bucco, Assemblyman Jon Bramnick and Assemblyman Louis Greenwald.

NJCM Executive Director John Morrissey provided the introduction of the dais guests and Trenton Mayor W. Reed Gusciara welcomed the Mayors to his city. Greeting and comments were given by NJCM President Mayor William Chegwidden, Wharton Borough. Hope Township Mayor Tim McDonough, NJCM Legislative Committee Chairman, moderated the program.

Event sponsors included: Atlantic City Electric, an Exelon Company, AT&T, Good Energy, Jersey Central Power and Light, a FirstEnergy Company, New Jersey American Water, PSE&G, Suez and Verizon.

In the afternoon the NJCM Business Council sponsored a "Smart Cities Technology" program moderated by Somerdale Mayor Gary Passanante, NJCM Business Council Director. Christopher Rein, the Chief Technology Officer of the New Jersey Office of Information Technology provided the Keynote Address.

Panelists included Michael Harrod, Principal Architect, AT&T National Business; Todd Van Aken, Manager Program Growth & Strategy at PSE&G; Ed Hackney, IT Supervisor, SUEZ; John "Jack" Hurley, Business Dev./Smart Communities, Verizon Business Group and Suzanne Chiavari, Engineering Director Treatment & Asset Resiliency, New Jersey American Water.



"Smart Cities Technology" program panelists.





New Jersey State Senator Robert Singer



New Jersey Assemblyman Louis Greenwald



New Jersey State Senate President Stephen Sweeney



New Jersey State Senator Anthony M. Bucco



Hope Township Mayor Tim McDonough, NJCM Legislative Committee Chairman moderated the program



New Jersey Assembly Minority Leader Jon M. Bramnick and Somerdale Mayor Gary Passanante, NJCM Business Council Director



Buena Vista Township Mayor Teresa Kelly expressed concerns to the Legislators



Township of West Windsor Mayor Hemant Marathe made comments from the audience



Suzanne Chiavari, Engineering Director Treatment & Asset Resiliency, New Jersey American Water spoke to the Mayors during the "Smart Cities Technology" program.



Christopher Rein, the Chief Technology Officer of the New Jersey Office of Information Technology provided the Keynote Address for the "Smart Cities Technology" program.



Trenton Mayor W. Reed Gusciora welcomed the Mayors to his city.