

Minutes of the Emergency Meeting of the Mayor and Council, Borough of Keyport, held on the above date via email pursuant to the Public Notice on file with the Borough Clerk forwarded to the Asbury Park Press and Newark Star Ledger and posted on the Bulletin Board in accordance with the Open Public Meeting Act, P.L. 1975, Ch. 231.

In response to New Jersey State Governor Phil Murphy's Executive Order 130 adopted April 28, 2020, an Emergency Meeting of the Mayor and Council of the Borough of Keyport was held via email on Wednesday, April 29, 2020 for consideration to adopt a resolution authorizing the extension of the grace period for the payment of property taxes from May 1, 2020 to June 1, 2020.

**Resolution #145-20** Authorizing the Extension of a Grace Period for Payment of Property Taxes Due on May 1, 2020 from May 11, 2020 to June 1, 2020 as Authorized under Executive Order 130 was forwarded for consideration via email on Wednesday, April 29, 2020 at 1:37PM by Borough Attorney Mark Moon to Councilmembers Cooper, Fotopoulos, Goode, McDermott, Pacheco and Sheridan. Also included in the email were Mayor Kennedy, Acting Borough Administrator Thomas Henshaw and Borough Clerk Michele Clark.

### **APPROVAL OF RESOLUTION**

**Councilmember Sheridan** replied via email on Wednesday, April 29, 2020 at 2:44PM "I vote YES."

**Councilmember Fotopoulos** replied via email on Wednesday, April 29, 2020 at 2:52PM "I vote YES to this."

**Councilmember Pacheco** replied via email on Wednesday, April 29, 2020 at 3:18PM "Thank you. I vote yes. I have no additional edits."

**Councilmember McDermott** replied via email on Wednesday, April 29, 2020 at 4:31PM "Hello, I vote yes."

**Councilmember Cooper** replied via email on Wednesday, April 29, 2020 at 7:47PM "I VOTE YES."

**Councilmember Goode** replied via email on Wednesday, April 29, 2020 at 7:57PM "I approve."

### **RESOLUTION #145-20**

#### **AUTHORIZING THE EXTENSION OF A GRACE PERIOD FOR PAYMENT OF PROPERTY TAXES DUE ON MAY 1, 2020 FROM MAY 11, 2020 TO JUNE 1, 2020 AS AUTHORIZED UNDER EXECUTIVE ORDER 130**

**WHEREAS**, the Borough of Keyport, County of Monmouth (the "**Borough**") is a public body corporate and politic of the State of New Jersey; and

**WHEREAS**, *N.J.S.A.* 54:4-66 and -67 fix the time for payment of real property taxes and the maximum amount of interest which may be charged for delinquent payment of taxes and assessments; and

**WHEREAS**, on or about January 1, 2020 the Borough Council, through Resolution #29-20 established a schedule for the payment of real property taxes in the Borough of Keyport; and

**WHEREAS**, because the Borough is on a calendar year budget cycle, the second installment fell due on May 1, 2020; and

**WHEREAS**, *N.J.S.A.* 54:4-67 also sets the grace period during which municipalities may not collect interest for unpaid real property taxes; and

**WHEREAS**, under *N.J.S.A.* 54:4-67(a), local governments may fix the rate of interest to be charged for the nonpayment of taxes, assessments, or other municipal liens or charges, on or before the date when they would become delinquent, and may provide that no interest shall be charged if payment of any installment is made within the tenth calendar day following the date upon which the same became delinquent, thereby establishing a grace period running through May 11, 2020 for second-quarter property taxes in the case of municipalities on a calendar year budget cycle; and

**WHEREAS**, Resolution #29-20 established a 10-day grace period until May 11, 2020, which was the maximum permitted by statute; and

**WHEREAS**, the Governor of the State of New Jersey has declared a state of emergency and a public health emergency related to the containment of the spread of the COVID-19 virus; and

**WHEREAS**, on April 28, 2020, the Governor of the State of New Jersey adopted Executive Order 130 which authorized municipalities to extend the grace period for the payment of property taxes to June 1, 2020; and

**WHEREAS**, Executive Order 130 confirmed that municipalities were previously without statutory authorization to extend the grace period for payment of real property taxes, and that altering the interest rate could generate individual confusion regarding property tax payment obligations and may also create or exacerbate local fiscal challenges, including but not limited to, threatening the ability to fulfill obligations; and

**WHEREAS**, Executive Order 130, in an effort to create consistency among municipalities, stated that, “Any governing body of a municipality with a calendar year budget cycle may adopt a resolution instituting a grace period concluding on a date no later than June 1, 2020 for the payment of second-quarter property taxes;” and

**WHEREAS**, Executive Order 130 also states that, “No municipality, county, or any other agency or political subdivision of this State shall enact or enforce any order, rule, regulation, ordinance, or resolution that will or might in any way conflict with any of the provisions of this Order, or that will in any way interfere with or impede its achievement, which shall include, but not be limited to, any attempt to provide an additional extension of the installment date or grace period for the payment of property taxes, and any attempt to otherwise temporarily fix, reduce, or retroactively modify the rate of interest charged for failure to make timely payment to achieve this effect;” and

**WHEREAS**, in recognition of the hardship faced by the residents of Keyport, and the fact that Executive Order 130, signed on April 28, 2020, finally allows municipalities to legally take action to protect its residents and extend the grace period for the payment of the May 1, 2020 real property tax installment, the Mayor and Borough Council deem it appropriate and necessary to offer the maximum extension permitted under Executive Order 130.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and the Council of the Borough of Keyport as follows:

1. The aforementioned recitals are incorporated herein as though fully set forth at length.
2. The Borough authorizes the extension of the grace period during which no interest shall be charged for the late payment of May 1, 2020 installment of property taxes, which was May 11, 2020 under Resolution #29-20 to June 1, 2020.

3. If the May 1, 2020 installment of real property taxes is not paid on or before June 1, 2020, then the interest rates set forth in Resolution #29-20 shall apply retroactively to May 1, 2020.

4. All other deadlines, interest rates penalties set forth in Resolution #29-20 shall remain the same; only the grace period for the May 1, 2020 installment is changed by this resolution.

5. If any part of this Resolution shall be deemed invalid, such parts shall be severed and the invalidity thereby shall not affect the remaining parts of this Resolution.

6. A copy of this Resolution shall be available for public inspection at the offices of the Borough Clerk.

7. A copy of this Resolution shall be forwarded to New Jersey Department of Local Government Services.

8. This Resolution shall take effect as provided by law.

**OFFERED:**

**SECONDED:**

**AYES: COOPER, GOODE, FOTOPOULOS, MCDERMOTT, PACHECO, SHERIDAN**

**NAYS:**

**ABSENT:**

There being no further email communications, **Resolution #145-20** Authorizing the Extension of a Grace Period for Payment of Property Taxes Due on May 1, 2020 from May 11, 2020 to June 1, 2020 as Authorized under Executive Order 130 was adopted and posted to the Borough website.