

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.

An Emergency Meeting of the Mayor and Council of the Borough of Keyport was held via email on Thursday, June 11, 2020 for consideration to adopt a resolution authorizing the re-opening of the Borough Gazebo and Picnic Areas as Authorized Under Executive Order 150; and (ii) a resolution authorizing outdoor dining and temporary waiver of zoning restrictions for outdoor dining of the Borough Municipal Code as authorized under Executive Order 150.

Resolution #171-20 Authorizing Re-opening of the Borough Gazebo and Picnic Areas as Authorized under Executive Order 150 and **Resolution #172-20** Authorizing Outdoor Dining and Temporary Waiver of Zoning Restrictions for Outdoor Dining of the Borough Municipal Code as Authorized Under Executive Order 150 was forwarded for consideration via email on Thursday, June 11, 2020 at 9:59AM 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 RESOLUTIONS

Councilmember Sheridan replied via email on Thursday, June 11, 2020 “I vote YES to both resolutions Opening the Borough Gazebo & Picnic Areas and Outdoor Dining that have been put forth for emergency e-mail vote.”

Councilmember Fotopoulos replied via email on Thursday, June 11, 2020 “I vote YES to the resolution “AUTHORIZING THE RE-OPENING OF THE BOROUGH GAZEBO AND PICNIC AREAS and I vote YES to the resolution “AUTHORIZING OUTDOOR DINING AND TEMPORARY WAIVER OF ZONING RESTRICTIONS FOR OUTDOOR DINING.”

Councilmember Pacheco replied via email on Thursday, June 11, 2020 “I vote yes to both resolutions (opening the gazebo etc. and relaxing the zoning restrictions)”

Councilmember McDermott replied via email on Thursday, June 11, 2020 “I vote yes to (1) Resolution Authorizing the Re-Opening of the Borough Gazebo and Picnic Areas. I vote abstain from (ii) A Resolution Authorizing Outdoor Dining and Relaxation of Zoning Restrictions for Outdoor Dining” as the Zoning office was not conferred for adequate feedback/consideration zoning impact given its submission today.”

Councilmember Goode replied via email on Thursday, June 11, 2020 “Yes to both.”

RESOLUTION #171-20 AUTHORIZING THE RE-OPENING OF THE BOROUGH GAZEBO AND PICNIC AREAS AS AUTHORIZED UNDER EXECUTIVE ORDER 150

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, on March 9, 2020, the Governor of the State of New Jersey adopted Executive Order No. 103 which declared a state of emergency and a public health emergency related to the containment of the spread of the COVID-19 virus; and

WHEREAS, as part of the declaration of a state of emergency and public health emergency, certain picnic and public pavilion areas were closed to prevent the spread of the COVID-19 virus; and

WHEREAS, in response to the declaration of the state of emergency and public health emergency, the Borough removed and/or closed off various picnic areas and the Borough gazebo from the public; and

WHEREAS, on June 3, 2020, the Governor of the State of New Jersey adopted Executive Order No. 150, which, in part, authorizes, as of 6:00 a.m. on Monday, June 15, 2020, municipalities to open to the public “picnic areas and pavilions,” subject to all of the social distancing rules and regulations established by Executive Orders issued by the Governor; and

WHEREAS, the Borough seeks to re-open the Borough’s public picnic areas and gazebo in accordance with Executive Order 150.

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 re-installation and/or re-opening of the public picnic areas and the Borough gazebo subject to the continued observance of all social distancing rules and policies set forth in the Executive Order issued by the Governor of the State of New Jersey.
3. The picnic areas and the Borough gazebo shall be cleaned on a weekly basis through the duration of the state of emergency and a public health emergency.
4. Notice shall be posted at each picnic area and the Borough gazebo advising that the areas shall be cleaned on a weekly basis.
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. This Resolution shall take effect as provided by law and consistent with Executive Order 150 issued by the Governor of the State of New Jersey.

OFFERED:

SECONDED:

AYES: FOTOPOULOS, GOODE, MCDERMOTT, PACHECO, SHERIDAN

NAYS:

ABSENT: COOPER

**RESOLUTION #172-20
AUTHORIZING OUTDOOR DINING AND TEMPORARY
WAIVER OF ZONING RESTRICTIONS FOR OUTDOOR
DINING OF THE BOROUGH MUNICIPAL CODE AS
AUTHORIZED UNDER EXECUTIVE ORDER 150**

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, on March 9, 2020, the Governor of the State of New Jersey adopted Executive Order No. 103 which 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 March 16, 2020, the Governor of the State of New Jersey adopted Executive Order No. 104 limiting restaurants, dining establishments, and food courts, with or without liquor licenses, all bars, and all other holders of a liquor license with retail consumption

privileges, to food delivery and/or take-out services only, and otherwise prohibiting on-premises consumption of food or beverages; and

WHEREAS, on June 3, 2020, the Governor of the State of New Jersey adopted Executive Order No. 150, which, in part, authorizes, as of 6:00 a.m. on Monday, June 15, 2020, 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 subject to all of the social distancing rules and regulations established by Executive Orders issued by the Governor and additional rules and regulations contained in Executive Order 150; and

WHEREAS, Borough seeks to temporarily relax limitations under the Zoning Code to allow restaurants to operate outdoor dining within their property in an effort to foster the limited reopening of restaurants and dining establishments during the state of emergency and the public health emergency.

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 temporary and limited waiver of the zoning restrictions which limit or prohibit restaurants and dining establishments to operate outdoor dining within the boundaries of their property lines for the remainder of the state of emergency and a public health emergency subject to all of the social distancing rules and guidelines as set forth in the Executive Orders issued by the Governor of the State of New Jersey.
3. The operation of an outdoor dining area shall be limited within the physical boundaries of the property lines where the restaurant or dining establishment is located and shall not be allowed in public right of ways or otherwise obscure pedestrian traffic unless a license for a sidewalk café and restaurant is applied for and granted.
4. This resolution shall not alter or abrogate restaurants and dining establishments to comply and abide by all rules, laws, ordinances and regulations governing health standards.
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.
5. A copy of this Resolution shall be available for public inspection at the offices of the Borough Clerk.
6. This Resolution shall take effect as provided by law and consistent with Executive Order 150 issued by the Governor of the State of New Jersey.

OFFERED:

SECONDED:

AYES: FOTOPOULOS, GOODE, PACHECO, SHERIDAN

NAYS:

ABSENT: COOPER

ABSTAIN: MCDERMOTT

There being no further email communications, **Resolution #171-20** Authorizing Re-opening of the Borough Gazebo and Picnic Areas as Authorized under Executive Order 150 and **Resolution #172-20** Authorizing Outdoor Dining and Temporary Waiver of Zoning Restrictions for Outdoor Dining of the Borough Municipal Code as Authorized Under Executive Order 150 were adopted and posted to the Borough website.