

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 25, 2020 for consideration to adopt a resolution authorizing the execution of a license agreement with the Kiwanis Club of Keyport, Inc. to utilize Fireman's Park to host its flea market from July 5, 2020 to December 20, 2020.

Resolution #200-20 Authorizing Execution of License Agreement with the Kiwanis Club for Use of Fireman's Park for Flea Market was forwarded for consideration via email on Thursday, June 25, 2020 at 12:17PM 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 Thursday, June 11, 2020 "I vote the following: Waive the license fee. Stay with the existing hours, as is written. I vote YES to authorize the license agreement with the hours as written and the fee waived.

Councilmember Fotopoulos replied via email on Thursday, June 25, 2020 "My vote is YES to waive the license fee. My vote is NO to change the hours under the license agreement. COMMENT: Clean out by 4PM must be enforced. If they are habitually not complying to this, then the license agreement must be terminated. I am in favor of the resolution whether or not the time is changed or the waiver of the fee is changed."

Councilmember Pacheco replied via email on Thursday, June 25, 2020 "I vote yes to waiving the fee. I also vote no to changing the hours. (I agree that clean out must be enforced). I vote yes to either version of this."

Councilmember McDermott replied via email on Thursday, June 26, 2020 "YES to waive the license fee. No changes to hours. Compliance to set up & breakdown hours must be adhered with no selling after 3PM at all. Vote to authorize the license agreement conditionally on changes to the license fee and/or hours or whether you vote to authorize the license agreement as is. I vote resolution."

RESOLUTION #200-20 AUTHORIZING EXECUTION OF LICENSE AGREEMENT WITH THE KIWANIS CLUB FOR USE OF FIREMAN'S PARK FOR FLEA MARKET

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, the Kiwanis Club of Keyport ("**Kiwanis**") is seeking to hold its flea markets on Sundays from July 5, 2020 to December 20, 2020 at Fireman's Park; and

WHEREAS, the Borough and Kiwanis have negotiated a license agreement (the "**Agreement**"), on file with the Office of the Borough Clerk, whereby Kiwanis will be allowed to hold a weekly flea market on Sundays from July 5, 2020 to December 20, 2020 during the hours of 7:00 a.m. to 4:00 p.m. with hours of 7:00 a.m. to 9:00 a.m. for set up only and 3:00 p.m. to 4:00 p.m. for breakdown and cleanup only; and

WHEREAS, Kiwanis has agreed to manage its vendors to comply with all social distancing requirements as mandated during the COVID-19 virus state of emergency and public health emergency pursuant to the State of New Jersey regulations, executive orders, or laws.

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 execution of the Agreement on file with the Office of the Borough Clerk.

3. The Mayor or Business Administrator be and is hereby authorized and directed to execute the Agreement on file with the Office of the Borough Clerk for Kiwanis to hold its flea markets at Fireman's Park on Sundays from July 5, 2020 to December 20, 2020 during the hours of 7:00 a.m. to 4:00 p.m. with hours of 7:00 a.m. to 9:00 a.m. for set up only and 3:00 p.m. to 4:00 p.m. for breakdown and cleanup only.

4. 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 State of New Jersey regulations, executive orders, or laws related to the COVID-19 virus state of emergency and public health emergency.

OFFERED:

SECONDED:

AYES: Fotopoulos, McDermott, Pacheco, Sheridan

NAYS:

ABSENT: Cooper, Goode

There being no further email communications, **Resolution #200-20** Authorizing Execution of License Agreement with the Kiwanis Club for use of Fireman's Park for Flea Market was adopted and posted to the Borough website.