

BOROUGH OF OCEAN GATE

**COUNCIL MEETING
AGENDA**

April 8, 2020

CALL TO ORDER:

SUNSHINE STATEMENT: Notice of this meeting was advertised in the Asbury Park Press and Star Ledger issues of March 24, 2020 and posted in the Municipal Office Building, Adrian Hall and the Ocean Gate Post office.

SALUTE TO THE FLAG AND A MOMENT OF SILENCE

ROLL CALL: Mayor Kennedy, Council President Kendrick, Councilwoman Nicasro, Councilman Haug, Councilman Martinez, Councilwoman Padham-laria, Councilman Livingston

PRIVILEGE OF THE FLOOR

CONSENT AGENDA

The items listed below are considered to be routine by the Borough of Ocean Gate and will be enacted by one motion. There will be no formal discussion of these items. If discussion is desired, this item will be removed from the Consent Agenda and will be considered separately.

Motion: _____ Second:

Roll call vote: Kendrick, Nicasro, Haug, Martinez, Padham-laria, Livingston

RESOLUTION 2020-94 Ceasing Short Term Rentals in Response to COVID-19
RESOLUTION 2020-95 Payment of Bills

RESOLUTION 2020-95

AUTHORIZATION FOR PAYMENT OF BILLS

WHEREAS, the Borough Council has carefully examined all vouchers presented to the Borough for payment of claims; and

WHEREAS, after due consideration of said vouchers, the Borough Council has approved the payment of same; and

WHEREAS, the Chief Financial Officer has certified that the bill list has been audited and is in order for payment and funds totaling \$----- available in the respective accounts as set forth below;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Borough Council of the Borough of Ocean Gate, County of Ocean, as follows:

- The said approved 2020 vouchers amounting to the sum of \$ ----- and the same are hereby authorized to be paid on April 8, 2020.

BE IT FURTHER RESOLVED, that the Municipal Clerk be, and is hereby directed to file the bill list in the Municipal Clerk's Office.

CERTIFICATION

I, Ileana Vazquez-Gallipoli, Municipal Clerk of the Borough of Ocean Gate, County of Ocean, State of New Jersey, hereby certify that the foregoing resolution is true and correct copy of a resolution adopted at a Council Meeting held on April 8, 2020.

Ileana Vazquez-Gallipoli
Municipal Clerk

RESOLUTION 2020-94

**RESOLUTION OF THE BOROUGH OF OCEAN GATE, COUNTY OF OCEAN,
STATE OF NEW JERSEY, CEASING SHORT-TERM RENTALS IN RESPONSE
TO EXECUTIVE ORDER 108 AND THE COVID-19 PANDEMIC**

WHEREAS, the Borough of Ocean Gate (“Borough”) has a year-round population of 2,100, which is significantly lower than the peak summer season; and

WHEREAS, the Borough has legitimate concerns about the influx of new visitors as it would limit the Borough’s ability to protect the public health, welfare, and safety during the COVID-19 pandemic; and

WHEREAS, in light of the dangers posed by COVID-19, Governor Phil Murphy issued Executive Order No. 103 (2020) on March 9, 2020, the facts and circumstances of which are adopted by reference herein, which declared both a Public Health Emergency and State of Emergency; and

WHEREAS, on March 21, 2020, Governor Murphy signed Executive Order No. 108, canceling social gatherings, directing New Jersey residents to remain home or at their place of residence, and requiring the closure of all non-essential retail business in response to the COVID-19 pandemic; and

WHEREAS, the Executive Order invalidated any county or municipal restrictions that might conflict with any provision of Executive Order No. 107; and

WHEREAS, Paragraph 3 of Executive Order No. 108 permits municipalities and counties to impose additional restrictions in response to COVID-19 beyond the provisions of Executive Order No. 107; and

WHEREAS, municipalities and counties may impose additional restrictions to (a) “[o]nline marketplaces for arranging or offering lodging” and (b) “[m]unicipal or county parks”; and

WHEREAS, the Borough Council has determined that short-term rentals are non-essential businesses; and

WHEREAS, in order to protect the public health, welfare, and safety during the COVID-19 pandemic, the Borough Council has decided it is in the best interest of the public to cease all short-term rentals within the Borough; and

WHEREAS, the Borough Council recognizes that this action is not taken lightly, given the private property and other rights of the local property owners, who the Borough considers to be integral members of this community.

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the Borough of Ocean Gate, County of Ocean, State of New Jersey, as follows:

- The short-term rental of residential properties, whether or not consideration is exchanged, of twenty-eight (28) days or less, is hereby prohibited in the Borough between the date of this Resolution and the date whereby the State rescinds the restrictions in Executive Order 107; and
- The term “residential properties” includes homes, apartments, rooms, and/or any other residential rental units.
- The prohibition on short-term rentals shall include online marketplaces (e.g. Airbnb, VRBO, HomeAway, etc.) transactions, private transactions (e.g. rentals by owners), and realtor-driven transactions.
- Nothing set forth in this Resolution shall be construed to bar or preclude owners and their immediate family members, caretakers, household members, and/or romantic partners from occupying the owner’s residential properties during the duration of this Order; and
- This Resolution shall also apply to non-residential properties.
- Penalties for violations of this Order may be imposed under, among other statutes, N.J.S.A. App. A:9-49 and -50, and the Borough Ordinances.

BE IT FURTHER RESOLVED, that a certified copy of this resolution shall be forwarded to the following:

- Mayor and Council;
- James J. Gluck, Esq.;
- Police Chief Michael Kuchta;
- Tom Fitzgerald, OEM Coordinator;
- John Serpica, Deputy OEM Coordinator;
- Robert Vassallo, Deputy OEM Coordinator; and

- All other parties interest.

CERTIFICATION

I, Ileana Vazquez-Gallipoli, Municipal Clerk of the Borough of Ocean Gate, County of Ocean, State of New Jersey, hereby certify that the foregoing resolution is a true and correct copy of a resolution duly adopted by the Ocean Gate Borough Council at a Council meeting held on the 8th of April, 2020

Ileana Vazquez-Gallipoli, RMC, CMR
Borough Clerk