

BOROUGH OF OCEAN GATE
COUNCIL WORKSHOP AGENDA

May 20, 2020

CALL TO ORDER:

SUNSHINE STATEMENT: Notice of this meeting was advertised in the Asbury Park Press issue of April 25, 2020 and posted in the Municipal Office Building, Adrian Hall and the Ocean Gate Post Office.

SALUTE TO THE FLAG AND MOMENT OF SILENCE

ROLL CALL: Mayor Kennedy, Council President Kendrick, Councilwoman Nicastro, Councilman Haug, Councilman Martinez, Councilwoman Padham-Iaria, Councilman Livingston.

Report of James Gluck, Municipal Attorney

REPORT OF MAYOR KENNEDY

CORRESPONDENCE

REPORTS OF COUNCIL

Council President Kendrick
Councilwoman Nicastro
Councilman Haug
Councilman Martinez
Councilwoman Padham-Iaria
Councilman Livingston

PRIVILEGE OF THE FLOOR LIMITED TO 3 MINUTES (AGENDA OR NON-AGENDA)

RESOLUTION 2020-110 MUNICIPAL BUDGET PUBLIC HEARING

Motion to open public hearing for the 2020 Municipal Budget:_____ Second:_____
Roll call vote: Kendrick, Nicastro, Haug, Martinez, Padham-Iaria, Livingston

Motion to close public hearing for the 2020 Municipal Budget:_____ Second:_____
Roll call vote: Kendrick, Nicastro, Haug, Martinez, Padham-Iaria, Livingston

Motion to adopt 2020 Municipal Budget:_____ Second:_____
Roll call vote: Kendrick, Nicastro, Haug, Martinez, Padham-Iaria, Livingston

ORDINANCE 633-20 CALENDAR YEAR 2020 ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A: 4-45.14)

Motion to open public hearing for ord. 633-20:_____ Second:_____
Roll call vote: Kendrick, Nicastro, Haug, Martinez, Padham-Iaria, Livingston

Motion to close public hearing for ord 633-20:_____ Second:_____
Roll call vote: Kendrick, Nicastro, Haug, Martinez, Padham-Iaria, Livingston

Motion to adopt ord. 633-20: _____ Second: _____
Roll call vote: Kendrick, Nicastro, Haug, Martinez, Padham-Iaria, Livingston

PRIVILEGE OF THE FLOOR LIMITED TO 3 MINUTES (AGENDA ITEMS ONLY):

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, Nicastro, Haug, Martinez, Padham-Iaria, Livingston

- RESOLUTION 2020-111 Approving Vendor's License
- RESOLUTION 2020-112 Recycling Tonnage Grant
- RESOLUTION 2020-113 Limiting Short Term Rentals
- RESOLUTION 2020-114 Payment of Bills

Motion to adjourn:

Motion: _____ Second: _____
Roll call vote: Kendrick, Nicastro, Haug, Martinez, Padham-Iaria, Livingston

ORDINANCE 633-20

CALENDAR YEAR 2020 ORDINANCE TO EXCEED THE MUNICIPAL BUDGET
APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A: 4-45.14)

WHEREAS, the Local Government Cap Law, N.J.S.A. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget to 2.5% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

WHEREAS, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

WHEREAS, the Borough Council of the Borough of Ocean Gate in the County of Ocean finds it advisable and necessary to increase its CY 2020 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

WHEREAS, the Borough Council hereby determines that a 3.5% increase in the budget for said year, amounting to \$90,873.79 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

WHEREAS the Borough Council hereby determines that any amount authorized hereinabove that is not appropriated, as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW THEREFORE BE IT ORDAINED, by the Borough Council of the Borough of Ocean Gate, in the County of Ocean, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2020 budget year, the final appropriations of the Borough of Ocean Gate shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 1.0%, amounting to \$25,963.94, and that the CY 2020 municipal budget for the Borough of Ocean Gate be approved and adopted in accordance with this ordinance; and,

BE IT FURTHER ORDAINED, that any amount authorized herein above that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

PUBLIC NOTICE is hereby given that the foregoing ordinance was introduced and passed on first reading of the Borough Council of Ocean Gate, in the County of Ocean, State of New Jersey, held on April 8, 2020, and will come on for a second reading, public hearing and final passage at a regular meeting of said Borough Council to be held on May 20, 2020, at Borough Council Chambers, 801 Ocean Gate Avenue, Ocean Gate, New Jersey, at 7:00 P.M., or as soon thereafter as the matter can be reached, at which last mentioned date, hour and place any person desiring to be heard either for or against the adoption of the within ordinance will be given an opportunity to be so heard.

INTRODUCED: **April 22, 2020**
ADOPTED:

Ileana Vazquez-Gallipoli, R.M.C.
Municipal Clerk

Paul J. Kennedy, Mayor

RESOLUTION 2020-111

APPROVING VENDOR'S LICENSE

NOW THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Ocean Gate that Vendor's License 2020-2 Spiritual Healing "Yoga on the Beach" is hereby approved for 2020 pending Police Department verification.

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Ocean Gate Police Department for their records.

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 adopted at a Council Meeting held on May 20, 2020.

Ileana Vazquez-Gallipoli, RMC, CMR
Municipal Clerk

RESOLUTION 2020-112

AUTHORIZING THE BOROUGH OF OCEAN GATE TO APPLY FOR THE
2020 RECYCLING TONNAGE GRANT

WHEREAS, The mandatory source Separation and Recycling Act, P.L. 1987. C.102, has established a recycling fund from which tonnage grant may be made to municipalities in order to encourage local source separation and recycling programs; and

WHEREAS, It is the intent and the spirit of the Mandatory Source Separation and Recycling Act to use the tonnage to develop new municipal recycling programs and to continue and to expand existing programs; and

WHEREAS, The New Jersey Department of Environmental Protection has promulgated recycling regulations to Implement the Mandatory Source Separation and Recycling Act; and

WHEREAS, The recycling regulations impose on municipalities certain requirements as a condition for applying for tonnage grants, including but not limited to making and keeping accurate, verifiable records of materials collected and claimed by the municipality; and

WHEREAS, A resolution authorizing this municipality to apply for the 2020 Recycling Tonnage Grant will memorialize the commitment of this municipality to recycling and to indicate the assent of the Borough Council of Ocean Gate to the efforts undertaken by the municipality and the requirements contained in the Recycling Act and recycling regulations; and

WHEREAS, Such a resolution should designate the individual authorized to ensure the application is properly completed and timely filed.

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Ocean Gate hereby endorses the submission of the recycling tonnage grant application to the New Jersey Department of Environmental Protection and designates Rev. Oscar L. Cradle Sr. to ensure that the application is properly filed; and

BE IT FURTHER RESOLVED, that the monies received from the recycling tonnage grant be deposited in a dedicated recycling trust fund to be used solely for the purposes of recycling.

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 adopted at a Council Meeting held on May 20, 2020.

Ileana Vazquez-Gallipoli, RMC, CMR
Municipal Clerk

RESOLUTION 2020-113

**RESOLUTION OF THE BOROUGH OF OCEAN GATE, COUNTY OF OCEAN,
STATE OF NEW JERSEY, EASING RESTRICTIONS ON 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, in light of the above concerns, on April 8, 2020, the Borough Council adopted Resolution No. 2020-95 prohibiting short-term rentals of twenty-eight (28) days or less within the Borough until the State rescinds the restrictions in Executive Order 107; and

WHEREAS, since the adoption of Resolution 2020-95, the rate of reported new cases of COVID-19 in New Jersey have decreased and the State has begun taken certain steps to lift certain restrictions that were designed to limit person-to-person contact; and

WHEREAS, on May 13, 2020, Governor Murphy signed Executive Order 142 permitting the resumption of non-essential construction, curbside pickup at non-essential retail businesses, and gatherings in cars; and

WHEREAS, on May 14, 2020, Governor Murphy signed Executive Order 143 permitting the reopening of all public and private beaches, boardwalks, lakes, and lakeshores effective 6:00 a.m. on May 22, 2020, with certain restrictions; and

WHEREAS, in light of the statewide easing of restrictions, the Borough Council determined that the restrictions in Resolution 2020-95 may be reduced.

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

1. The short-term rental of residential properties, whether or not consideration is exchanged, of seven (7) 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.
2. The term “residential properties” includes homes, apartments, rooms, and/or any other residential rental units.
3. The prohibition in Paragraph 1 shall include online marketplaces (e.g. AirBnb, VRBO, HomeAway, etc.) transactions, private transactions (e.g. rentals by owners), and realtor-driven transactions.
4. 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.
5. This Resolution shall also apply to non-residential properties.
6. 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:

1. Mayor and Council;
2. James J. Gluck, Esq.;
3. Police Chief Michael Kuchta;

4. Tom Fitzgerald, OEM Coordinator;
5. John Serpica, Deputy OEM Coordinator;
6. Robert Vassallo, Deputy OEM Coordinator; and
7. 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 adopted at a Council Meeting held on May 20, 2020.

Ileana Vazquez-Gallipoli, RMC, CMR
Municipal Clerk

RESOLUTION 2020-114

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 \$744,858.58 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:

1. The said approved 2020 vouchers amounting to the sum of \$744,858.58 and the same are hereby authorized to be paid on May 20, 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 a true and correct copy of a resolution adopted at a Council Meeting held on May 20, 2020.

Ileana Vazquez-Gallipoli, RMC, CMR
Municipal Clerk