

**RESOLUTION OF THE CITY OF GLOUCESTER CITY**  
**County of Camden, State of New Jersey**  
**#R 109-2020**

**RESOLUTION AUTHORIZING HOLDING AN EMERGENCY SPECIAL MEETING  
INVOLVING URGENT AND IMPORTANT MATTERS WHICH AROSE IN AN UNFORESEEN  
MANNER AND A DELAY OF THE MEETING FOR THE PURPOSE OF PROVIDE  
ADEQUATE NOTICE WOULD LIKELY RESULT IN  
SUBSTANTIAL HARM TO THE PUBLIC INTEREST.**

**WHEREAS**, on or about Thursday, June 4, 2020, Mayor and Common Council of the City of Gloucester City ("City") desired to meet for an emergency meeting which was convened without adequate notice; and

**WHEREAS**, the public body is required to comply with very strict procedural requirements as set forth in N.J.S.A. 10:4-9., entitled: "Meeting of public body; adequate notice to public; necessity; exceptions" which provides in part: a. Except as provided by subsection b. of this section, or for any meeting limited only to consideration of items listed in [N.J.S.A 10:4-12b], no public body shall hold a meeting unless adequate notice thereof has been provided to the public; b. Upon the affirmative vote of three quarters of the members present a public body may hold a meeting notwithstanding the failure to provide adequate notice if: (1) such meeting is required in order to deal with matters of such urgency and importance that a delay for the purpose of providing adequate notice would be likely to result in substantial harm to the public interest; and (2) the meeting is limited to discussion of and acting with respect to such matters of urgency and importance; and (3) notice of such meeting is provided as soon as possible following the calling of such meeting by posting written notice of the same in the public place described in [N.J.S.A. 10:4-8d] above, and also by notifying the two newspapers described in [N.J.S.A 10:4-8d] by telephone, telegram, or by delivering a written notice of same to such newspapers; and (4) either (a) the public body could not reasonably have foreseen the need for such meeting at a time when adequate notice could have been provided; or (b) although the public body could reasonably have foreseen the need for such meeting at a time when adequate notice could have been provided, it nevertheless failed to do so; and

**WHEREAS**, given the reduced risks of COVID-19 transmission outdoors, The Honorable Philip D. Murphy, Governor of the State of New Jersey, issued Executive Order 150 on June 3, 2020, allowing restaurants, bars, and other food or beverage establishments to provide in-person service at areas designated for food and/or beverage consumption (“outdoor dining”) in accordance with health guidelines on June 15, 2020; and

**WHEREAS**, Executive Order 150 acknowledged that many restaurants or bars will not have sufficient outdoor space to serve their patrons, and thus may seek to use additional space for outdoor food and/or beverage consumption, including other areas of their property, such as parking lots, shared spaces, sidewalks, streets, and parks; and

**WHEREAS**, Executive Order 150 further acknowledged that municipalities are in the best position to make decisions on allowing restaurants or bars to expand their service footprint on their property and potentially into shared spaces, but must do so in a way that comports with public safety and in an equitable manner among restaurants or bars who may feasibly seek to use such spaces; and

**WHEREAS**, Executive Order 150 allows municipalities to use their existing authority to allow food or beverage establishments to expand their footprint to outdoor areas, both within their property and among municipally-governed areas, including but not limited to sidewalks, streets, or parks; and

**WHEREAS**, in an effort to mitigate financial hardship and to alleviate some of the tremendous financial burden caused as a result of COVID-19 on food and beverage establishments within the City, the Mayor and Common Council of the City of Gloucester desire to utilize the authority as outlined in Executive Order 150 to allow food or beverage establishments to expand their footprint to outdoor areas, both within their property and amongst municipally-governed areas as authorized, including but not limited to sidewalks, streets, or parks, where appropriate; and

**WHEREAS**, via a Special Ruling dated June 3, 2020, the Director of the Division of Alcoholic Beverage Control (the “Division”) has determined it necessary to create a temporary permit, known as the COVID-19 Expansion of Premises Permit (“COVID-19 Expansion Permit”), and to enable all licensees and permittees with on-premises retail consumption privilege to apply

for the COVID-19 Expansion Permit to allow for the expansion of their licensed premises into outdoor areas, either contiguous or non-contiguous to their permanently licensed premises; and

**WHEREAS**, the Division requires any application submitted by any licensee or permittee with on-premises retail consumption for the COVID-19 Expansion Permit to have the express endorsement or approval by the appropriate governing body officials, prior to the Division's approval of the application and issuance of the COVID-19 Expansion Permit; and

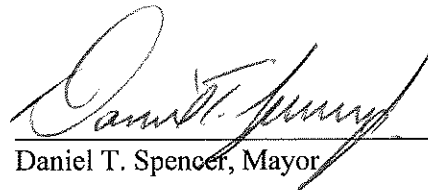
**WHEREAS**, in an effort to further mitigate financial hardship and provide certain businesses relief from COVID-19 on holders of on-premises retail consumption licenses and/or permits within the City, and to reduce any potential delay associated with the approval of such applications for a COVID-19 Expansion Permit by the Division, the Mayor and Common Council desire to grant any and all endorsements and approvals that may be needed for all applications from licensees or permittees with on-premises retail consumption privileges who are permitted to apply for the COVID-19 Expansion Permit pursuant to the Division's June 3, 2020, Special Ruling

**WHEREAS**, in light of the foregoing, the Mayor and Common Council of the City of Gloucester City have prepared this Resolution to be incorporated into the approved meeting minutes explaining and satisfying the statutory criteria establishing: (a) the nature of the urgency and its importance, (b) the nature of substantial harm to the public interest likely to result from a delay in holding the meeting, (c) that the meeting will be limited to those urgent and important matters, (d) the time, place and manner in which notice of the meeting was provided, and (e) that the need for such a meeting could not have been reasonably foreseen at a time when adequate notice could have been provided, or such need could have been foreseen, the reason(s) why adequate notice was not provided.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Common Council of the City of Gloucester, County of Camden and State of New Jersey as follows:

1. The provisions of the **WHEREAS** clauses set forth above are incorporated herein by reference and made a part hereof.
2. The Mayor and Common Council of the City of Gloucester City hereby declare upon the affirmative vote of three quarters of the members present a public body to hold a meeting notwithstanding the failure to provide adequate notice if since such a meeting is required in order to deal with matters of such urgency and importance that a delay for the purpose

of providing adequate notice would be likely to result in substantial harm to the public interest, the meeting was limited to discussion of and acting with respect to such matters of urgency and importance, the notice of such meeting is provided as soon as possible following the calling of such meeting by posting written notice of the same in the public place described in [N.J.S.A. 10:4-8d], and also by notifying the two newspapers described in [N.J.S.A. 10:4-8d] by telephone, telegram, or by delivering a written notice of same to such newspapers; and (4) the public body could not reasonably have foreseen the need for such meeting at a time when adequate notice could have been provided.

  
Daniel T. Spencer, Mayor

**CERTIFICATION**

I hereby certify this is a true and exact copy of a Resolution adopted by the Mayor and Common Council of the City of Gloucester this 4<sup>th</sup> day of June, 2020.

  
Vanessa L. Parent, Registered City Clerk