

CITY OF CAPE MAY, COUNTY OF CAPE MAY, STATE OF NEW JERSEY

RESOLUTION NO. 44-01-2017

**APPROVING THE REAPPOINTMENT OF NEIL YOUNG
AS CHIEF FINANCIAL OFFICER AND MUNICIPAL TREASURER**

MOTION:

SECOND:

WHEREAS, pursuant to NJSA 40A:9-140.10, the Chief Financial Officer shall be appointed by the governing body of the municipality; and

WHEREAS, the term of office shall be four years, which shall run from January 1 in the year in which the Chief Financial Officer is appointed; and

WHEREAS, pursuant to NJSA 40A:9-140.8, any person who has served as the Chief Financial Officer of a municipality for four (4) consecutive years and who is reappointed as that municipality's Chief Financial Officer shall be granted tenure of office; and

WHEREAS, the City Council of the City of Cape May wishes to reappoint Neil Young to serve as Chief Financial Officer; and

WHEREAS, Neil Young was appointed Chief Financial Officer of the City of Cape May and Municipal Treasurer of the City of Cape May, for a term of four (4) years, beginning on January 1, 2013; and

WHEREAS, Neil Young holds a certificate as a Certified Municipal Finance Officer as required by the State of New Jersey, Department of Community Affairs, Division of Local Government Services;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Cape May, in the County of Cape May, State of New Jersey, as follows:

1. The allegations of the preamble are incorporated herein by this reference.
2. Neil Young is hereby reappointed Chief Financial Officer of the City of Cape May and the Municipal Treasurer of the City of Cape May, commencing January 1, 2017.
3. Neil Young is granted tenure of office upon fulfilling the requirements of NJSA 40A:9-140.8.

I hereby certify the foregoing to be an original resolution adopted by the City Council of the City of Cape May at a meeting held on January 17, 2017.

Patricia Harbora, Deputy City Clerk

Roll Call	Ayes	Nays	Absent	Abstain
Furlin				
Hendricks				
Meier				
Pessagno				
Lear				

cc: Chief Financial Officer
NJ DLGS

CITY OF CAPE MAY, COUNTY OF CAPE MAY, STATE OF NEW JERSEY

RESOLUTION NO. 45-01-2017

**RESOLUTION OF THE CITY OF CAPE MAY AUTHORIZING
CHANGE ORDER FY2016 NJDCA SMALL CITIES CDBG PROGRAM PUBLIC
FACILITIES-ADA IMPROVEMENTS FOR EAST LYLE LANE (JACKSON STREET
TO DECATUR STREET) AND ROTARY PARK SITE IMPROVEMENTS
CAPE MAY AND DELAWARE AVENUE ROADWAY IMPROVEMENTS**

MOTION:

SECOND:

WHEREAS, the City of Cape May is currently under contract with Command Company, Inc. for the City of Cape May Fy2016 NJDCA Small Cities CDBG Program Public Facilities-ADA Improvements: and

WHEREAS, it is requested that the City authorize Change Order No. 2 to reflect the following listed below:

Addition of items that benefit the overall functionality of the project.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Cape May, as follows:

1. The City Manager is hereby authorized to execute and sign Change Order No. 2 to the contract with Command Company, Inc. in the amount of \$75,013.83 more than the original contract amount of \$1,328,895.00 for an amended contract amount of \$1,403,908.83.

I hereby certify the foregoing to be an original resolution adopted by the City Council of the City of Cape May at a meeting held on January 17, 2017.

Patricia Harbora, Deputy City Clerk

Roll Call	Ayes	Nays	Absent	Abstain
Furlin				
Hendricks				
Meier				
Pessagno				
Lear				

cc: Chief Financial Officer
Supt. of Public Works
Remington Vernick & Walberg Engineers
Project File

CITY OF CAPE MAY, COUNTY OF CAPE MAY, STATE OF NEW JERSEY

RESOLUTION NO. 46-01-2017

RESOLUTION AUTHORIZING THE CITY CLERK TO ISSUE BINGO AND RAFFLE LICENSES THROUGHOUT THE YEAR TO QUALIFIED ORGANIZATIONS

MOTION:

SECOND:

WHEREAS, the City Clerk receives applications throughout the year from various organizations to conduct bingo and/or raffle games within Cape May City; and

WHEREAS, the below listed applicant has obtained their State Registration from N.J. Legalized Games of Chance and have been in good standing with the City for many years; and

WHEREAS, there appears to be no reason to deny said licenses for 2017, providing all paperwork is completed and required fees have been paid.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Cape May, the Governing body thereof, that the City Clerk is authorized to issue bingo/raffle licenses for 2017 to the following organization as applicable throughout the year.

Greater Wildwood Chamber of Commerce Foundation, Inc.

I hereby certify the foregoing to be a true copy of a resolution adopted by the City of Cape May at a meeting held on January 17, 2017.

Patricia Harbora, Deputy City Clerk

Roll Call	Ayes	Nays	Absent	Abstain
Furlin				
Hendricks				
Meier				
Pessagno				
Lear				

cc: LGCCC
Greater Wildwood Chamber of Commerce Foundation, Inc.

CITY OF CAPE MAY, COUNTY OF CAPE MAY, STATE OF NEW JERSEY

RESOLUTION NO. 47-01-2017

**RELEASE OF MAINTENANCE GUARANTEE FOR
SWAIN'S HARDWARE-305 JACKSON STREET
BLOCK 1040-LOT 2.01**

MOTION:

SECOND:

WHEREAS, Swain's Hardware has complied with the Board Engineer's recommendation by posting a two (2) year maintenance guarantee in the amount of Nine Hundred Forty Two and 12/100 (\$942.12) for the site improvements at 305 Jackson Street; and

WHEREAS, the two years have expired and Craig R. Hurless, PE, PP, CME, Board Engineer, has inspected the site and determined that the maintenance guarantee funds should be released in accordance with his letter dated December 9, 2016. The amount of the guarantee to be released is Nine Hundred Forty Two and 12/100 (\$942.12).

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Cape May, the governing body thereof, that the maintenance guarantee of Swain's Hardware in the amount of Nine Hundred Forty Two and 12/100 (\$942.12) for the site improvements at 305 Jackson Street, Block 1040, Lot 2.01 be released.

I hereby certify the foregoing to be an original resolution adopted by the City Council of the City of Cape May at a meeting held on January 17, 2017.

Patricia Harbora, Deputy City Clerk

Roll Call	Ayes	Nays	Absent	Abstain
Furlin				
Hendricks				
Meier				
Pessagno				
Lear				

cc: Chief Financial Officer
Planning Board Secretary

CITY OF CAPE MAY, COUNTY OF CAPE MAY, STATE OF NEW JERSEY

RESOLUTION NO. 48-01-2017

**RELEASE OF MAINTENANCE GUARANTEE FOR
CAROL EMMENS-302 AND 304 PHILADELPHIA AVENUE
BLOCK 1104 LOT 23, 24**

MOTION:

SECOND:

WHEREAS, Carol Emmens has complied with the Board Engineer's recommendation by posting a two (2) year maintenance guarantee in the amount of Five Thousand Three Hundred Eighty Five and 60/100 (\$5,385.60) for the site improvements at 302 and 304 Philadelphia Avenue; and

WHEREAS, the two years have expired and Craig R. Hurless, PE, PP, CME, Board Engineer, has inspected the site and determined that the maintenance guarantee funds should be released in accordance with his letter dated December 9, 2016. The amount of the guarantee to be released is Five Thousand Three Hundred Eighty Five and 60/100 (\$5,385.60)

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Cape May, the governing body thereof, that the maintenance guarantee of Carol Emmens in the amount of Five Thousand Three Hundred Eighty Five and 60/100 (\$5,385.60) for the site improvements at 302 and 304 Philadelphia Avenue, Block 1104 Lot 23, 24 be released.

I hereby certify the foregoing to be an original resolution adopted by the City Council of the City of Cape May at a meeting held on January 17, 2017.

Patricia Harbora, Deputy City Clerk

Roll Call	Ayes	Nays	Absent	Abstain
Furlin				
Hendricks				
Meier				
Pessagno				
Lear				

cc: Chief Financial Officer
Planning Board Secretary

CITY OF CAPE MAY, COUNTY OF CAPE MAY, STATE OF NEW JERSEY

RESOLUTION NO. 49-01-2017

**RELEASE OF MAINTENANCE GUARANTEE FOR
LAWRENCE A. PRAY BUILDERS, INC
1217/1221 NEW JERSEY AVENUE- BLOCKS 1131 LOT 25, 26, 27, 28**

MOTION:

SECOND:

WHEREAS, Lawrence A. Pray Builders, Inc. has complied with the Board Engineer's recommendation by posting a two (2) year maintenance guarantee in the amount of Ten Thousand Six Hundred Seventy Two 38/100 (\$10,672.38) for the site improvements at 1217/1221 New Jersey Avenue; and

WHEREAS, the two years have expired and Craig R. Hurless, PE, PP, CME, Board Engineer, has inspected the site and determined that the maintenance guarantee funds should be released in accordance with his letter dated December 12, 2016. The amount of the guarantee to be released is Ten Thousand Six Hundred Seventy Two 38/100 (\$10,672.38)

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Cape May, the governing body thereof, that the maintenance guarantee of Lawrence A. Pray Builders, Inc in the amount of Ten Thousand Six Hundred Seventy Two 38/100 (\$10,672.38) for the site improvements at 1217/1221 New Jersey Avenue, Block 1131, Lot 25, 26, 27, 28 be released.

I hereby certify the foregoing to be an original resolution adopted by the City Council of the City of Cape May at a meeting held on January 17, 2017.

Patricia Harbora, Deputy City Clerk

Roll Call	Ayes	Nays	Absent	Abstain
Furlin				
Hendricks				
Meier				
Pessagno				
Lear				

cc: Chief Financial Officer
Planning Board Secretary

CITY OF CAPE MAY, COUNTY OF CAPE MAY, STATE OF NEW JERSEY

RESOLUTION NO. 50-01-2017

**RELEASE OF MAINTENANCE GUARANTEE FOR
LAFAYETTE STREET, LLC
1136-1138 LAFAYETTE STREET-BLOCK 1113 LOT 9**

MOTION:

SECOND:

WHEREAS, Lafayette Street, LLC. has complied with the Board Engineer's recommendation by posting a two (2) year maintenance guarantee in the amount of Nine Thousand Seven Hundred Sixty 86/100 (\$9,760.86) for the site improvements at 1136-1138 Lafayette Street; and

WHEREAS, the two years have expired and Craig R. Hurless, PE, PP, CME, Board Engineer, has inspected the site and determined that the maintenance guarantee funds should be released in accordance with his letter dated December 9, 2016. The amount of the guarantee to be released is Nine Thousand Seven Hundred Sixty 86/100 (\$9,760.86)

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Cape May, the governing body thereof, that the maintenance guarantee of Lafayette Street, LLC in the amount of Nine Thousand Seven Hundred Sixty 86/100 (\$9,760.86) for the site improvements at 1136-1138 Lafayette Street Block 1113, Lot 9 be released.

I hereby certify the foregoing to be an original resolution adopted by the City Council of the City of Cape May at a meeting held on January 17, 2017.

Patricia Harbora, Deputy City Clerk

Roll Call	Ayes	Nays	Absent	Abstain
Furlin				
Hendricks				
Meier				
Pessagno				
Lear				

cc: Chief Financial Officer
Planning Board Secretary

CITY OF CAPE MAY, COUNTY OF CAPE MAY, STATE OF NEW JERSEY

RESOLUTION NO. 51-01-2017

**RESOLUTION APPROVING THE SUBMISSION OF A GRANT APPLICATION
AND EXECUTION OF A GRANT CONTRACT WITH THE NEW JERSEY
DEPARTMENT OF TRANSPORTATION FOR THE RECONSTRUCTION
OF PENNSYLVANIA AVENUE BETWEEN CHICAGO AVENUE AND
WILMINGTON AVENUE**

MOTION:

SECOND:

BE IT RESOLVED that the City Council of the City of Cape May formally approves the grant application for the above stated project.

BE IT FURTHER RESOLVED that the Mayor and City Clerk are hereby authorized to submit an electronic grant application identified as MA-2017-Cape May City-00338 to the New Jersey Department of Transportation on behalf of the City of Cape May.

BE IT FURTHER RESOLVED that the Mayor and City Clerk are hereby authorized to sign the grant agreement on behalf of the City of Cape May and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

I hereby certify the foregoing to be an original resolution adopted by the City Council of the City of Cape May at a meeting held on January 17, 2017.

Patricia Harbora, Deputy City Clerk

Roll Call	Ayes	Nays	Absent	Abstain
Furlin				
Hendricks				
Meier				
Pessagno				
Lear				

cc: Manager
Engineer

CITY OF CAPE MAY, COUNTY OF CAPE MAY, STATE OF NEW JERSEY

RESOLUTION NO. 52-01-2017

A RESOLUTION PROVIDING FOR A MEETING NOT OPEN TO THE PUBLIC IN ACCORDANCE WITH THE PROVISIONS OF THE NEW JERSEY OPEN PUBLIC MEETINGS ACT, N.J.S.A. 10:4-12

MOTION:

SECOND:

WHEREAS, the City Council of the City of Cape May is subject to certain requirements of the Open Public Meetings Act, N.J.S.A 10:4-6, et seq., and

WHEREAS, the Open Public Meetings Act, N.J.S.A. 10:4-12, provides that an Executive Session, not open to the public, may be held for certain specified purposes when authorized by Resolution, and

WHEREAS, it is necessary for the City Council of the City of Cape May to discuss in a session not open to the public certain matters relating to the item or items authorized by N.J.S.A. 10:4-12b and designated below:

- _____ (1) Matters Required by Law to be Confidential: Any matter which, by express provision of Federal law or State statute or rule of court shall be rendered confidential or excluded from the provisions of the Open Public Meetings Act.
- _____ (2) Matters Where the Release of Information Would Impair the Right to Receive Funds: Any matter in which the release of information would impair a right to receive funds from the Government of the United States.
- _____ (3) Matters Involving Individual Privacy: Any material the disclosure of which constitutes an unwarranted invasion of individual privacy such as any records, data, reports, recommendations, or other personal material of any educational, training, social service, medical, health, custodial, child protection, rehabilitation, legal defense, welfare, housing, relocation, insurance and similar program or institution operated by a public body pertaining to any specific individual admitted to or served by such institution or program, including but not limited to information, relative to the individual's personal and family circumstances, and any material pertaining to admission, discharge, treatment, progress or condition of any individual, unless the individual concerned (or, in the case of a minor or incompetent, his guardian) shall request in writing that the same be disclosed publicly.
- _____ (4) Matters Relating to Collective Bargaining Agreement: Any collective bargaining agreement, or the terms and conditions which are proposed for inclusion in any collective bargaining agreement, including the negotiation of the terms and conditions thereof with employees or representatives of employees of the public body.
- _____ (5) Matters Relating to the Purchase, Lease or Acquisition of Real Property or the Investment of Public Funds: Any matter involving the purchase, lease or acquisition of real property with public funds, the setting of banking rates or investment of public funds, where it could adversely affect the public interest if discussion of such matters were disclosed.

_____ (6) Matters relating to Public Safety and Property: Any tactics and techniques utilized in protecting the safety and property of the public, provided that their disclosure could impair such protection. Any investigations of violations or possible violations of the law.

__X__ (7) Matters Relating to Litigation, Negotiations and the Attorney-Client Privilege: any pending or anticipated litigation or contract negotiation in which the public body is, or may become a party. Any matters falling within the attorney-client privilege, to the extent that confidentiality is required in order for the attorney to exercise his ethical duties as a lawyer. Robert Sheehan vs. City of Cape May

__X__ (8) Matters Relating to the Employment Relationship: Any matter involving the employment, appointment, termination of employment, terms and conditions of employment, evaluation of the performance or promotion or disciplining of any specific prospective public officer or employee or current public officer or employee employed or appointed by the public body, unless all the individual employees or appointees whose rights could be adversely affected request in writing that such matter or matters be discussed at a public meeting. Appointment of City Clerk and Tax Collector

_____ (9) Matters Relating to the Potential Imposition of a Penalty: Any deliberations of a public body occurring after a public hearing that may result in the imposition of a specific civil penalty upon the responding party or the suspension or loss of a license or permit belonging to the responding party bears responsibility.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Cape May, assembled in public session on January 17, 2017, that an Executive Session closed to the public shall be held on this date beginning at 6:00 P.M. in the City Hall Building of the City of Cape May, 643 Washington Street, Cape May for the discussion of matters relating to the specific items designated above.

It is anticipated that the deliberations conducted in closed session may be disclosed to the public upon the determination of the City Council that the public interest will no longer be served by such confidentiality.

I hereby certify the foregoing to be an original resolution adopted by the City Council of the City of Cape May at a meeting held on January 17, 2017.

Patricia Harbora, Deputy City Clerk

Roll Call	Ayes	Nays	Absent	Abstain
Furlin				
Hendricks				
Meier				
Pessagno				
Lear				

CITY OF CAPE MAY, COUNTY OF CAPE MAY, STATE OF NEW JERSEY

RESOLUTION NO. 53-01-2017

**A RESOLUTION AUTHORIZING AN AUCTION BID FOR
LEASE OF CITY-OWNED PROPERTY KNOWN AS
"BROADWAY PAVILION,"
100 BEACH AVENUE, CAPE MAY, NEW JERSEY**

MOTION:

SECOND:

WHEREAS, the City of Cape May currently owns property known as Broadway Pavilion, 100 Beach Avenue, Cape May, New Jersey, which it wishes to lease; and

WHEREAS, City Council has determined that it is in the City's best interest to authorize bidding of the lease for the Pavilion, so that the City can hold a public auction for an award of a five-year lease of the property, commencing January 1, 2017, and ending December 31, 2021,

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Cape May as follows:

1. City Council hereby approves a lease of the Pavilion by public auction pursuant to the terms and conditions set forth in the Bid Information Packet attached as Exhibit A and incorporated in this resolution.
2. Pursuant to N.J.S.A. 40:61-1(g), N.J.S.A. 40:61-36 and N.J.S.A. 40A:12-1 *et seq.*, City Council authorizes the lease of the Pavilion to the highest responsible bidder at a public auction to be conducted at the City Hall Auditorium, 643 Washington Street, Cape May, New Jersey, beginning at 11 a.m. on February 8, 2017, subject to the required newspaper advertisements and in compliance with the Bid Information Packet.
4. The term of the lease shall be for five years, from January 1, 2017 through December 31, 2021. The minimum bid for the first year of the term shall be \$40,000
5. The City Manager and all other appropriate city officials are authorized and directed to take all actions necessary to effectuate the terms and conditions of this resolution.
6. This resolution shall take effect immediately, according to law.

I hereby certify the foregoing to be an original resolution adopted by the City of Cape May at a meeting held on January 17, 2017.

Patricia Harbora, Acting City Clerk

Roll Call	Ayes	Nays	Absent	Abstain
Furlin				
Hendricks				
Meier				
Pessagno				
Lear				

CITY OF CAPE MAY

RESOLUTION NO. 55-01-2017

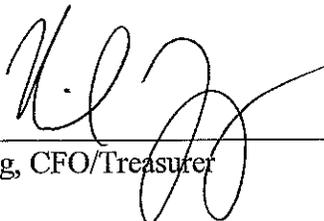
RESOLUTION FOR THE PAYMENT OF BILLS

MOTION:

SECOND:

BE IT RESOLVED by the City Council of the City of Cape May, that the following bills, approved for payment by the City Manager, be paid and that the Chief Financial Officer/Treasurer of the City of Cape May, is hereby authorized to draw orders for the amounts of same, as shown on bill list dated January 13, 2017 for the amount of: \$937,291.82

Current Fund Appropriations	\$ 586,432.33
Water/Sewer Utility Operating Fund	\$ 1,541.35
Tourism Utility Fund	\$ 7,858.92
General Capital Improvements	\$ 165,061.39
Water/Sewer Capital Improvements	\$ 18,745.87
Escrow Special Account	\$ 11,538.75
Trust Fund	\$ 87.22
Grant Fund	\$ 120.00
Beach Utility Fund Appropriations	\$ 10,505.99
Beach Utility Capital Improvements	\$ 135,400.00
	<u>\$ 937,291.82</u>



Neil Young, CFO/Treasurer

Roll Call	Ayes	Nays	Absent	Abstain
Furlin				
Hendricks				
Meler				
Pessagno				
Lear				

I hereby certify the foregoing to be an original resolution adopted by the City Council of the City of Cape May at a meeting held on January 17, 2017.

Patricia Harbora, Deputy City Clerk