

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

**ORDINANCE NO 311-2016**

**BOND ORDINANCE PROVIDING FOR IMPROVEMENTS  
AND RENOVATIONS TO THE LAFAYETTE STREET PARK  
IN AND BY THE CITY OF CAPE MAY, IN THE COUNTY OF  
CAPE MAY, NEW JERSEY, APPROPRIATING \$1,500,000  
THEREFOR AND AUTHORIZING THE ISSUANCE OF  
\$500,000 BONDS OR NOTES OF THE CITY TO FINANCE  
PART OF THE COST THEREOF**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CAPE MAY, IN THE COUNTY OF CAPE MAY, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) AS FOLLOWS:

Section 1. The improvement described in Section 3(a) of this bond ordinance is hereby authorized to be undertaken by the City of Cape May, in the County of Cape May, New Jersey (the "City") as a general improvement. For the improvement or purpose described in Section 3(a), there is hereby appropriated the sum of \$1,500,000, including a Green Acres Loan in the amount of \$500,000 (which is being authorized and financed by the bonds and notes authorized herein) and further including the sum of \$1,000,000 as the down payment required by the Local Bond Law. The down payment is now available from the Open Space Fund.

Section 2. In order to finance the cost of the improvement or purpose not covered by application of the down payment, negotiable bonds are hereby authorized to be issued in the principal amount of \$500,000 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. (a) The improvement hereby authorized and the purpose for the financing of which the bonds are to be issued is improvements and renovations to the Lafayette Street

Park, including, but not limited to, rebuilding the current baseball field and related buildings and the creation of additional parking spaces, and further including all work and materials necessary therefor and incidental thereto.

(b) The estimated maximum amount of bonds or bond anticipation notes to be issued for the improvement or purpose is as stated in Section 2 hereof.

(c) The estimated cost of the improvement or purpose is equal to the amount of the appropriation herein made therefor.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer; provided that no bond anticipation note shall mature later than one year from its date. The bond anticipation notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer. The chief financial officer shall determine all matters in connection with bond anticipation notes issued pursuant to this bond ordinance, and the chief financial officer's signature upon the bond anticipation notes shall be conclusive evidence as to all such determinations. All bond anticipation notes issued hereunder may be renewed from time to time subject to the provisions of the Local Bond Law. The chief financial officer is hereby authorized to sell part or all of the bond anticipation notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the bond anticipation notes pursuant to this bond ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the bond anticipation notes sold, the price obtained and the name of the purchaser.

Section 5. The City hereby certifies that it has adopted a capital budget or a temporary capital budget, as applicable. The capital or temporary capital budget of the City is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. To the extent that the purposes authorized herein are inconsistent with the adopted capital or temporary capital budget, a revised capital or temporary capital budget has been filed with the Division of Local Government Services.

Section 6. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvement or purpose described in Section 3(a) of this bond ordinance is not a current expense. It is an improvement or purpose that the City may lawfully undertake as a general improvement, and no part of the cost thereof has been or shall be specially assessed on property specially benefitted thereby.

(b) The period of usefulness of the improvement or purpose within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the bonds authorized by this bond ordinance, is 15 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the City as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$500,000, and the obligations authorized herein will be within all debt limitations prescribed by the Local Bond Law.

(d) An aggregate amount not exceeding \$450,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the purpose or improvement.

Section 7. The City hereby declares the intent of the City to issue bonds or bond anticipation notes in the amount authorized in Section 2 of this bond ordinance and to use the proceeds to pay or reimburse expenditures for the costs of the purposes described in Section 3(a) of this bond ordinance. This Section 7 is a declaration of intent within the meaning and for purposes of Treasury Regulations.

Section 8. Any grant moneys received for the purpose described in Section 3(a) hereof shall be applied either to direct payment of the cost of the improvement or to payment of the obligations issued pursuant to this bond ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are so used.

Section 9. The chief financial officer of the City is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the City and to execute such disclosure document on behalf of the City. The chief financial officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the City pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the "Rule") for the benefit of holders and beneficial owners of obligations of the City and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the City fails to comply with its undertaking, the City

shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

Section 10. The full faith and credit of the City are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the City, and the City shall be obligated to levy *ad valorem* taxes upon all the taxable real property within the City for the payment of the obligations and the interest thereon without limitation of rate or amount.

Section 11. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

#### **NOTICE**

Ordinance 311-2016 was introduced at a regular meeting of the City Council of the City of Cape May, held on October 18, 2016 and will be further considered for final passage during a meeting of the City Council, to be held at the Cape May City Hall Auditorium, 643 Washington Street, Cape May, New Jersey, on November 14, 2016 at 7:00 P.M. at which time a Public Hearing will be held.

Louise Cummiskey, City Clerk

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

**ORDINANCE NO. 310-2016**

**ORDINANCE PROVIDING FOR BEACH UTILITY IMPROVEMENTS AND  
APPROPRIATING \$300,000 FOR BEACH REPLENISHMENT AND ACQUISITION  
OF EQUIPMENT IN AND BY THE CITY OF CAPE MAY,  
IN THE COUNTY OF CAPE MAY, NEW JERSEY.**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CAPE MAY, IN  
THE COUNTY OF CAPE MAY, NEW JERSEY AS FOLLOWS:**

Section 1. The City of Cape May, in the County of Cape May, New Jersey (the "City") hereby appropriates \$300,000 from existing Beach Utility capital improvement fund monies for beach replenishment and acquisition of equipment, including, but not limited to a bulldozer, a beach sanitizer and other equipment, and including all appurtenances related or incidental thereto, including all work and materials necessary therefor and incidental thereto.

Section 2. The City hereby certifies that it has adopted a capital budget or a temporary capital budget, as applicable. The capital or temporary capital budget of the City is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. To the extent that the purposes authorized herein are inconsistent with the adopted capital or temporary capital budget, a revised capital or temporary capital budget has been filed with the Division of Local Government Services.

Section 3. This ordinance shall take effect as provided by the law.

## NOTICE

Ordinance 310-2016 was introduced at a regular meeting of the City Council of the City of Cape May, held on September 20, 2016 and will be further considered for final passage during a meeting of the City Council, to be held at the Cape May City Hall Auditorium, 643 Washington Street, Cape May, New Jersey, on October 18, 2016 at 7:00 P.M. at which time a Public Hearing will be held.

Louise Cummiskey, City Clerk

CITY OF CAPE MAY, a municipal  
corporation of the State of New Jersey

ATTEST:

\_\_\_\_\_ By: \_\_\_\_\_  
Dr. Edward J. Mahaney, Jr., Mayor

Roll Call	Ayes	Nays	Absent	Abstain
Furlin				
Meier				
Pessagno				
Swain				
Mahaney				

Introduced:	September 20, 2016
First Publication:	September 28, 2016
2nd Reading & Adoption:	October 18, 2016
Final Publication:	October 26, 2016

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

**RESOLUTION NO. 218-10-2016**

**RESOLUTION AUTHORIZING BIDS FOR LEASE  
OF 702 BEACH AVENUE, CAPE MAY, NEW JERSEY**

**MOTION:**

**SECOND:**

WHEREAS, the City of Cape May (the "City") currently owns property known as 702 Beach Avenue, Cape May, New Jersey (the "Property"), which is a full service restaurant most recently known as Angelos; and

WHEREAS, the City Council has determined that it is in the City's best interest to accept bids in order to lease the Property for a three (3) year term commencing on March 1, 2017 and ending on February 28, 2020.

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

1. That the City Council hereby approves the acceptance of sealed bids for a Lease of the Property pursuant to the terms and conditions and execution of the Bid Information Packet attached hereto as EXHIBIT A and by this reference made a part hereof.

2. In accordance with the New Jersey Local Lands and Buildings Law, N.J.S.A. 40A:12-1 et seq., as well as the provisions of N.J.S.A. 40:61-36, the City Council hereby authorizes the lease of the Property to the highest responsible bidder at a public auction to be conducted at the Cape May City Hall Auditorium on December 8, 2016, at 11:00 A.M.; subject to the required newspaper advertisements and in compliance with the Bid Information Packet.

3. That the City Manager along with all other appropriate City officials are hereby authorized and directed to take all actions necessary to effectuate the terms and conditions of this resolution in accordance with applicable law.

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 October 18, 2016.

\_\_\_\_\_  
Louise Cummiskey, City Clerk

Roll Call	Ayes	Nays	Absent	Abstain
Dr. Mahaney				
Ms. Swain				
Ms. Pessagno				
Mr. Meier				
Mr. Furlin				

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

**RESOLUTION NO. 219-10-2016**

**REJECTION OF BIDS – LIGHTING, GENERATOR and BMS CONTROLS PROJECT**

**MOTION:**

**SECOND:**

WHEREAS, the City of Cape May (the “City”) advertised for the receipt of bids for a Lighting, Generator and BMS Controls Project; and

WHEREAS, two sealed bids were received on September 1, 2016, the lowest of which substantially exceeded the contracting unit's appropriation for the goods or services (N.J.S.A. 40A:11-13.2); and

WHEREAS, the City desires to reject the bids received and to rebid the contract for a Lighting, Generator and BMS Controls Project.

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

1. That the bids received for a contract for the Lighting, Generator and BMS Controls Project received on September 1, 2016, are hereby rejected and said contract shall be re-advertised with a new bid opening date of November 10, 2016 at 1:00 P.M.;
2. In the event that the lowest bid received on November 10, 2016 substantially exceeds the contracting unit's appropriation for the goods or services, it shall also be rejected pursuant to the New Jersey Public Contracts Law N.J.S.A. 40A:11-13.2.
3. This Resolution shall take effect immediately.

I hereby certify the foregoing is a true copy of a Resolution adopted by the City Council at a meeting held on October 18, 2016.

\_\_\_\_\_  
Louise Cummiskey, City Clerk

Roll Call	Ayes	Nays	Absent	Abstain
Dr. Mahaney				
Ms. Swain				
Ms. Pessagno				
Mr. Meier				
Mr. Furlin				

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

**RESOLUTION NO. 220-10-2016**

**PROVIDING FOR THE INSERTION OF A SPECIAL ITEM OF REVENUE  
IN THE BUDGET PURSUANT TO CHAPTER 159 PL 1948**

**MOTION:**

**SECOND:**

**WHEREAS**, N.J.S.A. 40A: 4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

**WHEREAS**, said Director may also approve the insertion of an item of appropriation for equal amount;

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Cape May, hereby requests the Director of the Division of Local Government Services to approve the insertion of the following items of revenue in the budget of the Year 2016, which are now available as a revenue and will be hereby appropriated as detailed below:

Revenue Title: U.S. Department of Justice, Bureau of Justice Assistance – 2016  
Bulletproof Vest Partnership  
Appropriation Title: U.S. Department of Justice, Bureau of Justice Assistance – 2016  
Bulletproof Vest Partnership - OE  
Amount: \$2,397.50

**BE IT FURTHER RESOLVED** that completed Certifications for this Resolution be forwarded to the Director of the Division of Local Government Services for approval.

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 October 18, 2016.

\_\_\_\_\_  
Louise Cummiskey, City Clerk

cc: City Treasurer

Roll Call	Ayes	Nays	Absent	Abstain
Mahaney				
Meier				
Pessagno				
Swain				
Furlin				

CITY OF CAPE MAY

RESOLUTION NO. 221-10-2016A

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 October 14, 2016 for payments excluding those related to Swain's Ace Hardware Inc. Total Bill List: \$1,245,303.80.

Current Fund Appropriations	\$ 716,995.72
Water/Sewer Utility Operating Fund	\$ 66,041.99
Tourism Utility Fund	\$ 24,362.44
General Capital Improvements	\$ 103,674.20
Water/Sewer Capital Improvements	\$ 48,703.36
Escrow Special Account	\$ -
Trust Fund	\$ 31.52
Grant Fund	\$ 264,127.76
Beach Utility Fund Appropriations	\$ 19,467.56
Beach Utility Capital Improvements	\$ -
	<u>\$ 1,243,404.55</u>



Neil Young, CFO/Treasurer

Roll Call	Ayes	Nays	Absent	Abstain
Mahaney				
Swain				
Meier				
Pessagno				
Furlin				

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 October 18, 2016.

Louise Cummiskey, City Clerk

CITY OF CAPE MAY

RESOLUTION NO. 221-10-2016B

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 October 14, 2016 for payments related to Swain's Ace Hardware Inc:

Total Bill List: \$1,245,303.80

Current Fund Appropriations	\$	1,618.11
Utility Operating Fund Appropriations	\$	-
General Capital Improvements	\$	-
Water/Sewer Capital Improvements	\$	-
Escrow Special Account	\$	-
Trust Fund	\$	-
Tourism Utility	\$	42.75
Grant Fund	\$	-
Beach Utility Fund Appropriations	\$	238.39
Beach Utility Capital Improvements	\$	-
	<u>\$</u>	<u>1,899.25</u>



Neil Young, CFO/Treasurer

Roll Call	Ayes	Nays	Absent	Abstain
Mahaney				
Swain				
Meier				
Pessagno				
Furlin				

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 October 18, 2016.

Louise Cummiskey, City Clerk

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

**RESOLUTION NO. 222-10-2016**

**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 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.

\_\_\_\_\_ (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.

\_\_\_\_\_ (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 October 18, 2016, that an Executive Session closed to the public shall be held on this date beginning at 7:00 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 October 18, 2016.

\_\_\_\_\_  
Louise Cummiskey, City Clerk

Roll Call	Ayes	Nays	Absent	Abstain
Mahaney				
Swain				
Furlin				
Pessagno				
Meier				