

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

RESOLUTION NO. 234-12-2016

Refund of Overpaid 2016 Utilities

MOTION:

SECOND:

WHEREAS, the water/sewer outstanding balance for 2016 was overpaid by the mortgage company, Altisource, on November 4, 2016; and

WHEREAS, Altisource has requested a refund of the overpaid utilities; and

WHEREAS, the specific property and amount of the overpaid utility is listed below:

<u>Property Owner</u>	<u>Address</u>	<u>Block/Lot</u>	<u>Amount</u>
Beachfront Ventures, LLC	725 Columbia Avenue	1066/13	\$312.31

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Cape May, that the appropriate officers and officials of the City of Cape May are hereby authorized to refund the overpaid utility charges as stated above.

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 December 6, 2016.

Patricia Harbora, Deputy City Clerk

Roll Call	Ayes	Nays	Absent	Abstain
Furlin				
Meier				
Pessagno				
Swain				
Mahaney				

cc: CFO
Tax Collector
Water/Sewer

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

RESOLUTION NO. 235-12-2016

**AUTHORIZING PROFESSIONAL SERVICES CONTRACT WITH EMPLOYEE CARE
FOR AN EMPLOYEE ASSISTANCE PROGRAM - \$2,876.00**

MOTION:

SECOND:

WHEREAS, there is a need for the City to provide a Drug Free Workplace and Employee Assistance Program under Federal guidelines; and

WHEREAS, the City wishes to renew the contract with Employee Care, One Fairway Drive, Cape May Court House, New Jersey to provide said services; and

WHEREAS, funds for such contracts are available; and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.) requires that the resolution authorizing the award of contract for "Professional Services" without competitive bids and the contract itself must be available for public inspection.

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

1. The Mayor and City Clerk be and are hereby authorized to execute the documents necessary to enter into a 12 month contract with Employee Care beginning December 2, 2016 to December 1, 2017 to provide an Employee Assistance Program at a cost of \$2,876.00.
2. This contract is awarded without competitive bidding as a "Professional Service" in accordance with 40A:11-5(1) of the Local Public Contracts Law and notice of this action shall be published in the Cape May County Herald.

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 December 6, 2016.

Patricia Harbora, Deputy City Clerk

Roll Call	Ayes	Nays	Absent	Abstain
Furlin				
Meier				
Pessagno				
Swain				
Mahaney				

cc: CFO
Employee Care
Public Works Superintendent
Files/Resol/Annual Contracts/Employee Care

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

RESOLUTION NO. 236-12-2016

**RESOLUTION OF THE CITY OF CAPE MAY
ADOPTING THE PROGRAM FOR PUBLIC INFORMATION (PPI)
DOCUMENT OF THE CITY OF CAPE MAY**

MOTION:

SECOND:

WHEREAS, the City of Cape May is a participating municipality in the Community Rating System Program, under the jurisdiction of ISO (Insurance Service Office Inc.); and

WHEREAS, the program goals are to mitigate flood hazards, reduce the risk of flood damages and in the long run, reduce the cost of residential flood insurance; and

WHEREAS, in 2016 the City of Cape May created a PPI Committee pursuant to Activity 330 (Outreach Projects) of the 2013 CRS Coordinators Manual; and

WHEREAS, that PPI Committee organizes annual workshops, public information projects and contributes to improving our flood warning system; and

WHEREAS, the creation of a PPI Committee must be regulated by the PPI Document, in accordance with Activity 330 guidelines; and

WHEREAS, the PPI Committee has prepared a PPI Document on behalf of the City of Cape May; and

WHEREAS, the PPI Committee has identified important messages to be communicated to target audiences in an attempt to mitigate flood hazards and reduce the risk of flood damage to people and properties; and

WHEREAS, this document will serve as the regulating factor regarding the public distribution of floodplain related information, in conjunction with the City's Floodplain Management Plan.

NOW, THEREFORE, BE IT RESOLVED, and decided that this Resolution shall take effect immediately.

1. The PPI Document developed by the PPI Committee of Cape May City, NJ is hereby adopted.

I hereby certify the foregoing to be a true copy of a Resolution adopted by the City Council of the City of Cape May, County of Cape May, State of New Jersey, at a meeting held on December 6, 2016.

Patricia Harbora, Deputy City Clerk

Roll Call	Ayes	Nays	Absent	Abstain
Furlin				
Meier				
Pessagno				
Swain				
Mahaney				

cc: Tax Assessor
CRS Coordinator
City Manager

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

RESOLUTION NO. 237-12-2016

**RESOLUTION APPROVING PROFESSIONAL SERVICES AGREEMENT
BETWEEN MOTT MACDONALD AND THE CITY OF CAPE MAY
FOR PROFESSIONAL ENGINEERING SERVICES
FOR ELMIRA STREET SIDEWALK IMPROVEMENTS**

MOTION:

SECOND:

WHEREAS, the City of Cape May (the "City") desires to enter into a Professional Services Agreement with Mott MacDonald (formerly known as Hatch Mott MacDonald) (the "Professional Services Agreement"), in the form attached hereto as EXHIBIT A, for professional engineering services for Elmira Street sidewalk improvements(the "Services"); and

WHEREAS, the Professional Services Agreement is awarded pursuant to the Local Public Contracts Law, N.J.S.A. 40A:11-1, etseq., which provides for the award of a Professional Services Agreement without competitive bids, and further provides that the resolution authorizing the award and the Professional Services Agreement itself is available for public inspection; and

WHEREAS, Mott MacDonald has completed and submitted a Business Entity Disclosure Certification which certifies that Mott MacDonald has not made any reportable contributions to a political or candidate committee in the City of Cape May in the previous one year, and that the contract will prohibit Mott MacDonald from making any reportable contributions through the term of the contract.

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

1. The Professional Services Agreement between Mott MacDonald, located at 833 Rt. 9 North, PO Box 373, Cape May Court House, New Jersey 08210, and the City of Cape May, in the form attached hereto as EXHIBIT A, for a lump sum fee for Task 1 of TWELVE THOUSAND SEVEN HUNDRED (\$12,700.00) DOLLARS and a lump sum fee for Task 2 of FOUR THOUSAND THREE HUNDRED (\$4,300.00) DOLLARS, for a total fee for Tasks 1 and 2 of SEVENTEEN THOUSAND (\$17,00.00) DOLLARS, is hereby approved.

2. The Mayor and Clerk are hereby authorized and directed to execute the Professional Services Agreement on behalf of the City of Cape May, and the City Manager and other City officials are also authorized and directed to take any and all other actions necessary to effectuate the purposes thereof.

3. The Professional Services Agreement has been reviewed and approved by the City Solicitor as to form, content and legal procedure.

4. This resolution is contingent upon the Professional Services Agreement being executed by the Mayor and City Clerk within thirty (30) days from the date of this resolution.

5. A Notice of Award of Professional Services Agreement for the above services shall be published in the *Cape May County Herald Times/Cape May County Herald*.

6. The Business Disclosure Entity Certification shall be placed on file with this resolution.

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 December 6, 2016.

Patricia Harbora, Deputy City Clerk

Roll Call	Ayes	Nays	Absent	Abstain
Furlin				
Meier				
Pessagno				
Swain				
Mahaney				

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

RESOLUTION NO. 238-12-2016

**AUTHORIZING PURCHASE OF ONE (1) NEW
2016 CATERPILLAR D4K2 LGP DOZER**

MOTION:

SECOND:

WHEREAS, The City is a participating member of the National IPA Cooperative Member #NIPA 17241 in order to effectuate substantial economies in the purchase of materials, supplies and services; and

WHEREAS, the City of Cape May Public Works Department has determined there is a need to purchase one, new Dozer; and

WHEREAS, the City of Cape May Public Works Department has selected a 2016 Caterpillar D4K2 LGP Dozer to be purchased from the National IPA approved vendor, as follows:

Ransom Cat
600 S. Egg Harbor Road
Hammonton, NJ 08037

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Cape May hereby approves the purchase of a 2016 Caterpillar D4K2 LGP Dozer in accordance with the specifications from Ransom Cat in the amount of \$135,400.00.

BE IT FURTHER RESOLVED that the proper City Officials are authorized and directed to take the necessary steps to execute the documents for the aforementioned services.

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 December 06, 2016.

Patricia Harbora, Deputy City Clerk

cc: DPW
CFO
Purchasing Agent

Roll Call	Ayes	Nays	Absent	Abstain
Furlin				
Meier				
Pessagno				
Swain				
Mahaney				

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

RESOLUTION NO. 239-12-2016

REFUND OF OVERPAID 2016 TAXES

MOTION:

SECOND:

WHEREAS, the 4th quarter 2016 property taxes were paid twice by the homeowner, and Core Logic

WHEREAS, the homeowner has requested a refund, and

WHEREAS, the Tax Collector of the City of Cape May has calculated the amount of the refund as listed below, and

WHEREAS, the specific properties and amount of the overpaid taxes are listed below:

PROPERTY OWNER	ADDRESS	BLOCK	LOT	AMOUNT
Catanese, Andrew & Tara	1115 Indiana Ave	1110	85	\$987.16

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Cape May, that it authorizes the appropriate officers and officials of the City of Cape May to refund the overpaid taxes as stated above.

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

Patricia Harbora, Deputy City Clerk

Roll Call	Ayes	Nays	Absent	Abstain
Furlin				
Meier				
Pessagno				
Swain				
Mahaney,r				

cc: CFO
Tax Collector

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

RESOLUTION NO. 240-12-2016

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.

 X (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 of 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 of 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 December 6, 2016, that an Executive Session closed to the public shall be held on this date beginning at 1:00 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 December 6, 2016.

Patricia Harbora, Deputy City Clerk

Roll Call	Ayes	Nays	Absent	Abstain
Furlin				
Meier				
Pessagno				
Swain				
Mahaney				

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

RESOLUTION NO. 241-12-2016

**AMENDING RESOLUTION AUTHORIZING PURCHASE OF
ONE (1) NEW 2017 CAMEL 900 VACUUM TRUCK**

MOTION:

SECOND:

WHEREAS, pursuant to Resolution No. 204-09-2016, the Mayor and City Council authorized the purchase of a 2017 International Chassis Model 7500 SFA 4 x 2 (SA537) to be purchased through a HGAC vendor; and

WHEREAS, H.A. DeHart & Son, 11 Crown Point Road, Thorofare, NJ 08086 was erroneously named as the appropriate HGAC vendor; and

WHEREAS, the correct HGAC vendor to be awarded the contract for a 2017 Camel 900 Dump Body on a 2017 International Chassis Model 7500 SFA 4 x 2 (SA537) by the City of Cape May is:

Super Products, LLC
107 Sunfield Avenue
Edison, NJ 08837

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Cape May, the governing body thereof, that the contract for the 2017 Camel 900 Dump Body on a 2017 International Chassis Model 7500 SFA 4 x 2 (SA537), be amended to name the approved vendor to be Super Products, LLC, in the amount of \$354,053.94.

BE IT FURTHER RESOLVED that the proper City Officials are authorized and directed to take the necessary steps to execute the documents for the aforementioned services.

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 December 6, 2016.

Patricia Harbora, Deputy Clerk

cc: Chief Financial Officer
Water/Sewer Department
Purchasing Agent

Roll Call	Ayes	Nays	Absent	Abstain
Furlin				
Meier				
Pessagno				
Swain				
Mahaney				

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

RESOLUTION NO. 242-12-2016

**RESOLUTION OF THE CITY OF CAPE MAY FOR
INDEMNIFICATION OF CITY OFFICIALS IN CIVIL LITIGATION**

MOTION:

SECOND:

WHEREAS, Joseph P. Carney and Carney's, Inc. (the "Plaintiffs") have filed a lawsuit in the Superior Court of New Jersey against the City of Cape May (the "City") and the Mayor of the City of Cape May, Dr. Edward Mahaney (the "Mayor") under Docket No. CPM-119-16 (the "Lawsuit");

WHEREAS, the Lawsuit includes claims against the Mayor for violations of N.J.S.A. 33:1-31 and claims against the City for the publication of false information, and seeks compensatory damages, punitive damages, attorney's fees, costs of suit, and a civil penalty imposed upon the City and the Mayor pursuant to N.J.S.A. 10:6-2e;

WHEREAS, the City of Cape May adopted Ordinance No. 07-2004 in accordance with N.J.S.A. 59:10-4 to provide a defense, indemnify and hold harmless employees of the City of Cape May from proceedings arising out of or incidental to the performance of their official duties as employees of the City of Cape May; provided, however, that the employee did not commit actual fraud, actual malice, willful misconduct, or an intentional wrong;

WHEREAS, the City and assigned counsel for the City in the referenced litigation have all reviewed the Complaint of Joseph P. Carney and Carney's, Inc., the facts as known to date regarding the allegations, the Court Rules and Opinions issued to date concerning the claims made by Joseph P. Carney and Carney's, Inc. versus the above-noted Defendant;

WHEREAS, following a review of the Complaint and the facts known to date regarding the allegations and assigned counsel for the City in this litigation has determined that at all times, concerning all events involved in the subject Lawsuit, all City officials, employees, and members of the governing body past and present, acted within the scope of duties and employment for City of Cape May, and at no time carried out any duty or act with actual fraud, actual malice, willful misconduct or intentional wrongdoing;

WHEREAS, this indemnification is offered all City officials, employees and members of the governing body who may be named in said litigation, and each shall agree to cooperate with the attorneys designated by the City to provide a joint defense to the extent possible;

WHEREAS, there is therefore good and sufficient reason to provide for the complete indemnification of the City of Cape May or any City officials, employees and members of the governing body under the laws of the State of New Jersey, including, but not limited to, N.J.S.A. 59:10-4 and Loigman v. Board of Chosen Freeholders of the County of Monmouth, 329 N.J. Super. 561 (App.Div.2000);

WHEREAS, the Legislature for the State of New Jersey has conferred plenary authority on the local public entity to determine whether indemnification of a punitive damage award is appropriate under given circumstances;

WHEREAS, the City Council believes there is no basis for any punitive damage claim much less a punitive damage award against the City of Cape May or any City officials, employees and members of the governing body in the Lawsuit;

WHEREAS, the City Council has determined that it is in the best interest of the City to recognize and provide that those who enter public employment should not have to fear that the performance of their duties will expose them unnecessarily to the risks of lawsuits with the potential of damages that could cause serious financial harm to such an official or employee;

WHEREAS, the City Council further recognizes and acknowledges that in order to have high caliber officials and employees attracted to employment with the City, it is essential for indemnification such as that provided here to be made available under appropriate circumstances, which are in fact present in the Lawsuit; and

WHEREAS, the passage of the Resolution for indemnification will facilitate consolidation of legal defense and in turn lead to containment of litigation expense.

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. All City of Cape May officials, employees and members of the governing body acted at all times within the scope of their responsibility and duty, carrying out their employment for the City of Cape May as related to this litigation.

2. All City of Cape May officials, employees and members of the governing body, at no time acted in any way which could constitute actual fraud, actual malice, willful misconduct or intentional wrongdoing as related to this litigation.

3. All City of Cape May officials, employees and members of the governing body, shall be provided complete indemnification should they be named in the future including a comprehensive legal defense and indemnification for any and all damages including, but not limited to, compensatory damages, attorney's fees, costs for litigation and punitive damages or exemplary damages, if any, should they ever be awarded for any violation of any state or federal law, statutory law, common law doctrine or rule, regulation or public policy, otherwise, all in accord with N.J.S.A. 59:10-4 and Loigman v. Board of Chosen Freeholders of the County of Monmouth, 329 N.J. Super. 561 (App. Div. 2000).

BE IT FURTHER RESOLVED and decided that this Resolution shall take effect immediately.

I hereby certify the foregoing to be a true copy of a Resolution adopted by the City Council at a meeting held on December 6, 2016.

Patricia Harbora, Deputy City Clerk

Roll Call	Ayes	Nays	Absent	Abstain
Furlin				
Meier				
Pessagno				
Swain				
Mahaney				

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

RESOLUTION NO. 243-12-2016

**RESOLUTION OF THE CITY OF CAPE MAY FOR
INDEMNIFICATION OF CITY OFFICIALS IN CIVIL LITIGATION**

MOTION:

SECOND:

WHEREAS, Robert Sheehan (hereinafter the "Plaintiff"), has filed a civil lawsuit in the Superior Court of New Jersey, Law Division, Cape May County, against the City of Cape May under Docket No. CPM-L-137-15 (hereinafter referred to as "Lawsuit");

WHEREAS, the Lawsuit includes claims against the City of Cape May for violations of N.J.S.A. 34:16-1, et seq., N.J.S.A. 40A:14-118, N.J.S.A. 40A:14-147, and N.J.S.A. 40A:14-181, with claims for relief including compensatory damages, punitive damages, liquidated damages, equitable damages, attorney's fees, costs of suit, interest, an Order re-instating Plaintiff to the position of Chief of the Police Department;

WHEREAS, the City of Cape May adopted Ordinance No. 07-2004 in accordance with N.J.S.A. 59:10-4 to provide a defense, indemnify and hold harmless employees of the City of Cape May from proceedings arising out of or incidental to the performance of their official duties as employees of the City of Cape May; provided, however, that the employee did not commit actual fraud, actual malice, willful misconduct, or an intentional wrong;

WHEREAS, the City of Cape May and assigned counsel for the City of Cape May in the referenced litigation have all reviewed the Complaint of Robert Sheehan, the facts as known to date regarding the allegations, the Court Rules and Opinions issued to date concerning the claims made by Robert Sheehan versus the above-noted Defendant;

WHEREAS, following a review of the Complaint and the facts known to date regarding the allegations and assigned counsel for the City of Cape May in this litigation has determined that at all times, concerning all events involved in the subject Lawsuit, all City officials, employees, and members of the governing body past and present, acted within the scope of duties and employment for City of Cape May, and at no time carried out any duty or act with actual fraud, actual malice, willful misconduct or intentional wrongdoing;

WHEREAS, this indemnification is offered to all City officials, employees and members of the governing body who may be named in said litigation, and each shall agree to cooperate with the attorneys designated by the City to provide a joint defense to the extent possible;

WHEREAS, there is therefore good and sufficient reason to provide for the complete indemnification of City officials, employees and members of the governing body, as provided for by City of Cape May, Ordinance No. 07-2004 and the laws of the State of New Jersey, including,

but not limited to, N.J.S.A. 59:10-4 and Loigman v. Board of Chosen Freeholders of the County of Monmouth, 329 N.J. Super. 561 (App. Div. 2000);

WHEREAS, the Legislature for the State of New Jersey has conferred plenary authority on the local public entity to determine whether indemnification of a punitive damage award is appropriate under given circumstances;

WHEREAS, the City Council believes there is no basis for any punitive damage claim much less a punitive damage award against the City of Cape May or any City officials, employees and members of the governing body in the Lawsuit;

WHEREAS, the City Council has determined that it is in the best interest of the City to recognize and provide that those who enter public employment should not have to fear that the performance of their duties will expose them unnecessarily to the risks of lawsuits with the potential of damages that could cause serious financial harm to such an official or employee;

WHEREAS, the City Council further recognizes and acknowledges that in order to have high caliber officials and employees attracted to employment with the City, it is essential for indemnification such as that provided here to be made available under appropriate circumstances, which are in fact present in the Lawsuit; and

WHEREAS, the passage of the Resolution for indemnification will facilitate consolidation of legal defense and in turn lead to containment of litigation expense.

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. All City of Cape May officials, employees and members of the governing body acted at all times within the scope of their responsibility and duty, carrying out their employment for the City of Cape May as related to this litigation.
2. All City of Cape May officials, employees and members of the governing body, at no time acted in any way which could constitute actual fraud, actual malice, willful misconduct or intentional wrongdoing as related to this litigation.
3. All City of Cape May officials, employees and members of the governing body, shall be provided complete indemnification should they be named in the future including a comprehensive legal defense and indemnification for any and all damages including, but not limited to, compensatory damages, attorney's fees, costs for litigation and punitive damages or exemplary damages, if any, should they ever be awarded for any violation of any state or federal law, statutory law, common law doctrine or rule, regulation or public policy, otherwise, all in accord with N.J.S.A. 59:10-4 and Loigman v. Board of Chosen Freeholders of the County of Monmouth, 329 N.J. Super. 561 (App. Div. 2000).

BE IT FURTHER RESOLVED and decided that this Resolution shall take effect immediately.

I hereby certify the foregoing to be a true copy of a Resolution adopted by the City Council at a meeting held on December 6, 2016.

Patricia Harbora, Deputy City Clerk

Roll Call	Ayes	Nays	Absent	Abstain
Furlin				
Meier				
Pessagno				
Swain				
Mahaney				

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

RESOLUTION NO. 244-12-2016

**AUTHORIZING THE APPLICATION FOR AND THE EXECUTION OF A
SUBCONTRACT WITH THE COUNTY OF CAPE MAY FOR THE
MUNICIPAL ALLIANCE PROGRAM**

MOTION

SECOND:

WHEREAS, the Governor's Council on Alcoholism and Drug Abuse established the Municipal Alliances for the Prevention of Alcoholism and Drug Abuse in 1989 to educate and engage residents, local government and law enforcement officials, schools, nonprofit organizations, the faith community, parents, youth and other allies in efforts to prevent alcoholism and drug abuse in communities throughout New Jersey.

WHEREAS, the City Council of the City of Cape May, County of Cape May, State of New Jersey recognizes that the abuse of alcohol and drugs is a serious problem in our society amongst persons of all ages; and therefore has an established Municipal Alliance Committee; and,

WHEREAS, the City Council further recognizes that it is incumbent upon not only public officials but upon the entire community to take action to prevent such abuses in our community; and,

WHEREAS, the City Council has applied for funding to the Governor's Council on Alcoholism and Drug Abuse through the County of Cape May;

NOW, THEREFORE, BE IT RESOLVED that the City of Cape May, County of Cape May, State of New Jersey hereby recognizes the following:

1. The City Council does hereby authorize submission of a strategic plan for the Lower Cape Municipal Alliance grant for fiscal year 2017 (July 1, 2017 to June 30, 2018 in the amount of:

DEDR	\$31,409
Cash Match	\$ 7,852
In-Kind	\$23,557

The City of Cape May Cash Match portion will be \$1,414.00

2. The City Council acknowledges the terms and conditions for administering the Municipal Alliance grant, including the administrative compliance and audit requirements.

APPROVED: _____
Dr. Edward J. Mahaney, Jr., *Mayor*

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 December 6, 2016

Patricia Harbora, Deputy City Clerk

Roll Call	Ayes	Nays	Absent	Abstain
Furlin				
Meier				
Pessagno				
Swain				
Mahaney				

cc: Colleen Crippen, Alliance Coordinator
Neil Young, CFO

CITY OF CAPE MAY

RESOLUTION NO. 245-12-2016A

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 December 2, 2016 for payments excluding those related to Swain's Ace Hardware Inc. Total Bill List: \$580,493.90

Current Fund Appropriations	\$ 395,230.28
Water/Sewer Utility Operating Fund	\$ 64,517.15
Tourism Utility Fund	\$ 15,264.63
General Capital Improvements	\$ 51,126.77
Water/Sewer Capital Improvements	\$ 45,210.67
Escrow Special Account	\$ 5,443.75
Trust Fund	\$ 12.00
Grant Fund	\$ -
Beach Utility Fund Appropriations	\$ 3,280.09
Beach Utility Capital Improvements	\$ -
	<u>\$ 580,085.34</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 December 6, 2016.

Louise Cummiskey, City Clerk

CITY OF CAPE MAY

RESOLUTION NO. 245-12-2016B

RESOLUTION FOR THE PAYMENT OF BILLS

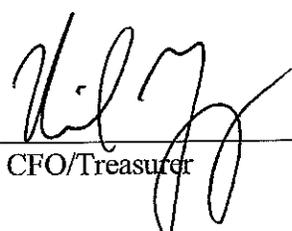
MOTION:

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 December 2, 2016 for payments related to Swain's Ace Hardware Inc:

Total Bill List: \$580,493.90

Current Fund Appropriations	\$	187.46
Utility Operating Fund Appropriations	\$	221.10
General Capital Improvements	\$	-
Water/Sewer Capital Improvements	\$	-
Escrow Special Account	\$	-
Trust Fund	\$	-
Tourism Utility	\$	-
Grant Fund	\$	-
Beach Utility Fund Appropriations	\$	-
Beach Utility Capital Improvements	\$	-
	<u>\$</u>	<u>408.56</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 December 6, 2016.

Louise Cummiskey, City Clerk