

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

**ORDINANCE NO. 303-2016**

**AN ORDINANCE AMENDING CHAPTER 356 OF THE  
CITY ADMINISTRATIVE CODE-OPEN SPACE AND  
RECREATION LAND ACQUISITION**

WHEREAS, the City of Cape May has established an open space appropriation as codified in Chapter 356 of the Cape May City Code;

WHEREAS, said appropriation has enabled the City of Cape May to double its award of grants from the New Jersey Department of Environmental Protection, Green Acres Program, for open space land acquisition; and

WHEREAS, the City Council desires to amend Chapter 356 to expand the purposes for which the annual appropriation may be used to include development and maintenance of lands acquired for recreation and conservation purposes.

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

1. Chapter 356 of the Cape May City Code is hereby retitled "Open Space and Recreation Land Acquisition, Development, and Maintenance.

2. Chapter 356 of the Cape May City Code is hereby revised as follows (deleted language is stricken and new language is underscored):

**356-1. Purpose.**

The purpose of this chapter is to establish a minimum annual appropriation for open space and recreation land acquisition and associated costs, which shall include, without limitation, legal, appraisal, survey, engineering and preservation acquisition debt servicing in order to provide a guaranteed source of funds to match Green Acres funding and for the development and maintenance of open space and recreation land.

**356-2. Line item appropriation.**

The amount of the annual appropriation for the purposes set forth in § 356-1 shall be no more than \$0.01 for each \$100 of assessed property value, and shall be reflected as a line item in the City's annual budgets.

**356-3. Duration.**

This chapter shall take effect for the budget year beginning January 1, 2003, and shall continue until the budget year ending December 31, 2022, unless extended by the City Council by ordinance.

3. All other ordinances in conflict or inconsistent with this Ordinance are hereby repealed to the extent of such conflict or inconsistency.

4. Should any section, paragraph, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid for any reason, the remaining portions of this Ordinance shall not be affected thereby and shall remain in full force and effect, and to this end the provisions of this Ordinance are hereby declared to be severable.

5. This Ordinance shall take effect within twenty (20) days of final passage and publication as provided by law.

ATTEST:

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

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

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

### NOTICE

Ordinance 303-2016 was introduced at a regular meeting of the City Council of the City of Cape May, held on April 5, 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 June 6, 2016 at 1:00 P.M. at which time a Public Hearing will be held.

Louise Cummiskey, City Clerk

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

Introduced: April 5, 2016  
First Publication: April 13, 2016; May 18, 2016  
2nd Reading & Adoption: June 6, 2016  
Final Publication: June 15, 2016

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

**RESOLUTION NO. 117-06-2016**

**RESOLUTION SUPPORTING NATIONAL BEACH SAFETY WEEK  
IN THE CITY OF CAPE MAY**

**MOTION:**

**SECOND:**

**WHEREAS**, the beautiful coastal beaches of the City of Cape May represent a nationally renowned recreational resource and destination; and

**WHEREAS**, the residents and many visitors to the City of Cape May are drawn to these beaches each year for water and beach activities; and

**WHEREAS**, the aquatic environment has dangers, particularly rip currents, that can be effectively managed through public awareness and the vigilance of professional lifeguards; and

**WHEREAS**, for reasons of public safety, a reminder of the joys and hazards associated with the aquatic environment are appropriate at the commencement of the busy summer beach season; and

**WHEREAS**, residents and visitors to the City of Cape May must remember:

- Learn to Swim
- Swim Near a Lifeguard
- Swim with a Buddy
- Check with the Lifeguards
- Don't Dive Toward the Bottom into Oncoming Waves
- Don't Stand with your Back to the Waves
- Avoid Bodysurfing, Bodyboarding or Surfing Straight "Over the Falls." Ride the Shoulder
- Use Sunscreen and Drink Water
- Obey Posted Signs and Flags
- Keep the Beach and Water Clean
- Learn Rip Current Safety

**NOW, THEREFORE, BE IT RESOLVED**, that the Mayor and Council of the City of Cape May, do hereby proclaim the week of June 5, 2016 through June 12, 2016 as National Beach Safety/Rip Current Awareness Week in the City of Cape May.

**BE IT FURTHER RESOLVED**, that all residents and visitors to the City of Cape May are urged to educate themselves on beach safety and take the appropriate measures to protect themselves and their children while having fun in the sun and surf on the beautiful beaches of the City of Cape May.

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 June 6, 2016.

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Louise Cummiskey, City Clerk

Roll Call	Ayes	Nays	Absent	Abstain
Mahaney				
Swain				
Furlin				
Pessagno				
Meier				

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

**RESOLUTION NO. 118-06-2016**

**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-  
Liquor Licenses.

\_\_\_\_ (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 June 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 June 6, 2016.

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

Roll Call	Ayes	Nays	Absent	Abstain
Mahaney				
Swain				
Furlin				
Pessagno				
Meier				

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

**RESOLUTION NO. 119-06-2016**

**RESOLUTION AUTHORIZING PARTICIPATION IN THE NATIONAL  
COOPERATIVE WITH THE HOUSTON GALVESTON AREA COUNCIL  
“H-GAC” VENDORS**

**MOTION:**

**SECOND:**

**WHEREAS**, N.J.S.A. 52:34-6.2 (b) P.L. 2011, c.139 was enacted into law permitting agencies to use national purchasing cooperatives; and

**WHEREAS**, the City of Cape May desires to participate in National Cooperative established by Houston Galveston Area Council “H-GAC” in order to effect substantial economies in the purchase of materials, supplies and services; and

**WHEREAS**, it is the intent of the City of Cape May to utilize these contracts on an as-needed basis during the Houston Galveston Area Council “H-GAC” Contract terms; and

**WHEREAS**, the City of Cape May may enter into contractual agreements with the above referenced Houston Galveston Area Council “H-GAC” Vendors through this resolution and properly executed contracts/purchase orders, which shall be subject to all the conditions applicable to the current New Jersey Local State Public Contracts Law; and

**NOW, THEREFORE, BE IT RESOLVED**, that the City Council of the City of Cape May, the governing body thereof, authorizes the purchase of certain goods or services from various approved Houston Galveston Area Council “H-GAC” Vendors, pursuant to all conditions of the individual contracts and in compliance with New Jersey State Public Contracts Law; and

**BE IT FURTHER RESOLVED**, that the Houston Galveston Area Council “H-GAC” vendors and their corresponding contracts may change during the timeframe indicated below and that the City is hereby authorized to make necessary adjustments, as may be required, for the City to continue its routine procurement practices throughout the indicated timeframe; and

**BE IT FURTHER RESOLVED**, that the duration of the contracts between the City of Cape May and Houston Galveston Area Council “H-GAC” Vendors shall be for the time period referenced in the Houston Galveston Area Council “H-GAC” contract

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 June 6, 2016.

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Louise Cummiskey, City Clerk

cc: CFO  
Purchasing Agent  
Fire Chief  
Houston Galveston Area Council  
File

Roll Call	Ayes	Nays	Absent	Abstain
Mahaney				
Swain				
Furlin				
Pessagno				
Meier				

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

**RESOLUTION NO. 120-06-2016**

**AUTHORIZING UTILITY BILL ADJUSTMENT  
DUE TO CATASTROPHIC OCCURRENCE**

**MOTION:**

**SECOND:**

**WHEREAS**, pursuant to the provisions of Chapter 510, section 33 of the Revised General Ordinances of the City of Cape May, the Water and Sewer Utility Superintendent recommended adjustments to utility bills due to catastrophic occurrences; and

**WHEREAS**, said adjustments exceed the \$1,500.00 limit set forth in Chapter 510, section 32, Revised General Ordinances of the City of Cape May, for staff approval; and

**WHEREAS**, City Council has reviewed the recommended adjustment to correct billing due to catastrophic occurrences;

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Cape May that the following adjustments be approved:

<u>Bl/Lot</u>	<u>Address</u>	<u>Customer</u>	<u>Adjustment</u>
1016/23	23 First Avenue	Lorrie Matty Dodig	\$6,286.50.00

**BE IT FURTHER RESOLVED** that the Tax Collector is hereby authorized to make said adjustments and adjust the records of the Water & Sewer Utility accordingly.

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 June 6, 2016

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

Roll Call	Ayes	Nays	Absent	Abstain
Mahaney				
Swain				
Furlin				
Pessagno				
Meier				

cc: Water/Sewer Department

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

**RESOLUTION NO. 121-06-2016**

**RELEASE OF PERFORMANCE GUARANTEE FOR  
CAPE MAY MINIATURE GOLF - HELBIG  
BLOCK 1040, LOTS 5,6,7, 315 JACKSON STREET**

**MOTION:**

**SECOND:**

**WHEREAS**, Leonard and Kelley Helbig, Cape May Miniature Golf, Block 1040, Lots 5, 6 and 7, 315 Jackson Street, Cape May, NJ posted with the City of Cape May a Performance Surety Bond with Developers Surety and Indemnity Company in the amount of \$114,024.00; and

**WHEREAS**, the Board Engineer has advised that the developer has completed all required improvements for this project and recommends release of the Performance Guarantee; and

**WHEREAS**, in accordance with N.J.S.A. 40:55D53a.(2), it is recommended that the developer be required to post a maintenance guarantee for a period not to exceed two years after final acceptance of the project in an amount of 15% of the cost of the improvements (\$114,024.00) or \$17,103.60.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Cape May, the governing body thereof, that the performance guarantee of Leonard and Kelley Helbig, Cape May Miniature Golf, in the amount of \$114,024.00 be reduced to \$17,103.60 for maintenance purposes.

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 June 6, 2016.

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

cc: Chief Financial Officer  
Planning Board Secretary

Roll Call	Ayes	Nays	Absent	Abstain
Mahaney				
Swain				
Furlin				
Pessagno				
Meier				

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

**RESOLUTION NO. 122-06-2016**

**RELEASE OF MAINTENANCE BOND FOR  
INN AT THE PARK - GORRICK  
1002 WASHINGTON STREET, BLOCK 1110, LOT 1**

**MOTION:**

**SECOND:**

**WHEREAS**, Inn at the Park – Gorrick has complied with the Board Engineer’s recommendation by posting a two (2) year maintenance guarantee in the amount of Eight hundred fifty-five and 36/100 (\$855.36) for the site improvements at 1002 Washington 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 May 20, 2016. The amount of the guarantee to be released is Eight hundred fifty-five and 36/100 (\$855.36).

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Cape May, the governing body thereof, that the maintenance guarantee of Inn at the Park – Gorrick in the amount of Eight hundred fifty-five and 36/100 (\$855.36) for the site improvements at 1002 Washington Street, Block 1110, Lot 1 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 June 6, 2016.

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

Cc: Chief Financial Officer  
Planning Board Secretary

Roll Call	Ayes	Nays	Absent	Abstain
Mahaney				
Swain				
Furlin				
Pessagno				
Meier				

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

**RESOLUTION NO. 123-06-2016**

**RELEASE OF MAINTENANCE BOND FOR  
BOLTE FAMILY TRUST (f.n.a. ROLPHING)  
BLOCK 1118, LOT 33.01 1115 MARYLAND AVENUE  
BLOCK 1118, LOT 33.02 - 1119 MARYLAND AVENUE**

**MOTION:**

**SECOND:**

**WHEREAS**, the Bolte Family Trust has complied with the Board Engineer's recommendation by posting a two (2) year maintenance guarantee in the amount of Four thousand four hundred fifty-eight and 80/100 (\$4,458.80) for the site improvements at 1115 Maryland Avenue and a two (2) year maintenance guarantee in the amount of Four thousand four hundred fifty-eight and 80/100 (\$4,458.80) for the site improvements at 1119 Maryland Avenue; and

**WHEREAS**, the two years have expired and Craig R. Hurless, PE, PP, CME, Board Engineer, has inspected the sites and determined that the maintenance guarantee funds should be released in accordance with his letter dated May 20, 2016. The amount of the guarantee, less the inspection fees, leaves a balance of Eight thousand five hundred seventeen and 60/100 (\$8,517.60) to be released.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Cape May, the governing body thereof, that the maintenance guarantee of Bolte Family Trust in the amount of Four thousand four hundred fifty-eight and 80/100 (\$4,458.80) for the site improvements at 1115 Maryland Avenue and Four thousand four hundred fifty-eight and 80/100 (\$4,458.80) for the site improvements at 1119 Maryland Avenue for a total of \$8,517.60 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 June 6, 2016.

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

Cc: Chief Financial Officer  
Planning Board Secretary

Roll Call	Ayes	Nays	Absent	Abstain
Mahaney				
Swain				
Furlin				
Pessagno				
Meier				

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

**RESOLUTION NO. 124-06-2016**

**RELEASE OF MAINTENANCE BOND FOR  
HOMESTEAD REAL ESTATE  
846 BROADWAY, BLOCK 1040, LOT 2.05**

**MOTION:**

**SECOND:**

**WHEREAS,** Homestead Real Estate has complied with the Board Engineer's recommendation by posting a two (2) year maintenance guarantee in the amount of Nine thousand six hundred thirty-four and 95/100 (\$9,634.95) for the site improvements at 846 Broadway; 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 May 20, 2016. The amount of the guarantee to be released is Nine thousand six hundred thirty-five and 95/100 (\$9,635.95).

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Cape May, the governing body thereof, that the maintenance guarantee of Homestead Real Estate in the amount of is Nine thousand six hundred thirty-five and 95/100 (\$9,635.95) for the site improvements at 846 Broadway 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 June 6, 2016.

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

Cc: Chief Financial Officer  
Planning Board Secretary

Roll Call	Ayes	Nays	Absent	Abstain
Mahaney				
Swain				
Furlin				
Pessagno				
Meier				

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

**RESOLUTION NO. 125-06-2016**

**RELEASE OF MAINTENANCE BOND FOR  
HENRY'S JEWELERS – ZUMA ENTERPRISE  
#407 WASHINGTON STREET (MALL) BLOCK 1043, LOT 3**

**MOTION:**

**SECOND:**

**WHEREAS**, Henry's Jewelers – Zuma Enterprise has complied with the Board Engineer's recommendation by posting a two (2) year maintenance guarantee in the amount of Five hundred seventy-four and 65/100 (\$574.65) for the site improvements at 407 Washington 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 May 20, 2016. The amount of the guarantee to be released is Five hundred seventy-four and 65/100 (574.65).

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Cape May, the governing body thereof, that the maintenance guarantee of Henry's Jewelers – Zuma Enterprise in the amount of Five hundred seventy-four and 65/100 (\$574.65) for the site improvements at 407 Washington Street, Block 1043, Lot 3 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 June 6, 2016.

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

Cc: Chief Financial Officer  
Planning Board Secretary

Roll Call	Ayes	Nays	Absent	Abstain
Mahaney				
Swain				
Furlin				
Pessagno				
Meier				

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

**RESOLUTION NO. 126-06-2016**

**RESOLUTION TO AWARD BID FOR  
NEW JERSEY ENVIRONMENTAL INFRASTRUCTURE FINANCING PROGRAM  
CLEAN WATER APPLICATION FOR FINANCIAL ASSISTANCE WELL NO. 8**

**MOTION:**

**SECOND:**

WHEREAS, the City of Cape May ("City") has advertised and received bids for the New Jersey Environmental Infrastructure Financing Program No. 0502001-004, Clean Water Application for Financial Assistance Well No. 8 (the "Project"); and

WHEREAS, it has been determined that the lowest responsive and responsible bidder is TKT CONSTRUCTION COMPANY, INC., P.O. Box 833, Williamstown, NJ 08094, which submitted a bid in the amount of ONE MILLION ONE HUNDRED FORTY-NINE THOUSAND NINE HUNDRED DOLLARS (\$1,149,900.00); and

WHEREAS, the City has therefore decided to award a contract for services to TKT CONSTRUCTION COMPANY, INC. for completion of the Project for the amount bid and subject to all of the other terms and conditions set forth in the bid specifications.

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 a contract for services for the Project based upon all of the terms and conditions contained in the bid specifications is hereby awarded to TKT CONSTRUCTION COMPANY, INC. for the amount of ONE MILLION ONE HUNDRED FORTY-NINE THOUSAND NINE HUNDRED DOLLARS (\$1,149,900.00).
2. That the Mayor and Clerk are hereby authorized and directed to execute a contract for services together with all other documents required in connection with the Project on behalf of the City.
3. That the City Manager and all other appropriate City officials are hereby authorized and directed to take all such actions necessary to effectuate and facilitate the completion of the Project.
4. 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 June 6, 2016.

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Louise Cummiskey, City Clerk

<b>Roll Call</b>	<b>Ayes</b>	<b>Nays</b>	<b>Absent</b>	<b>Abstain</b>
<b>Dr. Mahaney</b>				
<b>Ms. Swain</b>				
<b>Mr. Furlin</b>				
<b>Mr. Meier</b>				
<b>Ms. Pessagno</b>				

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

**RESOLUTION NO. 127-06-2016**

**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: State of New Jersey – Dept. of Environmental Protection  
Certified Local Government - 2016  
Appropriation Title: Current Fund NJDEP Cert. Local Gov't –Intensive-Level  
Architectural Survey  
Amount: \$24,999.00

**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 June 6, 2016.

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

cc: City Treasurer

Roll Call	Ayes	Nays	Absent	Abstain
Meier				
Furlin				
Swain				
Pessagno				
Mahaney				

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

**RESOLUTION NO. 128-06-2016**

**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: State of New Jersey – DEP Clean Communities Program  
Appropriation Title: Current Fund NJDEP 2016 Clean Communities OE  
Amount: \$22,298.09

**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 June 6, 2016.

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

cc: City Treasurer

Roll Call	Ayes	Nays	Absent	Abstain
Meier				
Furlin				
Swain				
Pessagno				
Mahaney				

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

**RESOLUTION 129-06-2016**

**A RESOLUTION OF THE CITY OF CAPE MAY APPROVING  
AGREEMENT WITH THE COUNTY OF CAPE MAY  
FOR ALL-TERRAIN VEHICLE SHARED SERVICES AGREEMENT**

**MOTION:**

**SECOND:**

WHEREAS, N.J.S.A. 40A:65-1 et seq. (the "Interlocal Services Act") authorizes local government units, including municipalities and counties, to enter into agreements for the exchange of services pursuant to the provisions of that statute known as the "Uniform Shared Services and Consolidation Act";

WHEREAS, the County of Cape May ("County") and the City of Cape May (the "City") desire to enter into a Shared Services Agreement for the sharing of an all-terrain vehicle outfitted for emergency medical use (the "Medical ATV").

NOW, THEREFORE, BE IT RESOLVED, by the City of Cape May, County of Cape May, State of New Jersey is hereby authorized and empowered to enter into a Shared Services Agreement with the County of Cape May, a copy of which is attached hereto as EXHIBIT A, providing that, pursuant to the provisions of Uniform Shared Services and Consolidation Act, N.J.S.A. 40A:65-1, et seq., the City shall be permitted to use the Medical ATV for medical emergencies occurring within the City of Cape May.

BE IT FURTHER RESOLVED, that the Mayor and City Clerk are hereby authorized to execute the Shared Services Agreement and the City Manager and other appropriated City officials are hereby authorized and directed to effectuate the terms and conditions thereof.

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 June 6, 2016.

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

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

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

**RESOLUTION NO. 130-06-2016**

**AWARD OF CONTRACT FOR THE SUPPLY OF  
HVAC SERVICE AND REPAIRS**

**MOTION:**

**SECOND:**

**WHEREAS**, sealed bids were received on May 26, 2016, with proper advertisement for the supply of HVAC service and repairs; and

**WHEREAS**, five (5) bids were received, in compliance with the specifications, and the responsible bidder with the lowest net bid was:

Multi-Temp Mechanical, Inc.  
1000 Delsea Drive, Suite B1  
Westville, NJ 08093

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Cape May, that the bid of Multi-Temp Mechanical Inc., terms and pricing per the contract, be and is hereby accepted in accordance with the specifications; and

**BE IT FURTHER RESOLVED** that the proper City Officials are authorized and directed to take steps necessary 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 June 6, 2016.

---

Louise Cummiskey, City Clerk

cc: CFO  
Purchasing Agent  
Public Works Department

Roll Call	Ayes	Nays	Absent	Abstain
Meier				
Pessagno				
Furlin				
Swain				
Mahaney				

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

**RESOLUTION NO.131-06-2016**

**AWARD OF CONTRACT FOR THE SUPPLY OF  
ELECTRICAL MAINTENANCE SERVICE AND SUPPLIES**

**MOTION:**

**SECOND:**

**WHEREAS**, sealed bids were received on May 26, 2016, with proper advertisement for the supply of Electrical Maintenance Service and Supplies; and

**WHEREAS**, four (4) bids were received, in compliance with the specifications, and the responsible bidder with the lowest net bid was:

Buck's Electrical Service, Inc.  
100 E. 7<sup>th</sup> Ave.  
North Wildwood, NJ 08204

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Cape May, that the bid of Buck's Electrical Service, Inc., terms and pricing per the contract, be and is hereby accepted in accordance with the specifications; and

**BE IT FURTHER RESOLVED** that the proper City Officials are authorized and directed to take steps necessary 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 June 6, 2016.

---

Louise Cummiskey, City Clerk

cc: CFO  
Purchasing Agent  
Public Works Department

Roll Call	Ayes	Nays	Absent	Abstain
Meier				
Pessagno				
Furlin				
Swain				
Mahaney				

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

**RESOLUTION NO. 132-06-2016**

**RESOLUTION APPROVING PROFESSIONAL SERVICES AGREEMENT  
BETWEEN HATCH MOTT MACDONALD AND  
THE CITY OF CAPE MAY FOR REMEDIAL ACTION**

**MOTION:**

**SECOND:**

WHEREAS, the City of Cape May (the "City") desires to enter into a Professional Services Agreement with Hatch Mott MacDonald (the "Professional Services Agreement"), in the form attached hereto as EXHIBIT A, to conduct remedial investigation activities at the Public Works Department facility located at Canning House Land and to prepare final remedial documents for submission to the New Jersey Department of Environmental Protection (the "Services");

WHEREAS, the Professional Services Agreement is awarded pursuant to the Local Public Contracts Law, N.J.S.A. 40A:11-1, et seq., 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, Hatch Mott MacDonald has completed and submitted a Business Entity Disclosure Certification which certifies that Hatch 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 Hatch 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 Hatch 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, in an estimated amount of THIRTY SIX THOUSAND FOUR HUNDRED (\$36,400.00) DOLLARS, is hereby approved.

2. That 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. That 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 June 6, 2016.

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Louise Cummiskey, City Clerk

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

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

**RESOLUTION NO. 133-06-2016**

**RESOLUTION TO APPOINT A MEMBER  
TO THE HOUSING AUTHORITY OF THE CITY OF CAPE MAY**

**MOTION:**

**SECOND:**

**BE IT RESOLVED** by the City Council of the City of Cape May, that the following appointment be made, appointed by City Manager:

**HOUSING AUTHORITY**

**Keith A. Lafferty, MD  
To fill unexpired term of Tony Williams  
term to expire: September 16, 2018**

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 June 6, 2016.

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

Roll Call	Ayes	Nays	Absent	Abstain
Furlin				
Meier				
Pessagno				
Swain				
Mahaney				

cc: Housing Authority  
Boards & Commissions Book

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

**RESOLUTION NO. 134-06-2016**

**RESOLUTION APPROVING PROFESSIONAL SERVICES AGREEMENT  
BETWEEN BARTON ROSS & PARTNERS LLC AND THE CITY OF CAPE MAY**

**MOTION:**

**SECOND:**

WHEREAS, the City of Cape May (the "City") desires to enter into a Professional Services Agreement with Barton Ross & Partners LLC ("BRP") in the form attached hereto as EXHIBIT A (the "Professional Services Agreement"), to facilitate the implementation of Local Government Historic Preservation Programs, also known as the "Circuit Rider Project", within the City (the "Project");

WHEREAS, the City solicited and received one proposal to complete the Project, and the City has determined to award the Professional Services Agreement based on the experience and qualifications of BRP; and

WHEREAS, the Professional Services Agreement is awarded pursuant to the Local Public Contracts Law, N.J.S.A. 40A:11-1, et seq., 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, BRP has completed and submitted a Business Entity Disclosure Certification which certifies that BRP 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 BRP 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 dated June 1, 2016, between Barton Ross & Partners LLC, located at 184 South Livingston Avenue, Suite 9-140, Livingston, New Jersey 07039, and the City of Cape May, in the form attached hereto as EXHIBIT A, at a total project cost of TWENTY THOUSAND (\$20,000.00) DOLLARS, including costs, is hereby authorized.
2. That the Mayor or Deputy Mayor and Clerk are hereby authorized and directed to execute the Professional Services Agreement on behalf of the City of Cape May, and to take any and all other actions necessary to effectuate the purposes thereof.
3. That 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 or Deputy 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 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 June 6, 2016.

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Louise Cummiskey, City Clerk

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

CITY OF CAPE MAY

RESOLUTION NO. 135-06-2016

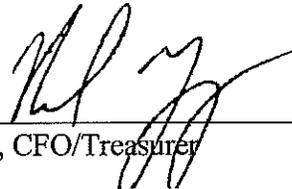
RESOLUTION FOR THE PAYMENT OF BILLS

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 June 3, 2016 for payments excluding those related to Swain's Ace Hardware Inc. Total Bill List: \$1,675,327.56.

Current Fund Appropriations	\$ 407,102.65
Water/Sewer Utility Operating Fund	\$ 788,824.61
Tourism Utility Fund	\$ 14,420.67
General Capital Improvements	\$ 142,631.28
Water/Sewer Capital Improvements	\$ 3,724.00
Escrow Special Account	\$ 8,023.00
Trust Fund	\$ 10.20
Grant Fund	\$ 261,381.46
Beach Utility Fund Appropriations	\$ 25,004.61
Beach Utility Capital Improvements	\$ 24,205.08
	<u>\$ 1,675,327.56</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 June 6, 2016.

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