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

**ORDINANCE NO. 292-2015**

**BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS IN AND BY THE CITY OF CAPE MAY, IN THE COUNTY OF CAPE MAY, NEW JERSEY, APPROPRIATING $1,499,675 THEREFOR AND AUTHORIZING THE ISSUANCE OF $1,424,691 BONDS OR NOTES OF THE CITY TO FINANCE PART OF THE COST THEREOF.**

BE IT ORDAINED BY THE CITYCOUNCIL 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 several improvements described in Section 3 of this bond ordinance are hereby respectively authorized to be undertaken by the City of Cape May, in the County of Cape May, New Jersey (the "City") as general improvements. For the several improvements or purposes described in Section 3, there are hereby appropriated the respective sums of money therein stated as the appropriation made for each improvement or purpose, such sums amounting in the aggregate to $1,499,675, and including the aggregate sum of $74,984 as the several down payments for the improvements or purposes required by the Local Bond Law. The down payments have been made available by virtue of provision for down payment or for capital improvement purposes in one or more previously adopted budgets.

Section 2. In order to finance the cost of the several improvements or purposes not covered by application of the several down payments or the Grant, negotiable bonds are hereby authorized to be issued in the principal amount of $1,424,691 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. The several improvements hereby authorized and the several purposes for which the bonds are to be issued, the estimated cost of each improvement and the appropriation therefor, the estimated maximum amount of bonds or notes to be issued for each improvement and the period of usefulness of each improvement are as follows:

| Purpose | Appropriation & Estimated Cost | Estimated Maximum Amount of Bonds & Notes | Period of Usefulness |
|---|---|---|---|
| a) Reconstruction of various roads throughout the City, including drainage and storm pipes, sidewalks, curbs, street resurfacing, all signage and road striping, all in accordance with a list on file in the office of the Clerk, which list is hereby incorporated by reference as if set forth at length, including all related costs and expenditures incidental thereto and further including all work and materials necessary and incidental thereto. | $750,000 | $712,500 | 10 years |
| b) Acquisition of various equipment, including, but not limited to, a 15 passenger van, sport utility vehicle(s), a dump truck, a pick-up truck, a stake body, lawn mowing equipment, including all related costs and expenditures incidental thereto. | $261,575 | $248,496 | 5 years |
| c) Improvements to various public buildings and grounds, including, but not limited to, all municipal public buildings, storage facilities and parks, including pedestrian walkways, lighting, signs, landscape and parking improvements, alternative and green energy features, including all related costs and expenditures incidental thereto | | | |

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| and further including all work and materials necessary and incidental thereto. | $199,000 | $189,050 | 10 years |
| d) Acquisition of office furniture, fixtures and equipment, including, but not limited to, computers, servers, software and hardware, including all related costs and expenditures incidental thereto and further including all work and materials necessary and incidental thereto. | $123,100 | $116,945 | 5 years |
| e) Acquisition of public safety equipment, including, but not limited to, all communications, dispatch systems, protective gear and license plate readers, including all related costs and expenditures incidental thereto. | $166,000 | $157,700 | 5 years |
| TOTAL: | $1,499,675 | $1,424,691 | |

The excess of the appropriation made for each of the improvements or purposes aforesaid over the estimated maximum amount of bonds or notes to be issued therefor, as above stated, is the amount of the down payment for each purpose and the Grant, as applicable.

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 theCityis 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 improvements or purposes described in Section 3 of this bond ordinance are not current expenses. They are all improvements or purposes that the City may lawfully undertake as general improvements, and no part of the cost thereof has been or shall be specially assessed on property specially benefitted thereby.

(b) The average period of usefulness, computed on the basis of the respective amounts of obligations authorized for each purpose and the reasonable life thereof within the limitations of the Local Bond Law, is 8.16 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 $1,424,691, and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding $224,951 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 purposes or improvements.

Section 7. The City hereby declares the intent of the Cityto 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 or improvements described in Section 3 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 purposes or improvements described in Section 3 hereof shall be applied either to direct payment of the cost of the improvements orto 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 ARule@) 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.

ATTEST:

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

By: _____

Louise Cummiskey, City Clerk

Dr. Edward J. Mahaney, Jr., Mayor

**NOTICE**

Ordinance 292-2015 was introduced at a regular meeting of the City Council of the City of Cape May held on April 21, 2015 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 May 19, 2015 at 7:00 P.M. at which time a Public Hearing will be held.

_____

Louise Cummiskey, City Clerk

| Roll Call | Ayes | Nays | Absent | Abstain |
|---|---|---|---|---|
| Wichterman | | | | |
| Meier | | | | |
| Pessagno | | | | |
| Swain | | | | |
| Mahaney | | | | |

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| Introduced: | April 21, 2015 |
| First Publication: | April 29, 2015 |
| 2nd Reading & Adoption | May 19, 2015 |
| Final Publication: | May 27, 2015 |
| Effective Date: | June 16, 2015 |

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

**ORDINANCE NO. 293-2015**

**BOND ORDINANCE PROVIDING FOR VARIOUS WATER AND SEWER UTILITY IMPROVEMENTS IN AND BY THE CITY OF CAPE MAY, IN THE COUNTY OF CAPE MAY, NEW JERSEY, APPROPRIATING $994,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF $994,000 BONDS OR NOTES OF THE CITY TO FINANCE PART OF THE COST THEREOF.**

BE IT ORDAINED BY THE CITYCOUNCIL 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 several improvements described in Section 3 of this bond ordinance are hereby respectively authorized to be undertaken by the City of Cape May, in the County of Cape May, New Jersey (the "City"). For the several improvements or purposes described in Section 3, there are hereby appropriated the respective sums of money therein stated as the appropriation made for each improvement or purpose, such sums amounting in the aggregate to $994,000. No down payment is required as the purposes authorized herein are deemed self-liquidating and the obligations authorized herein are deductible from the gross debt of the City, as more fully explained in Section 6(e) of thie bond ordinance.

Section 2. In order to finance the cost of the several improvements or purposes not covered by application of the several down payments, negotiable bonds are hereby authorized to be issued in the principal amount of $994,000 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. The several improvements hereby authorized and the several purposes for which the bonds are to be issued, the estimated cost of each improvement and the appropriation therefor, the estimated maximum amount of bonds or notes to be issued for each improvement and the period of usefulness of each improvement are as follows:

| Purpose | Appropriation & Estimated Cost | Estimated Maximum Amount of Bonds & Notes | Period of Usefulness |
|---|---|---|---|
| a) Improvements to the existing water and sewer system, including, but not limited to, all transmission mains, laterals, piping, water storage facilities, wells, well housings, pumps, pumping stations, production systems and facilities and the replacement and installation of water meters (master meters), including all work and materials necessary therefor and incidental thereto. | $759,000 | $759,000 | 40 years |
| b) Improvements to various water and sewer buildings and grounds, including, but not limited to, the Delaware Avenue lift station and the construction of a vehicle storage building, including all related costs and expenditures incidental thereto and further including all work and materials necessary therefor and incidental thereto. | $235,000 | $235,000 | 20 years |
| TOTAL: | $994,000 | $994,000 | |

The excess of the appropriation made for each of the improvements or purposes aforesaid over the estimated maximum amount of bonds or notes to be issued therefor, as above stated, is the amount of the down payment for each purpose.

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 theCityis 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 improvements or purposes described in Section 3 of this bond ordinance are not current expenses. They are all improvements or purposes that the City may lawfully undertake as self-liquidating purposes of a municipal public utility. No part of the cost thereof has been or shall be specially assessed on property specially benefitted thereby.

(b) The average period of usefulness, computed on the basis of the respective amounts of obligations authorized for each purpose and the reasonable life thereof within the limitations of the Local Bond Law, is 35.27 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 $994,000, and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding $149,100 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 purposes or improvements.

(e) This bond ordinance authorizes obligations of the City solely for purposes described in N.J.S.A. 40A:2-7(h). The obligations authorized herein are to be issued for purposes that are deemed to be self-liquidating pursuant to N.J.S.A. 40A:2-47(a) and are deductible from gross debt pursuant to N.J.S.A. 40A:2-44(c).

Section 7. The Cityhereby declares the intent of the Cityto issue bonds or bond anticipation notes in the amount authorized in Section 2 of this bond ordinanceand to use the proceeds to pay or reimburse expenditures for the costs of the purposes or improvements described in Section 3 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 purposes or improvements described in Section 3 hereof shall be applied either to direct payment of the cost of the improvements 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 ARule@) 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.

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

ATTEST:

By: _____

_____
Louise Cummiskey, City Clerk

_____
Dr. Edward J. Mahaney, Jr., Mayor

## NOTICE

Ordinance 293-2015 was introduced at a regular meeting of the City Council of the City of Cape May held on April 21, 2015 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 May 19, 2015 at 7:00 P.M. at which time a Public Hearing will be held.

_____
Louise Cummiskey, City Clerk

| Roll Call | Ayes | Nays | Absent | Abstain |
|---|---|---|---|---|
| Wichterman | | | | |
| Meier | | | | |
| Pessagno | | | | |
| Swain | | | | |
| Mahaney | | | | |

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| Introduced: | April 21, 2015 |
| First Publication: | April 29, 2015 |
| 2nd Reading & Adoption | May 19, 2015 |
| Final Publication: | May 27, 2015 |
| Effective Date: | June 16, 2015 |

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

**ORDINANCE NO. 294-2015**

**BOND ORDINANCE PROVIDING FOR VARIOUS BEACH UTILITY IMPROVEMENTS IN AND BY THE CITY OF CAPE MAY, IN THE COUNTY OF CAPE MAY, NEW JERSEY, APPROPRIATING $198,100 THEREFOR AND AUTHORIZING THE ISSUANCE OF $198,100 BONDS OR NOTES OF THE CITY TO FINANCE PART OF THE COST THEREOF.**

BE IT ORDAINED BY THE CITYCOUNCIL 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 several improvements described in Section 3 of this bond ordinance are hereby respectively authorized to be undertaken by the City of Cape May, in the County of Cape May, New Jersey (the "City"). For the several improvements or purposes described in Section 3, there are hereby appropriated the respective sums of money therein stated as the appropriation made for each improvement or purpose, such sums amounting in the aggregate to $198,100. No down payment is required as the purposes authorized herein are deemed self-liquidating and the obligations authorized herein are deductible from the gross debt of the City, as more fully explained in Section 6(e) of this bond ordinance.

Section 2. In order to finance the cost of the several improvements or purposes not covered by application of the several down payments, negotiable bonds are hereby authorized to be issued in the principal amount of $198,100 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. The several improvements hereby authorized and the several purposes for which the bonds are to be issued, the estimated cost of each improvement and the appropriation therefor, the estimated maximum amount of bonds or notes to be issued for each improvement and the period of usefulness of each improvement are as follows:

| Purpose | Appropriation & Estimated Cost | Estimated Maximum Amount of Bonds & Notes | Period of Usefulness |
|---|---|---|---|
| a) Improvements to various public buildings and grounds, including, but not limited to, the beachfront restrooms, tag booths andthe beachfront promenade, including all work and materials necessary therefor and incidental thereto. | $97,000 | $97,000 | 15 years |
| b) Acquisition of equipment, including, but not limited to, the purchase of a beach surf rake, a beach utility vehicle, a four wheel drive truck, and communication equipment, including all related costs and expenditures incidental thereto and further including all work and materials necessary therefor and incidental thereto. | $101,100 | $101,100 | 5 years |
| TOTAL: | $198,100 | $198,100 | |

The excess of the appropriation made for each of the improvements or purposes aforesaid over the estimated maximum amount of bonds or notes to be issued therefor, as above stated, is the amount of the down payment for each purpose.

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 theCityis 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 improvements or purposes described in Section 3 of this bond ordinance are not current expenses. They are all improvements or purposes that the City may lawfully undertake as self-liquidating purposes of a municipal utility. No part of the cost thereof has been or shall be specially assessed on property specially benefitted thereby.

(b) The average period of usefulness, computed on the basis of the respective amounts of obligations authorized for each purpose and the reasonable life thereof within the limitations of the Local Bond Law, is9.89 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 $198,100, and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding $29,715 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 purposes or improvements.

(e) This bond ordinance authorizes obligations of the City solely for purposes described in N.J.S.A. 40A:2-7(h). The obligations authorized herein are to be issued for purposes that are deemed to be self-liquidating pursuant to N.J.S.A. 40A:2-47(a) and are deductible from gross debt pursuant to N.J.S.A. 40A:2-44(c).

Section 7. The City hereby declares the intent of the Cityto issue bonds or bond anticipation notes in the amount authorized in Section 2 of this bond ordinanceand to use the proceeds to pay or reimburse expenditures for the costs of the purposes or improvements described in Section 3 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 purposes or improvements described in Section 3 hereof shall be applied either to direct payment of the cost of the improvements 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 ARule@) 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.

ATTEST:

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

By: _____

Louise Cummiskey, City Clerk

Dr. Edward J. Mahaney, Jr., Mayor

**NOTICE**

Ordinance 294-2015 was introduced at a regular meeting of the City Council of the City of Cape May held on April 21, 2015 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 May 19, 2015 at 7:00 P.M. at which time a Public Hearing will be held.

_____

Louise Cummiskey, City Clerk

| Roll Call | Ayes | Nays | Absent | Abstain |
|---|---|---|---|---|
| **Wichterman** | | | | |
| **Meier** | | | | |
| **Pessagno** | | | | |
| **Swain** | | | | |
| **Mahaney** | | | | |

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|---|---|
| Introduced: | April 21, 2015 |
| First Publication: | April 29, 2015 |
| 2nd Reading & Adoption | May 19, 2015 |
| Final Publication: | May 27, 2015 |
| Effective Date: | June 16, 2015 |

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

**RESOLUTION NO. 83-03-2015-A**

**RESOLUTION APPOINTING MUNICIPAL ENGINEER AND APPROVING PROFESSIONAL SERVICES AGREEMENT APRIL 1, 2015 – DECEMBER 31, 2016**

**MOTION:** **SECOND:**

**WHEREAS**, pursuant to Resolution No. 83-03-2015, the City of Cape May (the "City") appointed a new municipal engineer ("Municipal Engineer") pursuant to Section 10-83 of the Cape May City Code ("Code") for a term commencing April 1, 2015 and ending December 31, 2017 (the "Appointed Term");

**WHEREAS**, based on the Code, the term for the Municipal Engineer is for one year; provided, however, with a mid-year appointment, the term could be for the remainder of such year plus one year thereafter;

**WHEREAS,** the Mayor and City Council desire to amend Resolution No. 83-03-2015 by limiting the appointment of the Municipal Engineer to a term commencing April 1, 2015 and ending December 31, 2016 (the "Amended Term");

**WHEREAS**, the duties of the Municipal Engineer (the "Engineering Services") shall entail all basic and routine engineering services as may be required and assigned from time to time by the City Manager, but shall specifically exclude, without prior authorization and resolution from City Council, together with a separately approved and fully executed professional services agreement, all substantial projects that may evolve from time to time, which may include by way of example, and without limitation, all USDA funded projects, the Lafayette Street and other public park projects, road and utility reconstruction, and all substantial capital projects which may be financed through the issuance of municipal bonds (even though reimbursed through grants);

**WHEREAS**, the services of the Municipal Engineer shall also exclude the engineering services and site work inspection services for planning and zoning compliance for the City as needed from time to time (the "Inspection Services"), which such services shall continue to be conducted by Polistina & Associates, LLC pursuant to a resolution previously adopted by the City Council and a separate professional services agreement approved and executed in connection therewith, which shall continue for the limited purposes of performing the Inspection Services;

**WHEREAS**, the 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, LLC has completed and submitted a Business Entity Disclosure Certification which certifies that HATCH MOTT MACDONALD, LLC 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 Agreement will prohibit HATCH MOTT MACDONALD, LLC from making any reportable contributions through the term of the Agreement.

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

1. The Recital paragraphs are hereby incorporated into this Resolution as if set forth at length.

2. The City Council hereby appoints HATCH MOTT MACDONALD, LLC as its Municipal Engineer for the term commencing April 1, 2015 and ending December 31, 2016, with Thomas R. Thornton, PE, CME, as the "lead engineer" assigned to the City and who be responsible for the supervision and oversight, and shall have a working knowledge of all engineering services being furnished to the City by HATCH MOTT MACDONALD, LLC. The lead engineer shall not be changed without the approval of the City Council.

3. The City Council approves an Amendment to the Agreement between HATCH MOTT MACDONALD, LLC and the City of Cape May for the provision of the Engineering Services in the form attached hereto as EXHIBIT A.

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

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

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

7. 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.

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

9. Polistina & Associates, LLC shall continue as the City's appointed engineer under the New Jersey Municipal Land Use Law, specifically N.J.S.A. 40:55D-53, to provide all of the required Inspection 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 May 19, 2015.

_____

Louise Cummiskey, City Clerk

| Roll Call | Ayes | Nays | Absent | Abstain |
|---|---|---|---|---|
| Dr. Mahaney | | | | |
| Mr. Meier | | | | |
| Ms. Pessagno | | | | |
| Ms. Swain | | | | |
| Mr. Wichterman | | | | |

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

**RESOLUTION NO. 123-05-2015**

**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 adjustments 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:

| Bl/Lot | Address | Customer | Adjustment |
|---|---|---|---|
| 1068/17 | 815 Stockton Ave. | John M. Bolte Family Trust | $2,425.50 |

**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 May 19, 2015

_____

Louise Cummiskey, City Clerk

| Roll Call | Ayes | Nays | Absent | Abstain |
|---|---|---|---|---|
| Mahaney | | | | |
| Swain | | | | |
| Wichterman | | | | |
| Pessagno | | | | |
| Meier | | | | |

cc: Water/Sewer Department

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

**RESOLUTION NO. 124-05-2015**

**RESOLUTION AUTHORIZING THE RELEASE OF PERFORMANCE GUARANTEE FOR 1217-1221 NEW JERSEY AVENUE, BLOCK 1131, LOTS 25, 26, 27, 28 LAWRENCE A. PRAY BUILDERS, INC.**

**MOTION:** **SECOND:**

**WHEREAS,** Lawrence A. Pray Builders, Inc. posted a Performance Guarantee with the City of Cape May in the form of a cash payment for the project at 1217-1221 New Jersey Avenue, Street, Block 1131, Lots 25, 26, 27 and 28 in the total amount of $71,149.20; and

**WHEREAS,** the Planning Board Engineer has performed a maintenance guarantee review of the site improvements; and

**WHEREAS**, the Planning Board Engineer has determined that the site improvements have been installed in conformance with the approved site plan and are presently acceptable; and

**WHEREAS**, the Planning Board Engineer recommends that the developers be required to post a two (2) year maintenance guarantee in the amount of Ten thousand six hundred seventy-two and 38/100 ($10,672.38) Dollars; and

**WHEREAS**, Lawrence A. Pray Builders, Inc. wishes to reduce the amount of the Performance Bond to the Ten thousand six hundred seventy-two and 38/100 ($10,672.38) Dollars Maintenance Guarantee.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Cape May, the governing body thereof, that the performance guarantee of Lawrence A. Pray Builders, Inc. in the amount of Sixty thousand four hundred seventy-six and 82/100 ($60,476.82) Dollars, 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 May 19, 2015.

_____
Louise Cummiskey, City Clerk

cc: Chief Financial Officer
Planning Board Secretary

| Roll Call | Ayes | Nays | Absent | Abstain |
|---|---|---|---|---|
| Mahaney | | | | |
| Swain | | | | |
| Wichterman | | | | |
| Pessagno | | | | |
| Meier | | | | |

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

**RESOLUTION NO. 125-05-2015**

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

**MOTION:** **SECOND:**

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

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

**WHEREAS**, there appears to be no reason to deny said licenses for 2015, providing all paperwork is completed, the proper State Registration information is provided and required fees have been paid.

**NOW, THEREFORE, BE IT RESOLVED**, by the City Council of the City of Cape May, the Governing body thereof, that the City Clerk is authorized to a issue bingo/raffle license for 2015 to the following organization as applicable throughout the year.

Cape May Volunteer Fire Department, Inc.

I hereby certify the foregoing to be a true copy of a resolution adopted by the City of Cape May at a meeting held on May 19, 2015.

_____

Louise Cummiskey, City Clerk

| Roll Call | Ayes | Nays | Absent | Abstain |
|---|---|---|---|---|
| Wichterman | | | | |
| Meier | | | | |
| Pessagno | | | | |
| Swain | | | | |
| Mahaney | | | | |

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

**RESOLUTION NO. 126-05-2015**

**RESOLUTION DESIGNATING THE 2015 BATHING BEACHES**

**MOTION:** **SECOND:**

**WHEREAS,** Chapter 158 of the Revised General Ordinances of the City of Cape May, authorizes City Council to adopt Resolutions to regulate bathing and surfing on beaches within the City.

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

1. The beaches listed on Schedule A, attached hereto and made a part hereof, are hereby established as protected bathing beaches from which persons may bathe and swim subject to the conditions set forth in Chapter 158 as amended.

2. The beach opening dates set forth in the notes and codes section of Schedule A are subject to revisions from year to year. Beaches are closed at the end of the bathing season on dates set by the beach supervisor, which dates are subject to approval by the City Manager.

3. This Resolution shall take effect immediately.

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 May 19, 2015.

_____

Louise Cummiskey, City Clerk

| Roll Call | Ayes | Nays | Absent | Abstain |
|---|---|---|---|---|
| Mahaney | | | | |
| Swain | | | | |
| Wichterman | | | | |
| Pessagno | | | | |
| Meier | | | | |

cc: All City Departments
Beach Parcel Leasees
Owners of Private Beaches Designated
Police Department

**RESOLUTION NO. 126-05-2015**

**SCHEDULE "A"**
**PROTECTED BATHING BEACHES - 2015 SUMMER SEASON:**

Subject to "safety conditions" as determined by the Beach Supervisor or designated representative, and subject to any other approvals as determined by the City Manager, the following beach parcels are hereby designated as protected bathing beaches for the 2015 summer season.

| LOTS | BEACH KNOWN AS | WIDTH | OWNER | CODE |
|---|---|---|---|---|
| **BLOCK 1000 WEST OF CONVENTION HALL:** | | | | |
| 7,8, 8.01# | Third Avenue Beach | 598 | City | A |
| 9-10 | Second Avenue Beach | 320 | City | B |
| 11 | First Avenue Beach | 320 | City | A |
| 12,13&14 | Broadway Beach | 540 | City | B |
| 15-19* | Colton Court Beach | 400 | City | B |
| 19* | Mogck Beach | 467 | City | A |
| 19*, 20&21+ | Cleto L. Cannone Beach | 348 | City | C |
| 21+, 22-24 | Windsor Beach | 404 | City | B |
| 25,26& 27 | Congress Beach | 457 | City, State | C |
| 28 | Steger Beach | 341 | Steger, City | A |
| 29 | Hunt's Beach | 145 | City | B |
| 30 | Hagy Beach | 105 | City | B |
| 31-33 | Stockton Beach | 408 | City | A |
| 34 | Colonial Beach | 369 | Fite, City | C |
| **BLOCK 1000 EAST OF CONVENTION HALL:** | | | | |
| 42 | Howard Street Beach | 151 | City | B |
| 32-47 | Jefferson Beach | 308 | City | B |
| 54-55 | Queen Street Beach, Section 1 | 105 | Steger/Gram's | A |
| 56-59 | Queen Street Beach, Section 2 | 547 | City | A |
| 63 | Madison Avenue Beach | 500 | City | B |
| 60,61-62 | Philadelphia Beach, West of Jetty | 400 | City | B |
| 63 | Philadelphia Beach, East of Jetty | 450 | City | A |
| | Reading Beach | | | C |
| 63 | Congressman Wm. J. Hughes Beach | 300 | City | A |
| 63 | Baltimore Beach | 300 | City | B |
| | Brooklyn Beach | | | C |
| **BLOCK 1196, LOT 1 & BLOCK 1221 LOTS 1&2 - POVERTY BEACH** | | | | |
| As Above | Poverty Beach | 650 | City | A |

**SCHEDULE "A" NOTES & CODES:**

A Beaches open May 23rd, 24th, and 25th 2015. Beaches open weekends until June 6, 2015 and every day thereafter.

B Beaches open June 6, 2015 for the balance of the summer.

C Beaches open June 20, 2015 for the balance of the summer.

* Lot 19 is divided into three parts. The westernmost 200' is assigned to Colton Court Beach; the middle 467' toward the east is known as Mogck Beach; the easternmost 128' is part of Cannone Beach.

\+ Lot 21 is divided in half. The western 128' is part of Cannone Beach and the eastern 127' is part of Windsor Beach.

\# Third Avenue Beach also includes Block 1008, Lots 1 through 18 and Block 1010, Lots 8 through 17.

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

**RESOLUTION NO. 127-05-2015**

# RESOLUTION AUTHORIZING AWARD OF CONTRACT FOR THE PROVISION OF ELECTRIC GENERATION SUPPLY SERVICE FOR THE SOUTH JERSEY POWER COOPERATIVE

**MOTION:** **SECOND:**

**WHEREAS**, the South Jersey Power Cooperative (SJPC) is a purchasing cooperative that consists of various counties and their participating co-op members, and includes numerous municipalities, K-12 school districts, vocational-technical schools, utilities authorities and other municipal agencies. City of Cape May is a Participating Member of the SJPC through our respective county pricing co-operative; and

**WHEREAS**, the County of Camden is the current and acting lead purchasing agency for the SJPC; on behalf of the SJPC, Camden County publicly advertised bids for the purpose of procuring Electric Generation Supply Service (Bid #A20-15); and

**WHEREAS**, the County of Camden received and opened bids on Thursday, April 16, 2015 at 11:30 a.m., Prevailing Time, for Electric Generation Supply Service for the SJPC; and

**WHEREAS**, Constellation/NewEnergy was the lowest responsible bidder for the Secondary-service electric accounts located within the Atlantic City Electric Company (ACE) service territory. This low bid rate is $0.07367 per kilowatt-hour (kWh); City of Cape May hereby acknowledges and accepts this bid rate for a service period of 24-months, commencing in June 2015; and

**WHEREAS**, on behalf of the Participating Members of the SJPC, the County of Camden has executed a master agreement with Constellation/NewEnergy and a master agreement with South Jersey Energy for the needs of the Participating Members of the SJPC as described above commencing on the above specified dates; and

**WHEREAS**, each currently Participating Member of the SJPC, including City of Cape May shall encumber funds in accordance with applicable law and hereby acknowledge the terms and conditions of the aforementioned bid and master contract to which it will be bound for the duration of the agreement as noted herein.

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 May 19, 2015

_____

Louise Cummiskey, City Clerk

| Roll Call | Ayes | Nays | Absent | Abstain |
|---|---|---|---|---|
| Mahaney | | | | |
| Swain | | | | |
| Wichterman | | | | |
| Pessagno | | | | |
| Meier | | | | |

cc: DPW
CFO
City Manager
Purchasing Agent

**CITY OF CAPE MAY**

**RESOLUTION NO. 128-05-2015A**

**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 May 15, 2015 for payments excluding those related to Swain's Ace Hardware Inc. Total Bill List: $1,937,428.40.

| | | |
|---|---|---|
| Current Fund Appropriations | $ | 842,917.06 |
| Water/Sewer Utility Operating Fund Appropriations | $ | 676,218.54 |
| Tourism Utility Fund | $ | 56,351.87 |
| General Capital Improvements | $ | 234,412.81 |
| Water/Sewer Capital Improvements | $ | 87,180.23 |
| Escrow Special Account | $ | 4,756.25 |
| Trust Fund | $ | 2,445.60 |
| Grant Fund | $ | 22,763.58 |
| Beach Utility Fund Appropriations | $ | 8,187.58 |
| Beach Utility Capital Improvements | $ | - |
| | $ | 1,935,233.52 |

Neil Young, CFO/Treasurer

| Roll Call | Ayes | Nays | Absent | Abstain |
|---|---|---|---|---|
| Mahaney | | | | |
| Swain | | | | |
| Wichterman | | | | |
| Gauvry-Pessagno | | | | |
| Meier | | | | |

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 May 19, 2015.

Louise Cummiskey, City Clerk

**CITY OF CAPE MAY**

**RESOLUTION NO. 128-05-2015B**

**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 May 15, 2015 for payments related to Swain's Ace Hardware Inc:
Total Bill List: $1,937,428.40.

| | | |
|---|---|---|
| Current Fund Appropriations | $ | 804.76 |
| Utility Operating Fund Appropriations | $ | 399.74 |
| General Capital Improvements | $ | - |
| Water/Sewer Capital Improvements | $ | - |
| Escrow Special Account | $ | - |
| Trust Fund | $ | - |
| Tourism Utility | $ | 155.00 |
| Grant Fund | $ | - |
| Beach Utility Fund Appropriations | $ | 835.38 |
| Beach Utility Capital Improvements | $ | - |
| | $ | 2,194.88 |

Neil Young, CFO/Treasurer

| Roll Call | Ayes | Nays | Absent | Abstain |
|---|---|---|---|---|
| Mahaney | | | | |
| Swain | | | | |
| Wichterman | | | | |
| Gauvry-Pessagno | | | | |
| Meier | | | | |

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 May 19, 2015.

Louise Cummiskey, City Clerk