

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

ORDINANCE NO. 304-2016

**AN ORDINANCE AMENDING CHAPTER 324, ARTICLE 1,
SECTION 6 OF THE CAPE MAY CITY CODE
MALLS AND PLAZAS – WASHINGTON STREET MALL**

WHEREAS, the City of Cape May has established permit and fee requirements for the Washington Street Mall as codified in Chapter 324, Article I, Section 6 of the Cape May City Code;

WHEREAS, said Chapter 324, Article I, Section 6 requires an annual permit fee of \$1.00 per square foot for applicants who do not serve alcohol and do not provide table service for their businesses, \$1.50 per square foot for applicants whose premises are not licensed for the sale of alcoholic beverages and \$2.50 per square foot for applicants whose premises are licensed for the sale of alcoholic beverages; and

WHEREAS, the City Council desires to amend Chapter 324, Article I, Section 6 to require \$5.00 per square foot fee for all applicants for said seating on Washington Street Mall.

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 324, Article I, Section 6 of the Cape May City Code is hereby revised as follows (deleted language is ~~stricken~~ and new language is underscored):

§ 324-6. Permits; fees.

A. Permit required. The owner or operator of each abutting establishment which is involved in the sale of food and/or beverages who wishes to use the available permitted Mall area as described in this article must obtain a permit from the City Clerk. Such permit shall entitle the applicant to a possessory interest of the permitted Mall area for the full term of the permit. All establishments that qualify for a permit under this chapter and satisfy all of the requirements and conditions contained herein shall be issued a permit under this chapter; provided, however, that if any establishment applying for a permit did not have a permit prior to May 21, 2009 and also has a business establishment adjacent to it that does not have a permit, no such permit shall be issued until the following additional conditions are satisfied:

(1) The applicant shall provide the owner of the adjacent establishment(s) with written notice of the application together with a copy of the plan submitted in connection therewith, and shall provide a proof of mailing to the City Clerk not less than 10 days after the submission of the application.

(2) The notice shall state that if there are any objections they shall be submitted to the City Clerk within 10 days from the receipt of the notice.

(3) If no objections are filed within such 10-day period, the permit shall be issued by the City Clerk without further notice.

(4) If any objections are filed, the objecting person and the applicant shall be notified of the date on which the application will be presented to City Council, which must then conduct a hearing to determine whether the permit should be issued and, if issued, whether there should be any conditions. The standard of review by the City Council shall be whether the permit will have any adverse effect on public health, safety or welfare. The economic impact upon any competing or adjacent business shall not be considered as a factor in the decision. Any conditions placed upon the issuance of the permit shall continue year after year until removed by a resolution of the City Council.

A permit shall not be issued unless and until the plans and usage are approved as required by Section 324-5.

B. Authorization by property owner. A tenant or proprietor applying for a permit must provide the City Clerk with a letter of authorization from the property owner granting permission to the City Clerk to issue the usage permit.

C. Insurance. Each applicant must supply the City with a certificate of insurance to hold harmless the City of Cape May, showing limits of not less than \$2,000,000 bodily injury and property damage, combined single limit of liability; and for any establishments that are permitted to sell alcoholic beverages, the applicant shall also provide for liquor liability insurance with not less than \$2,000,000 bodily injury and property damage, combined single limit of liability. The City of Cape May must be added to the liability insurance policy of the permit applicant, as an additional insured. The policy or policies of insurance must be with a company or companies authorized to do business in the State of New Jersey and shall be delivered to the City, with evidence of payment of premiums therefor, not less than 15 days prior to the commencement of any use authorized by an issued permit.

D. Hold harmless. Permit applicants must also agree to save, hold and keep harmless and indemnify the City from and for any and all payments, expenses, costs, attorney fees and from any and all claims and liability for losses or damage to property or injuries to persons occasioned wholly or in part by or resulting from any acts or omission by the permit applicant or the permit applicant's agents, employees, guests, licensees, invitees, assignees or successors, or for any cause or reason whatsoever arising out of or by reason of the use by the permit applicant and the conduct of the permit applicant's business within that portion of the Washington Street Mall for which a permit was issued to the

respective applicant. An application by a permit applicant pursuant to this section shall be deemed conclusive evidence of the permit applicant's agreement to indemnify the City as aforesaid.

E. Annual permit fees. Each person seeking a permit shall pay an annual fee. The permit year shall run from March 1 through November 30.

(1) Permit applicants whose premises are licensed for the sale of alcoholic beverages pursuant to Chapter 134, Alcoholic Beverages, shall pay an annual permit fee of ~~\$2.50~~\$5.00 per square foot for each month (or fractional portion thereof) that the applicant uses the permitted Mall area.

(2) Applicants whose premises are not licensed for the sale of alcoholic beverages pursuant to Chapter 134, Alcoholic Beverages, and who provide table service for their businesses, shall pay an annual permit fee of ~~\$1.50~~\$3.00 per square foot for each month (or fractional portion thereof) that the applicant uses the permitted Mall area.

(3) Applicants whose premises are not licensed for the sale of alcoholic beverages pursuant to Chapter 134, Alcoholic Beverages, and who do not provide table service for their businesses shall pay an annual permit fee of ~~\$1~~\$2.00 per square foot for each month (or fractional portion thereof) that the applicant uses the permitted Mall area.

(4) All such fees shall be payable upon issuance for the year in which the permitted Mall area will be opened for business based upon the number of months that he/she intends to open the permitted Mall area as designated by the applicant on the forms provided by the City Clerk. If the permitted Mall area is opened for any months not designated, an additional fee pursuant to § 324-6D(1) or (2) shall be due and payable prior to the opening of the permitted Mall area in such month.

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

3. 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.

4. 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 304-2016 was introduced at a regular meeting of the City Council of the City of Cape May, held on April 19, 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 May 3, 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 19, 2016
First Publication: April 20, 2016
2nd Reading & Adoption: May 3, 2016

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

ORDINANCE NO. 305-2016

**AN ORDINANCE OF THE CITY OF CAPE MAY
REGARDING THE SEASONAL OUTDOOR SEATING FOR
CONSUMPTION OF FOOD OR BEVERAGES BY
PATRONS**

WHEREAS, the City Council of the City of Cape May (the "City Council") desires to promote the concept of outdoor dining which enhances the relaxed atmosphere and showcases the City of Cape May (the "City"); and

WHEREAS, the City desires to regulate seasonal outdoor dining through the review and approval of a seating plan and a per seat fee applicable to all areas primarily serving food and beverages; and

WHEREAS, the City desires the fee to apply to all restaurants with outdoor seating and all outdoor areas at hotels that are primarily for non-hotel guests or areas that are used primarily for food and beverage service; and

WHEREAS, the City Code of the City of Cape May (the "City Code") does not currently provide for a fee for seasonal outdoor seating at such establishments; and

WHEREAS, in order to implement these objectives, the City desires to establish Chapter 412 of the Cape May City Code entitled "Seasonal Outdoor Seating for Consumption of Food or Beverages".

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. A new Chapter 412 entitled "Seasonal Outdoor Seating for Consumption of Food or Beverages" is hereby added to the City Code and shall read as follows:

§ 412-1. Purpose.

The City Council has determined that the establishment of regulations for seasonal outdoor seating will foster a pleasant and distinctive ambience within the City and that the proper regulations of such activity is required in the interests of the health, safety and welfare of the people of the City.

§ 412-2. Definitions.

The following words and phrases, whenever used in this Chapter, shall be construed as defined in this Chapter:

- A. "Dining tables" shall mean any surface from which individuals eat, whether permanent or moveable and regardless of size.
- B. "Person" shall mean any individual, partnership, corporation, association or other entity.
- C. "Primary building" shall mean the building whose principal facade is adjacent to where the outdoor seating is or is proposed to be located.
- D. "Retail food establishment" shall mean an establishment on private property actually located within or adjacent to a hotel, restaurant, or food service business at which an inspection certificate has been issued by the County Board of Health and shall include, by way of example, a restaurant, hotel, coffee shop, tea room, dining room, cafeteria, ice cream parlor, bar, sandwich shop, and any other establishment which serves food or beverage products for onsite consumption.
- E. "Seasonal outdoor seating" shall mean any retail food establishment located on private property with removable seats without dining tables that are generally utilized between May 15 and October 15, where food or drinks will be consumed by the public at outdoor areas located adjacent to the primary building that is not otherwise devoted to a function essential to the site, pool seating that is limited to guests at a hotel not otherwise available to the general public is not to be considered seasonal outdoor seating.
- F. "Seat" shall mean a bench, chair or any other item of furniture in which someone sits.

§ 412-3. Licensing.

No person shall operate seasonal outdoor seating within the City without having a mercantile license and without having first obtained a seasonal outdoor seating license in accordance with the requirements of this chapter. The license shall be issued by the City Manager, who may deny a license application to the extent the City Manager can determine that the license would be detrimental to the public health, safety or welfare. If an applicant is not satisfied with a determination of the City Manager he/she/it may appeal such determination to the City Council.

§ 412-4. Fee

The fee for a seasonal outdoor seating license shall be three (\$3.00) dollars per seat payable upon submission of an application for a license, which is an annual fee to be paid regardless of the number of months the license is being utilized.

§ 412-5. Application.

All applications for an outdoor seating license shall be submitted currently with an application for a mercantile license (or within 10 days from the effective date of Ordinance No. 305-2016, whichever is later) and shall include the following:

- A. Each applicant for a seasonal outdoor seating license shall submit and file an application with the City Clerk, together with two copies of an outdoor seating plan (as outlined below), and the appropriate fee. The application shall set forth:
 - 1. The name, address, phone number, and email address of the applicant;
 - 2. The name, address, phone number, and email address of the owner of the primary building (if other than the applicant);
 - 3. The name address, phone number, and email address of the person who has prepared the outdoor seating plan; and
 - 4. The written authorization and approval of the owner of the primary building (if other than the applicant).
- B. The “outdoor seating plan” shall be drawn to scale but does not require professional seals. The scaled drawing of the proposed design and location of the outdoor seating shall include setbacks, all temporary structures, equipment and apparatus to be used in connection with its operation, including tables, chairs, planters, equipment and apparatus, and the location of any fire hydrant, plus or standpipe, utility pole, parking meter, or other permanent fixture between the primary building and the curb, including a clear indication of the presence of the required pedestrian passageway. If the outdoor seating is located on private property adjacent to the sidewalk, the plan shall demonstrate that the pedestrian traffic will in no way be impeded.
- C. A statement of the seating capacity of the proposed outdoor seating and of the existing retail food establishment actually operated by the applicant in or outside of the primary building.
- D. The hours of operation of retail food establishment.

§ 412-6. Term of License; Renewals

All outdoor seating licenses shall run concurrently with the mercantile license issued for that year. Licenses may be renewed annually by the filing of an application in accordance with the provisions of this Chapter.

§ 412-7. Regulations.

Outdoor seating is authorized and operating pursuant to this Chapter shall be subject to the following regulations:

- A. The seasonal outdoor seating shall be operated and maintained in accordance with the outdoor seating plan as finally approved, and by the same person who operated and maintains the abutting retail food establishment.
- B. The placement of furniture, apparatus, decoration or appurtenance used in connection with the operation of the outdoor seating in relation to any fire hydrant, plus or standpipe permanent fixture shall be approved by specific written authorization of the fire official based upon is review of the outdoor seating plan.
- C. No furniture, apparatus, decoration or appurtenance used in connection with the operation of the seasonal outdoor seating shall be located in such a way as to impede the safety and speedy ingress and egress to or from any building or structure.
- D. No furniture, apparatus, decoration or appurtenance used in connection with the operation of the seasonal outdoor seating shall be located in or project or protrude into the required pedestrian passageway.
- E. The outdoor area utilized by the seasonal outdoor seating shall be kept clean and free of litter and shall be washed as frequently as needed to maintain a clean and sanitary area for the consumption of food and beverages.
- F. Noise shall be kept at such a level as to comply in all respects with the provisions of applicable ordinances of the City.
- G. Nothing in this chapter permits outdoor chairs with dining tables to be considered as seasonal outdoor seating; and all such tables and chairs shall be considered as restaurant seats for the purposes of zoning and site plan compliance.
- H. The licensee shall comply with all other ordinances of the City.

§ 412-8. Enforcement Fines.

Any person who violates this ordinance or fails to comply with any of its requirements shall upon conviction thereof be subject to the fines and penalties set forth in Chapter 1, Article III for each violation. In addition, any person who violates this ordinance may be subject to all penalties applicable to licensees under Chapter 310, Section 9, including, but not limited to, revocation of said

license. Nothing herein contained shall prevent the City of Cape May, from taking such other lawful action as is necessary to prevent or remedy any violation.

2. This Ordinance shall supersede all other ordinances in conflict or inconsistent with it.

3. 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.

4. 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 305-2016 was introduced at a regular meeting of the City Council of the City of Cape May, held on April 19, 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 May 3, 2016 at 1:00 P.M. at which time a Public Hearing will be held.

Louise Cummiskey, City Clerk

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

ORDINANCE 306-2016

BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL IMPROVMENTS IN AND BY THE CITY OF CAPE MAY, IN THE COUNTY OF CAPE MAY, NEW JERSEY, APPROPRIATING \$3,000,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$2,850,000 BONDS OR NOTES OF THE CITY TO FINANCE PART OF THE COST THEREOF

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

Section 1. The 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 \$3,000,000, and further including the aggregate sum of \$150,000 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, negotiable bonds are hereby authorized to be issued in the principal amount of \$2,850,000 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:

<u>Purpose</u>	<u>Appropriation & Estimated Cost</u>	<u>Estimated Maximum Amount of Bonds & Notes</u>	<u>Period of Usefulness</u>
a) Reconstruction of various roads throughout the City of Cape May, 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 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 therefor and incidental thereto.

\$600,000

\$570,000

10 years

b) The acquisition of various equipment, including, but not limited to, an ambulance, sport utility vehicles and a utility truck, including all related costs and expenditures incidental thereto and further including all work and materials necessary therefor and incidental thereto.

\$339,300

\$322,335

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 and alternative and green energy features, including all related costs and expenditures incidental thereto and further including all work and materials necessary therefor and incidental thereto.

\$879,000

\$835,050

10 years

d) The 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 therefor and incidental thereto.	\$44,500	\$42,275	5 years
e) The acquisition of public safety equipment, including, but not limited to, all communications, dispatch systems and protective gear, including all related costs and expenditures incidental thereto.	\$137,200	\$130,340	10 years
f) Various pool improvements at the Cape May Elementary School, including all work and materials necessary therefor and incidental thereto. (This improvement is being made pursuant to a Shared Services Agreement by and between the City of Cape May and the Cape May City School District.)	\$1,000,000	\$950,000	15 years
Total:	<u>\$3,000,000</u>	<u>\$2,850,000</u>	

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

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

- (a) The 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 11.02 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 \$2,850,000, and the obligations authorized herein will be within all debt limitations prescribed by that Law.
- (d) An aggregate amount not exceeding \$450,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the purposes or improvements.

Section 7. The City hereby declares the intent of the City to issue bonds or bond anticipation notes in the amount authorized in Section 2 of this bond ordinance and to use the proceeds to pay or reimburse expenditures for the costs of the purposes 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 "Rule") for the benefit of holders and beneficial owners of obligations of the City and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the City fails to comply with its undertaking, the City shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

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

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

NOTICE

Ordinance 306-2016 was introduced at a regular meeting of the City Council of the City of Cape May, held on April 19, 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 May 17, 2016 at 7:00 P.M. at which time a Public Hearing will be held.

Louise Cummiskey, City Clerk

NOTICE OF ADOPTION

The foregoing Ordinance was considered on second reading by the City Council of the City of Cape May, New Jersey, and, after public hearing, was adopted finally on May 17, 2016.

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

ATTEST:

By:

Dr. Edward J. Mahaney, Jr., Mayor

Roll Call	Ayes	Nays	Absent	Abstain
Meier				
Furlin				
Swain				
Pessagno				
Mahaney				

Introduced: April 19, 2016
 First Publication: April 27, 2016
 2nd Reading & Adoption: May 17, 2016
 Final Publication: May 25, 2016
 Effective Date: June 14, 2016

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

ORDINANCE 307-2016

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 \$1,200,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$1,200,000 BONDS OR NOTES OF THE CITY TO FINANCE PART OF THE COST THEREOF.

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

Section 1. The 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 \$1,200,000. 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 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 \$1,200,000 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:

<u>Purpose</u>	<u>Appropriation & Estimated Cost</u>	<u>Estimated Maximum Amount of Bonds & Notes</u>	<u>Period of Usefulness</u>
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.

\$800,000 \$800,000 40 years

b) Acquisition of equipment, including, but not limited to, the acquisition of a utility truck, a sewer jetting and vacuum truck, tools, communications and safety equipment, including all related costs and expenditures incidental thereto.

\$400,000 \$400,000 5 years

TOTAL: \$1,200,000 \$1,200,000

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

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

- (a) The 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 28.33 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 \$1,200,000, and the obligations authorized herein will be within all debt limitations prescribed by that Law.
- (d) An aggregate amount not exceeding \$180,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the 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 City to issue bonds or bond anticipation notes in the amount authorized in Section 2 of this bond ordinance and to use the proceeds to pay or reimburse expenditures for the costs of the purposes 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 "Rule") for the benefit of holders and beneficial owners of obligations of the City and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the City fails to comply with its undertaking, the City shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

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

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

NOTICE

Ordinance 307-2016 was introduced at a regular meeting of the City Council of the City of Cape May, held on April 19, 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 May 17, 2016 at 7:00 P.M. at which time a Public Hearing will be held.

Louise Cummiskey, City Clerk

NOTICE OF ADOPTION

The foregoing Ordinance was considered on second reading by the City Council of the City of Cape May, New Jersey, and, after public hearing, was adopted finally on May 17, 2016.

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

ATTEST:

By: _____

Dr. Edward J. Mahaney, Jr., Mayor

Roll Call	Ayes	Nays	Absent	Abstain
Meier				
Furlin				
Swain				
Pessagno				
Mahaney				

Introduced: April 19, 2016
 First Publication: April 27, 2016
 2nd Reading & Adoption: May 17, 2016
 Final Publication: May 25, 2016
 Effective Date: June 14, 2016

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

RESOLUTION NO. 93-04-2016

**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>
1131/20	1229 New Jersey Ave.	Samuel Shapiro	\$1,947.00

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 April 19, 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. 94-04-2016

**RESOLUTION DESIGNATING FIRST FULL WEEK OF MAY
EACH YEAR AS “COAST GUARD COMMUNITY WEEK”
IN CAPE MAY CITY AND COUNTY AND ESTABLISHING 2015
“COAST GUARD COMMUNITY FESTIVAL”**

MOTION:

SECOND:

WHEREAS, the Cape May County is home to the “USCG Training Center Cape May” (“TRACEN”), which is the fifth largest Coast Guard base in the world and the nation’s only Coast Guard recruit training center, and which also houses tenant commands engaging in missions such as vessel support, participation in air/sea rescue, investigative services, communications and homeland security services; and

WHEREAS, after several levels of Coast Guard flag review and approval, and confirmation by the United States Congress, Cape May County has been awarded the designation of “Coast Guard Community” in 2015, a distinction awarded to only one other county in the United States; and

WHEREAS, the designation of “Coast Guard Community” will endure for five years, at which time it shall be reviewed by the Coast Guard to determine whether it should be renewed for another five-year term; and

WHEREAS, the Coast Guard’s involvement in Cape May County dates back over a century to that of its predecessor, the United States Life-Saving Service, with a significant ensuing presence in multiple towns throughout the County – ranging from the small life-saving stations that graced our coastlines before the advent of advanced search-and-rescue technologies, to the historic North Wildwood Lighthouse tended for decades by Coast Guard keepers, to the Woodbine Uniform Distribution Center where uniforms and accessories such as service medals are shipped to Coast Guard bases around the world, to TRACEN’s massive modern presence on 352 acres of land and coastline within the City of Cape May, with a complement of more than 850 full-time military and civilian personnel and a graduation rate of more than 2,300 recruits yearly; and

WHEREAS, Coast Guard families have become an integral part of our County’s rich fabric as our family, our neighbors and our friends, participating in our interdependent “Cape economy” and engaging in daily activities that provide powerful steppingstones, as well as memories, for our futures; and

WHEREAS, Cape May City in particular has had a special relationship with the Coast Guard through many collaborative efforts such as, without limitation, supporting the Coast Guard Enlisted Memorial Foundation, joint mutual aid for fire and rescue services, a proclamation of Coast Guard Day on August 4th of each year, joint participation in various parades and civic events honoring Memorial Day, Patriot's Day and Veterans Day, as well as other community events, and attendance by the Mayor and Council at various events at the Training Center; and

WHEREAS, the people of Cape May City and Cape May County desire to take all possible steps to acknowledge and protect the strength and enduring nature of these ties.

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

1. To celebrate the designation and its status as a "Coast Guard Community," the County and City of Cape May shall co-sponsor the second "Coast Guard Community Festival," to be celebrated this year from May 6, 2016 to May 8, 2016; and
2. The first full week of May of each year shall be celebrated as "Coast Guard Community Week" throughout Cape May City and County. In 2016, this will be the week of May 2nd through May 8th.

STATEMENT

This Resolution designates the first full week of May each year as "Coast Guard Community Week" in Cape May City and County, and confirms May 6, 2016 through May 8, 2016 as dates for the second annual "Coast Guard Community Festival" in Cape May City and County.

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 April 19, 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. 95-04-2016

**A RESOLUTION OF THE CITY OF CAPE MAY APPROVING THE
RECREATIONAL AND OPEN SPACE INVENTORY
PREPARED IN CONNECTION WITH THE STATE OF NEW JERSEY**

MOTION:

SECOND:

WHEREAS, the New Jersey Department of Environmental Protection, Green Acres Program ("Green Acres"), provides loans and/or grants to municipal and county governments for assistance in the acquisition and development of lands for outdoor recreation and conservation purposes;

WHEREAS, all lands that a county or municipality holds for recreation and conservation purposes at the time that it accepts Green Acres funds are subject to a Green Acres restriction, and all such lands must be listed on the Recreation and Open Space Inventory ("ROSI"), which serves as a master list of Green Acres-encumbered properties in each municipality;

WHEREAS, the City of Cape May (the "City") is required to prepare a ROSI as a condition of applying for and receiving Green Acres funding;

WHEREAS, said ROSI lists all Green Acres funded properties as well as other lands held for conservation and/or recreation purposes in the City; and

WHEREAS, the City and the State of New Jersey have collaborated in creating the ROSI and desires to formalize and memorialize the ROSI attached hereto as EXHIBIT A.

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

1. That the ROSI attached here to as EXHIBIT A and by this reference made a part hereof is accepted.
2. That the Mayor and Clerk are hereby authorized and directed to execute said ROSI on behalf of the City of Cape May and take all actions necessary to effectuate said document.

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 April 19, 2016.

Louise Cummiskey, Clerk

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

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

RESOLUTION NO. 96-04-2016

**RESOLUTION OF THE CITY OF CAPE MAY APPROVING AND AUTHORIZING
THE EXECUTION OF A PROFESSIONAL SERVICES CONTRACT WITH
HONORABLE STEVEN PERSKIE J.S.C. (Ret.)**

MOTION:

SECOND:

WHEREAS, the City of Cape May (the "City") desires to retain and employ Honorable Steven Perskie, J.S.C. (Ret.) ("Judge Perskie") as hearing officer in connection with the Fire Department disciplinary hearings;

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

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

1. The City Council of the City of Cape May hereby approves a professional services contract with Judge Perskie, whom shall be responsible for all services rendered in connection therewith, in the form attached hereto as EXHIBIT A, and by this reference made a part hereof.
2. The Mayor and Clerk are hereby authorized and directed to execute the contract on behalf of the City, and to take any and all other actions necessary to effectuate the purposes thereof.
3. The contract has been reviewed and approved by the City Solicitor as to form, content and legal procedure.
4. This resolution is contingent upon the contract being executed by the Mayor and City Clerk within thirty (30) days from the date of this resolution.
5. A Notice of Award of Contract 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 April 19, 2016.

Louise Cummiskey, City Clerk

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

CITY OF CAPE MAY

RESOLUTION NO. 97-04-2016A

RESOLUTION FOR THE PAYMENT OF BILLS

MOTION:

SECOND:

BE IT RESOLVED by the City Council of the City of Cape May, that the following bills, approved for payment by the City Manager, be paid and that the Chief Financial Officer/Treasurer of the City of Cape May, is hereby authorized to draw orders for the amounts of same, as shown on bill list dated April 15, 2016 for payments excluding those related to Swain's Ace Hardware Inc. Total Bill List: \$794,632.33.

Current Fund Appropriations	\$ 444,594.10
Water/Sewer Utility Operating Fund	\$ 87,428.45
Tourism Utility Fund	\$ 11,492.59
General Capital Improvements	\$ 82,969.70
Water/Sewer Capital Improvements	\$ 23,793.23
Escrow Special Account	\$ 5,175.00
Trust Fund	\$ 6,747.70
Grant Fund	\$ 118,190.07
Beach Utility Fund Appropriations	\$ 14,138.57
Beach Utility Capital Improvements	\$ -
	<u>\$ 794,529.41</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 April 19, 2016.

Louise Cummiskey, City Clerk

CITY OF CAPE MAY

RESOLUTION NO. 97-04-2016B

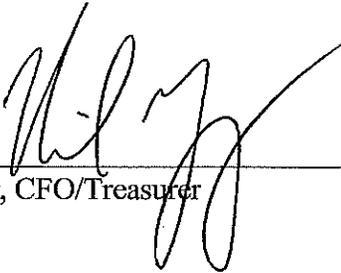
RESOLUTION FOR THE PAYMENT OF BILLS

MOTION:

SECOND:

BE IT RESOLVED by the City Council of the City of Cape May, that the following bills, approved for payment by the City Manager, be paid and that the Chief Financial Officer/Treasurer of the City of Cape May, is hereby authorized to draw orders for the amounts of same, as shown on bill list dated April 15, 2016 for payments related to Swain's Ace Hardware Inc:
Total Bill List: \$794,632.33.

Current Fund Appropriations	\$	76.39
Utility Operating Fund Appropriations	\$	-
General Capital Improvements	\$	-
Water/Sewer Capital Improvements	\$	-
Escrow Special Account	\$	-
Trust Fund	\$	-
Tourism Utility	\$	-
Grant Fund	\$	-
Beach Utility Fund Appropriations	\$	26.53
Beach Utility Capital Improvements	\$	-
	<u>\$</u>	<u>102.92</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 April 19, 2016.

Louise Cummiskey, City Clerk

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

RESOLUTION NO. 98-04-2016

**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 – DOT FY2016 Transportation Trust Fund
Appropriation Title: Current Fund NJDOT FY2016 Transportation Trust Fund
Amount: \$179,000.00

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 April 19, 2016.

Louise Cummiskey, City Clerk

cc: City Treasurer

Roll Call	Ayes	Nays	Absent	Abstain
Furlin				
Meier				
Pessagno				
Swain				
Mahaney				

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

RESOLUTION NO. 99-04-2016

**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 – NJDOT – FY 2016 Bikeway Program
Appropriation Title: NJDOT-FY2016 Bikeway Program-Network Expansion Project-II
Amount: \$250,000.00

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 April 19, 2016.

Louise Cummiskey, City Clerk

cc: City Treasurer

Roll Call	Ayes	Nays	Absent	Abstain
Furlin				
Meier				
Pessagno				
Swain				
Mahaney				

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

RESOLUTION NO. 100-04-2016

**RESOLUTION APPROVING PROFESSIONAL SERVICES AGREEMENT
BETWEEN HATCH MOTT MACDONALD AND THE CITY OF CAPE MAY
FOR WELCOME CENTER LIGHTING AND PARKING IMPROVEMENTS**

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, for professional surveying and engineering services to prepare contract plans and specifications for the proposed lighting and parking improvements to the Welcome Center and assisting the City with the public bidding of the project and for the provision of construction administration and inspection services during the construction project (the "Services"); 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, 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 the amount of THIRTY TWO THOUSAND SIX HUNDRED (\$32,600.00) DOLLARS is hereby approved.

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

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

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

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

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

I hereby certify the foregoing to be an original resolution adopted by the City Council of the City of Cape May at a meeting held on April 19, 2016.

Louise Cummiskey, City Clerk

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

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

RESOLUTION NO. 101-04-2016

**RESOLUTION APPROVING PROFESSIONAL SERVICES AGREEMENT
BETWEEN HATCH MOTT MACDONALD AND THE CITY OF CAPE MAY
FOR PROFESSIONAL ENGINEERING SERVICE FOR THE CAPE MAY CITY
PUBLIC WORKS FACILITY ABOVE GROUND STORAGE TANK**

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, for professional surveying and engineering services to provide signed and seal drawings, specifications, and engineer's estimate for the removal of existing above ground fuel storage tanks, installation of one above ground fuel storage tank, fueling facilities and site improvements for the City of Cape May Public Works Facility (the "Services"); 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, 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 the amount of SEVENTY-FOUR THOUSAND EIGHT HUNDRED (\$74,800.00) DOLLARS is hereby approved.

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

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

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

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

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

I hereby certify the foregoing to be an original resolution adopted by the City Council of the City of Cape May at a meeting held on April 19, 2016.

Louise Cummiskey, City Clerk

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