

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

ORDINANCE NO. 303-2016

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

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

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

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

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

1. Chapter 356 of the Cape May City Code is hereby retitled "Open Space and Recreation Land Acquisition, Development, and Maintenance.
2. Chapter 356 of the Cape May City Code is hereby revised as follows (deleted language is ~~stricken~~ and new language is underscored):

356-1. Purpose.

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

§ 356-2. Line item appropriation.

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

§ 356-3. Duration.

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

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 All other ordinances in conflict or inconsistent with this Ordinance are hereby repealed to the extent of such conflict or inconsistency.

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

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

ATTEST:

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

Louise Cummiskey, City Clerk

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

NOTICE

Ordinance 303-2016 was introduced at a regular meeting of the City Council of the City of Cape May, held on April 5, 2016 and will be further considered for final passage during a meeting of the City Council, to be held at the Cape May City Hall Auditorium, 643 Washington Street, Cape May, New Jersey, on 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 5, 2016
First Publication:	April 13, 2016
2nd Reading & Adoption:	May 3, 2016
Final Publication:	May 11, 2016

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

RESOLUTION NO. 84-04-2016

**RESOLUTION APPROVING THE SUBMISSION OF A GRANT APPLICATION
AND THE EXECUTION OF A GRANT AGREEMENT WITH THE
U.S. DEPARTMENT OF HOMELAND SECURITY FOR THE
FY2016 FLOOD MITIGATION ASSISTANCE PROGRAM**

MOTION:

SECOND:

WHEREAS, the U. S. Department of Homeland Security for the FY 2016 Flood Mitigation Assistance Program; and

WHEREAS, this program is available to certain municipalities in the State of New Jersey; and

WHEREAS, this grant program does not require a local match from the municipality; and

WHEREAS, the City of Cape May carefully considers grant programs that assist the City in achieving projects and programs that are priorities for the community; and

WHEREAS, the Flood Mitigation Assistance Program may fund property acquisition and structure demolition or relocation, structure elevation, mitigation reconstruction, dry-flood proofing and other mitigation measures; and

WHEREAS, actions taken through the Flood Mitigation Assistance Program may result in lower flood insurance premiums through the Community Rating System, increase ratables and improved resiliency.

NOW, THEREFORE, BE IT RESOLVED that City Council of the City of Cape May formally approves that grant application for the above stated project.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to submit a grant application to the U. S. Department of Homeland Security.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of the City of Cape May and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

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 5, 2016.

Louise Cummiskey, City Clerk

Roll Call	Ayes	Nays	Absent	Abstain
Mahaney				
Meier				
Pessagno				
Swain				
Furlin				

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

RESOLUTION NO. 85-04-2016

RESOLUTION DESIGNATING THE 2016 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 April 5, 2016.

Louise Cummiskey, City Clerk

Roll Call	Ayes	Nays	Absent	Abstain
Furlin				
Meier				
Pessagno				
Swain				
Mahaney				

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

RESOLUTION NO. 85-04-2016

**SCHEDULE "A"
PROTECTED BATHING BEACHES - 2016 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 2014 summer season.

LOTS	BEACH KNOWN AS	WIDTH	OWNER	CODE
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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	A
32-47	Jefferson Beach	308	City	B
54-55	Queen Street Beach, Section 1	105	Steger/Gram's	C
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	C
	Brooklyn Beach			C

BLOCK 1196, LOT 1 & BLOCK 1221 LOTS 1&2 - POVERTY BEACH

As Above	Poverty Beach	650	City	A
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SCHEDULE "A" NOTES & CODES:

- A Beaches open May 28th, 29th, and 30th 2016. Beaches open weekends until June 11, 2016 and every day thereafter.
- B Beaches open June 18, 2016 for the balance of the summer.
- C Beaches open June 25, 2016 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. 86-04-2016

**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: County of Cape May Open Space – Lafayette Street Park
Appropriation Title: County of Cape May Open Space – Lafayette Street Park Other Exp.
Amount: \$1,177,000.00

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 5, 2016.

Louise Cummiskey, City Clerk

	Ayes	Nays	Absent	Abstain
Furlin				
Meier				
Pessagno				
Swain				
Mahaney				

cc: City Treasurer

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

RESOLUTION NO. 87-04-2016

**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: New Jersey Dept. of Law & Public Safety-FY 15 EMAA Grant
Appropriation Title: NJ Dept. of Law & Public Safety – FY 15 EMAA Grant-S&W
Amount: \$7,000.00

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 5, 2016.

Louise Cummiskey, City Clerk

	Ayes	Nays	Absent	Abstain
Furlin				
Meier				
Pessagno				
Swain				
Mahaney				

cc: City Treasurer

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

RESOLUTION NO. 88-04-2016

**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 - Dept. of Env. Prot.- HPO - Circuit Rider
Appropriation Title: Current Fund NJDEP – HPO – Circuit Rider
Amount: \$20,065.00

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 5, 2016.

Louise Cummiskey, City Clerk

	Ayes	Nays	Absent	Abstain
Furlin				
Meier				
Pessagno				
Swain				
Mahaney				

cc: City Treasurer

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

RESOLUTION NO. 89-04-2016

**A RESOLUTION OF THE CITY OF CAPE MAY APPROVING BIDS FOR
THE SUBLEASE OF A PORTION OF THE NATURE CENTER OF CAPE MAY
FOR OPERATION OF A KAYAK ECO-TOUR BUSINESS**

MOTION:

SECOND:

WHEREAS, the City of Cape May (the "City") solicited bids for the award a sublease of a portion of the Nature Center of Cape May for the operation of a kayak eco-tour business (the "Sublease");

WHEREAS, the only responsive bid was submitted by Aqua Trails Kayaking, LLC ("Aqua Trails") at an open public auction conducted on March 29, 2016;

WHEREAS, Aqua Trails bid met the minimum bid requirement as contained in the Bid Information Packet and Concession Agreement (the "Bid Packet");

WHEREAS, Aqua Trails has made a deposit equal to Ten (10%) Percent of the Sublease rent due for the 2016 year as required in the Bid Packet; and

WHEREAS, the City Council desires to approve and accept the bid submitted by Aqua Trails for the Sublease identified on EXHIBIT A and at the bid amount also set forth on EXHIBIT A and to approve and execute the Sublease Agreement utilizing the form previously attached to the Bid Information Packet approved by Cape May City Resolution No. 72-03-2016.

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 bid for the Sublease identified on EXHIBIT A attached hereto and by this reference made a part hereof is accepted.
2. That the Sublease Agreement, based upon the form previously approved by City Council and attached to a Bid Information Packet pursuant to Resolution No. 72-03-2016, is also approved.
3. That the Mayor and Clerk are hereby authorized and directed to execute said Sublease Agreement on behalf of the City of Cape May and take all actions necessary to effectuate the terms and conditions set forth therein.

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 5, 2016.

Louise Cummiskey, Clerk

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

CITY OF CAPE MAY

RESOLUTION NO. 90-04-2016A

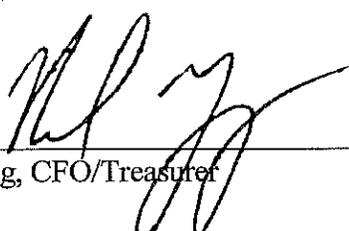
RESOLUTION FOR THE PAYMENT OF BILLS

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 1, 2016 for payments excluding those related to Swain's Ace Hardware Inc. Total Bill List: \$1,079,173.32.

Current Fund Appropriations	\$ 846,466.88
Water/Sewer Utility Operating Fund	\$ 29,635.63
Tourism Utility Fund	\$ 73,502.43
General Capital Improvements	\$ 9,043.07
Water/Sewer Capital Improvements	\$ 103,110.61
Escrow Special Account	\$ 5,922.50
Trust Fund	\$ -
Grant Fund	\$ 2,732.82
Beach Utility Fund Appropriations	\$ 7,846.27
Beach Utility Capital Improvements	\$ -
	<u>\$ 1,078,260.21</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 5, 2016.

Louise Cummiskey, City Clerk

CITY OF CAPE MAY

RESOLUTION NO. 90-04-2016B

RESOLUTION FOR THE PAYMENT OF BILLS

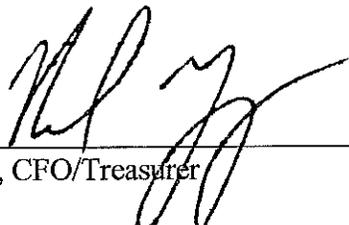
MOTION:

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 1, 2016 for payments related to Swain's Ace Hardware Inc:

Total Bill List: \$1,079,173.32.

Current Fund Appropriations	\$	367.77
Utility Operating Fund Appropriations	\$	24.29
General Capital Improvements	\$	-
Water/Sewer Capital Improvements	\$	-
Escrow Special Account	\$	-
Trust Fund	\$	-
Tourism Utility	\$	53.97
Grant Fund	\$	-
Beach Utility Fund Appropriations	\$	467.08
Beach Utility Capital Improvements	\$	-
	<u>\$</u>	<u>913.11</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 5, 2016.

 Louise Cummiskey, City Clerk

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

RESOLUTION 91-04-2016

**A RESOLUTION OF THE CITY OF CAPE MAY APPROVING
THE AMENDED AND UPDATED AGREEMENT WITH
THE BOROUGH OF WEST CAPE MAY TO PROVIDE POTABLE WATER**

MOTION:

SECOND:

WHEREAS, pursuant to the Uniform Shared Services and Consolidation Act, N.J.S.A. 40A:65-1, et seq. (the "Interlocal Services Act"), any local government unit may enter into a contract with any other local government unit to provide and receive any service that each unit is empowered to provide or receive within its own jurisdiction; and

WHEREAS, the Borough of West Cape May (the "Borough") and the City of Cape May (the "City") desire to amend and update the Interlocal Services Agreement (the "Agreement"), originally dated January 7, 1998, and amended pursuant to a Settlement Agreement dated August 5, 2014; and

WHEREAS, the City shall continue to provide potable water on a bulk rate basis incorporating the requirement by the State of New Jersey, Department of Environmental Protection, Division of Water Supply & Geoscience, Bureau of Water Allocation & Well Permitting.

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

1. The Agreement between the Borough of West Cape May and the City of Cape May, in the form attached hereto as EXHIBIT A, is hereby approved.
2. That 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.
3. That the Agreement has been reviewed and approved by the City Solicitor as to form, content and legal procedure.
4. 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.

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 5, 2016.

Louise Cummiskey, City Clerk

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