

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

RESOLUTION NO. 189-08-2015

**RESOLUTION ACCEPTING SETTLEMENT AGREEMENT BY AND BETWEEN THE
CITY OF CAPE MAY AND THE BOROUGH OF WEST CAPE MAY**

MOTION:

SECOND:

WHEREAS, the City of Cape May (the "City") and the Borough of West Cape May ("West Cape May") (collectively referred to as the "Parties") are parties to an Existing Agreement dated January 7, 1998 ("Existing Agreement"), whereby the City provides potable water to West Cape May through a series of meters and water lines;

WHEREAS, the water then passes through West Cape May through a system of pipes all of which are owned and maintained by West Cape May, with limited exceptions, and is ultimately sold to water users in West Cape May; and

WHEREAS, in or around 2010, a dispute arose between the Parties with respect to the amount of water purchased by West Cape May from the City, which was alleged to have exceeded the amount of water that West Cape May was selling to its customers (the "Dispute"); and

WHEREAS, the City and West Cape May have had a long standing, amicable relationship which the Parties desire to preserve and maintain; and

WHEREAS, the City recognizes that not only will protracted litigation regarding the Dispute be an unnecessary cost to the City's taxpayers, but will also unnecessarily jeopardize the long standing, working relationship between the Parties; and

WHEREAS, without prejudice to the positions of the respective Parties, and in order to avoid any litigation, an agreement has been reached between the City and West Cape May with respect to the Dispute.

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

1. That the Dispute is hereby resolved in accordance with the Settlement Agreement, a copy of which is attached hereto as EXHIBIT A and by this reference made a part hereof (the "Settlement Agreement").

2. That the Mayor and Clerk, as the appropriate authorized signatories on behalf of the City, are hereby authorized and directed to execute the Settlement Agreement.

3. That the City Manager and all other appropriate City officials are directed and authorized to take any and all action necessary to effectuate the terms and conditions set forth in the Settlement 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 August 4, 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. 190-08-2015

**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 2015, which are now available as a revenue and will be hereby appropriated as detailed below:

Revenue Title: State of New Jersey-Hazard Mitigation Grant-Generator Project
(FEMA)
Appropriation Title: 2015 Hazard Mitigation Grant-Generator Project (FEMA)
Amount: \$100,000.00

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 August 4, 2015.

Louise Cummiskey, City Clerk

cc: City Treasurer

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. 191-08-2015

**RESOLUTION FIXING THE DATE OF DELINQUENCY FOR TAXES
DUE FOR THE THIRD QUARTER 2015**

MOTION:

SECOND:

WHEREAS, Chapter 72, Public Laws of 1992 requires a minimum of twenty-five (25) days to process tax bills from the date of mailing; and

WHEREAS, Bruce A. MacLeod, Certified Tax Collector for the City of Cape May has advised the City Council that all tax bills including those marked "Advice Only" will be mailed on or before August 3, 2015; and

WHEREAS, the City of Cape May will accept all payments for the 2015 third quarter tax collection through August 31, 2015 without a late interest fee being charged; and

WHEREAS, any payment received after August 31, 2015, will be considered delinquent for the amount originally due and payable on August 1, 2015, and will be assessed late interest in accordance with New Jersey tax collection law.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Cape May, a Municipal Corporation of the State of New Jersey, that all tax payments received on or before August 31, 2015, for the third quarter 2015, will be considered paid timely and all payments received after August 31, 2015, will be assessed a delinquent interest charge. All subsequent quarterly tax installments will be due and payable as stated on the tax bill.

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 August 4, 2015.

Louise Cummiskey, City Clerk

cc: Chief Financial Officer/Tax Collector
City Auditor

Roll Call	Ayes	Nays	Absent	Abstain
Meier				
Swain				
Pessagno				
Wichterman				
Mahaney				

Files/resol/fix date of tax delinquency

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

RESOLUTION NO. 192-08-2015

**RESOLUTION OF THE CITY OF CAPE MAY
APPROVING THE CORRECTIVE ACTION PLAN
FOR THE YEAR 2014**

MOTION:

SECOND:

WHEREAS, the City Council of the City of Cape May has reviewed the year 2014 audit including the recommendation by the Municipal Auditor; and

WHEREAS, for the year 2014, the following recommendation was listed in the audit report:

1. That the City account for and maintain its general fixed asset ledgers in accordance with NJAC 5-30-5.6 and that these ledgers be updated and provided for audit.

WHEREAS, the Administrative Staff has developed a Corrective Action Plan for the City Council approval;

NOW, THEREFORE, BE IT RESOLVED that the Corrective Action Plan for the 2014 Audit as presented is approved and made part 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 August 4, 2015.

Louise Cummiskey, City Clerk

Roll Call	Ayes	Nays	Absent	Abstain
Wichterman				
Meier				
Pessagno				
Swain				
Mahaney				

cc: Auditor
Chief Financial Officer
DLGS w/proof of publication of audit synopsis

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

RESOLUTION NO. 193-08-2015

A RESOLUTION PROVIDING FOR A MEETING NOT OPEN TO THE PUBLIC IN ACCORDANCE WITH THE PROVISIONS OF THE NEW JERSEY OPEN PUBLIC MEETINGS ACT, N.J.S.A. 10:4-12

MOTION:

SECOND:

WHEREAS, the City Council of the City of Cape May is subject to certain requirements of the Open Public Meetings Act, N.J.S.A 10:4-6, et seq., and

WHEREAS, the Open Public Meetings Act, N.J.S.A. 10:4-12, provides that an Executive Session, not open to the public, may be held for certain specified purposes when authorized by Resolution, and

WHEREAS, it is necessary for the City Council of the City to discuss in a session not open to the public certain matters relating to the item or items authorized by N.J.S.A. 10:4-12b and designated below:

_____ (1) Matters Required by Law to be Confidential: Any matter which, by express provision of Federal law or State statute or rule of court shall be rendered confidential or excluded from the provisions of the Open Public Meetings Act.

_____ (2) Matters Where the Release of Information Would Impair the Right to Receive Funds: Any matter in which the release of information would impair a right to receive funds from the Government of the United States.

_____ (3) Matters Involving Individual Privacy: Any material the disclosure of which constitutes an unwarranted invasion of individual privacy such as any records, data, reports, recommendations, or other personal material of any educational, training, social service, medical, health, custodial, child protection, rehabilitation, legal defense, welfare, housing, relocation, insurance and similar program or institution operated by a public body pertaining to any specific individual admitted to or served by such institution or program, including but not limited to information, relative to the individual's personal and family circumstances, and any material pertaining to admission, discharge, treatment, progress or condition of any individual, unless the individual concerned (or, in the case of a minor or incompetent, his guardian) shall request in writing that the same be disclosed publicly.

_____ (4) Matters Relating to Collective Bargaining Agreement: Any collective bargaining agreement, or the terms and conditions which are proposed for inclusion in any collective bargaining agreement, including the negotiation of the terms and conditions thereof with employees or representatives of employees of the public body.

_____ (5) Matters Relating to the Purchase, Lease or Acquisition of Real Property or the Investment of Public Funds: Any matter involving the purchase, lease or acquisition of real property with public funds, the setting of banking rates or investment of public funds, where it could adversely affect the public interest if discussion of such matters were disclosed.

_____ (6) Matters relating to Public Safety and Property: Any tactics and techniques utilized in protecting the safety and property of the public, provided that their disclosure could impair such protection. Any investigations of violations or possible violations of the law.

_____ (7) Matters Relating to Litigation, Negotiations and the Attorney-Client Privilege: any pending or anticipated litigation or contract negotiation in which the public body is, or may become a party. Any matters falling within the attorney-client privilege, to the extent that confidentiality is required in order for the attorney to exercise his ethical duties as a lawyer.

X (8) Matters Relating to the Employment Relationship: Any matter involving the employment, appointment, termination of employment, terms and conditions of employment, evaluation of the performance of promotion or disciplining of any specific prospective public officer or employee or current public officer or employee employed or appointed by the public body, unless all the individual employees or appointees whose rights could be adversely affected request in writing that such matter or matters be discussed at a public meeting – Fire Department.

_____ (9) Matters Relating to the Potential Imposition of a Penalty: Any deliberations of a public body occurring after a public hearing that may result in the imposition of a specific civil penalty upon the responding party or the suspension or loss of a license or permit belonging to the responding party bears responsibility.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Cape May, assembled in public session on August 4, 2015, that an Executive Session closed to the public shall be held on this date beginning at 1:00 P.M. in the City Hall Building of the City of Cape May, 643 Washington Street, Cape May for the discussion of matters relating to the specific items designated above.

It is anticipated that the deliberations conducted in closed session may be disclosed to the public upon the determination of the City Council that the public interest will no longer be served by such confidentiality.

I hereby certify the foregoing to be an original resolution adopted by the City Council of the City of Cape May at a meeting held on August 4, 2015.

Louise Cummiskey, City Clerk

Roll Call	Ayes	Nays	Absent	Abstain
Mahaney				
Swain				
Wichterman				
Pessagno				
Meier				

CITY OF CAPE MAY

RESOLUTION NO. 194-08-2015

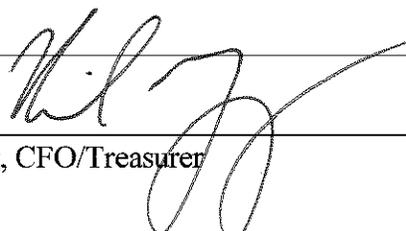
RESOLUTION FOR THE PAYMENT OF BILLS

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 July 31, 2015 for payments excluding those related to Swain's Ace Hardware Inc. Total Bill List: \$2,151,286.37.

Current Fund Appropriations	\$	1,987,517.72
Water/Sewer Utility Operating Fund Appropriations	\$	46,833.72
Tourism Utility Fund	\$	48,376.25
General Capital Improvements	\$	21,431.89
Water/Sewer Capital Improvements	\$	-
Escrow Special Account	\$	1,400.50
Trust Fund	\$	133.20
Grant Fund	\$	-
Beach Utility Fund Appropriations	\$	45,593.09
Beach Utility Capital Improvements	\$	-
	<u>\$</u>	<u>2,151,286.37</u>


Neil Young, CFO/Treasurer

Roll Call	Ayes	Nays	Absent	Abstain
Mahaney				
Swain				
Wichterman				
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 August 4, 2015.

Louise Cummiskey, City Clerk