

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

**ORDINANCE NO. 298-2015**

**BOND ORDINANCE PROVIDING FOR VARIOUS IMPROVEMENTS TO THE WATER AND SEWER UTILITY IN AND BY THE CITY OF CAPE MAY, IN THE COUNTY OF CAPE MAY, NEW JERSEY, APPROPRIATING \$500,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$500,000 BONDS OR NOTES OF THE CITY TO FINANCE 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 improvement described in Section 3(a) of this bond ordinance is hereby authorized to be undertaken by the City of Cape May, in the County of Cape May, New Jersey (the "City"). For the improvement or purpose described in Section 3(a), there is hereby appropriated the sum of \$500,000. No down payment is required as the purpose authorized herein is deemed self-liquidating and the bonds and bond anticipation notes 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 improvement or purpose, negotiable bonds are hereby authorized to be issued in the principal amount of \$500,000 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. (a) The improvement hereby authorized and the purpose for the financing of which the bonds are to be issued is improvements to the water and sewer utility, including, but not limited to, all transmission mains, laterals, piping, water storage facilities, wells, well housings, pumps, pumping stations, generators, production systems and facilities, and the replacement and installation of water meters, including all work and materials necessary therefor and incidental thereto and further including all related costs and expenditures incidental thereto.

(b) The estimated maximum amount of bonds or bond anticipation notes to be issued for the improvement or purpose is as stated in Section 2 hereof.

(c) The estimated cost of the improvement or purpose is equal to the amount of the appropriation herein made therefor.

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 improvement or purpose described in Section 3(a) of this bond ordinance is not a current expense. It is an improvement or purpose that the City may lawfully undertake as a self-liquidating purpose 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 period of usefulness of the improvement or purpose within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the bonds authorized by this bond ordinance, is 40 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 \$500,000, but that the net debt of the City determined as provided in the Local Bond Law is not increased by this bond ordinance. The obligations authorized herein will be within all debt limitations prescribed by the Local Bond Law.

(d) An aggregate amount not exceeding \$75,000 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 purpose or improvement.

(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 a purpose that is deemed to be self-liquidating pursuant to N.J.S.A. 40A:2-47(a) and are deductible from the gross debt of the City 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 described in Section 3(a) 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 purpose described in Section 3 hereof shall be applied either to direct payment of the cost of the improvement 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 298-2015 was introduced at a regular meeting of the City Council of the City of Cape May, held on November 16, 2015 and will be further considered for final passage during a meeting of the City Council, to be held at the Cape May City Hall Auditorium, 643 Washington Street, Cape May, New Jersey, on December 15, 2015 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 December 15, 2015.

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: November 16, 2015  
First Publication: November 25, 2015  
2nd Reading & Adoption: December 15, 2015  
Final Publication: December 23, 2015  
Effective Date: January 12, 2016

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

RESOLUTION NO. 261-12-2015

RESOLUTION ADOPTING THE WASHINGTON STREET MALL  
MANAGEMENT CO., INC., BUSINESS IMPROVEMENT DISTRICT 2016  
ANNUAL BUDGET

MOTION:

SECOND:

WHEREAS, the Washington Street Mall Management Company, Inc., a New Jersey Nonprofit Corporation, is legally empowered to manage the administrative and business affairs as the District Management Corporation of the Washington Street Mall Business Improvement District; and

WHEREAS, as required by N.J.S.A. 40:56-84, the District Management Corporation submitted a detailed annual budget for the adoption by resolution of the governing body in the amount of \$68,936.00; and

WHEREAS, the public hearing was held on December 15, 2015, after proper notice was given by public advertising and posting in public places regarding the time, place and the date of public hearing on the Washington Street Mall Business Improvement District 2016 Budget.

NOW THEREFORE BE IT RESOLVED, that the attached statement of revenues and appropriations shall constitute the Washington Street Mall Business Improvement District 2016 Budget.

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 December 15, 2015.

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 262-12-2015**

**AUTHORIZING REFUND OF OVERPAID 2016 TAXES**

**MOTION:**

**SECOND:**

**WHEREAS**, the 1st quarter 2016 property taxes were paid twice by the homeowner; and

**WHEREAS**, the homeowner has requested a refund; and

**WHEREAS**, the Tax Collector of the City of Cape May has calculated the amount of the refund as listed below; and

**WHEREAS**, the specific property and amount of the overpaid taxes are listed below:

<b>PROPERTY OWNER</b>	<b>ADDRESS</b>	<b>BLOCK/LOT</b>	<b>AMOUNT</b>
Faccenda, Robert D. Jr., & Deborah R.	1621 Beach Ave.	1185/14C-105	\$1,453.41

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Cape May, that it authorizes the appropriate officers and officials of the City of Cape May to refund the overpaid utilities as stated above.

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 December 15, 2015.

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Louise Cummiskey, City Clerk

Roll Call	Ayes	Nays	Absent	Abstain
Mahaney				
Furlin				
Meier				
Pessagno				
Swain				

cc: CFO  
Water/Sewer

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

**RESOLUTION NO. 263-12-2015**

**AUTHORIZING THE APPLICATION FOR AND THE EXECUTION OF A  
SUBCONTRACT WITH THE COUNTY OF CAPE MAY FOR THE  
MUNICIPAL ALLIANCE PROGRAM**

**MOTION**

**SECOND:**

**WHEREAS**, the Governor's Council on Alcoholism and Drug Abuse established the Municipal Alliances for the Prevention of Alcoholism and Drug Abuse in 1989 to educate and engage residents, local government and law enforcement officials, schools, nonprofit organizations, the faith community, parents, youth and other allies in efforts to prevent alcoholism and drug abuse in communities throughout New Jersey.

**WHEREAS**, the City Council of the City of Cape May, County of Cape May, State of New Jersey recognizes that the abuse of alcohol and drugs is a serious problem in our society amongst persons of all ages; and therefore has an established Municipal Alliance Committee; and,

**WHEREAS**, the City Council further recognizes that it is incumbent upon not only public officials but upon the entire community to take action to prevent such abuses in our community; and,

**WHEREAS**, the City Council has applied for funding to the Governor's Council on Alcoholism and Drug Abuse through the County of Cape May;

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

1. The City Council does hereby authorize submission of a strategic plan for the Lower Cape Municipal Alliance grant for fiscal year 2017 (July 1, 2016 to June 30, 2017 in the amount of:

DEDR	\$29,839
Cash Match	\$ 7,460
In-Kind	\$22,379

The City of Cape May Cash Match portion will be \$1,343.00

2. The City Council acknowledges the terms and conditions for administering the Municipal Alliance grant, including the administrative compliance and audit requirements.

APPROVED: \_\_\_\_\_

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

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 December 15, 2015

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

<b>Roll Call</b>	<b>Ayes</b>	<b>Nays</b>	<b>Absent</b>	<b>Abstain</b>
<b>Mahaney</b>				
<b>Meier</b>				
<b>Pessagno</b>				
<b>Swain</b>				
<b>Furlin</b>				

cc: Colleen Crippen, Alliance Coordinator  
Neil Young, CFO

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

**RESOLUTION NO. 264-12-2015**

**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: NJ Dept. of Community Affairs: Small Cities CDBG – East Lyle Lane - Phase 2  
Appropriation Title: NJ Dept. of Community Affairs: Small Cities CDBG – East Lyle Lane - Phase 2  
Amount: \$400,000.00

**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 December 15, 2015.

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

cc: CFO

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. 265-12-2015**

**AMUSEMENT GAMES LICENSE  
PETER TIBURZIO, Jr. – 732-736 BEACH AVENUE**

**MOTION:**

**SECOND:**

**WHEREAS**, Peter Tiburzio, Jr., of 1260 Cape May Avenue, Cape May, New Jersey, has made application to hold, operate and conduct amusement games certified permissible for licensing under Certification No. 2 of the Regulations of the State of New Jersey Amusement Games Control Commission; and

**WHEREAS**, the City of Cape May is a seashore resort and the premises to be licensed are located in an amusement area, according to the customary understanding of such terms in the City of Cape May, and in accordance with Ordinance duly adopted;

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Cape May, that a license to hold, operate and conduct games, as included in Permissible Amusement Games Certification No. 2, for the above-cited premises, be issued to Peter Tiburzio, Jr., trading as Cape May Arcades, Inc. for the Year 2016, as shown on application.

Fee Paid: \$500 to City of Cape May  
Fee Paid: \$650 to NJ Legalized Games of Chance  
MG-D

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 December 15, 2015.

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Louise Cummiskey, City Clerk

cc: Amusement Games Control Commission (1 certified copy)  
Mr. Peter Tiburzio, Jr.

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. 266-12-2015**

**AMUSEMENT GAMES LICENSE  
PETER TIBURZIO, Jr. – 406 BEACH AVENUE**

**MOTION:**

**SECOND:**

**WHEREAS**, Peter Tiburzio, Jr., of 1260 Cape May Avenue, Cape May, New Jersey, has made application to hold, operate and conduct amusement games certified permissible for licensing under Certification No. 2 of the Regulations of the State of New Jersey Amusement Games Control Commission; and

**WHEREAS**, the City of Cape May is a seashore resort and the premises to be licensed are located in an amusement area, according to the customary understanding of such terms in the City of Cape May, and in accordance with Ordinance duly adopted;

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Cape May, that a license to hold, operate and conduct games, as included in Permissible Amusement Games Certification No. 2, for the above-cited premises, be issued to Peter Tiburzio, Jr. trading as Cape May Arcades, Inc. for the Year 2016, as shown on application.

Fee Paid: \$500 to City of Cape May  
Fee Paid: \$650 to NJ Legalized Games of Chance  
MG-D

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 December 15, 2015.

\_\_\_\_\_  
Louise Cumiskey, City Clerk

cc: Amusement Games Control Commission (1 certified copy)  
Mr. Peter Tiburzio, Jr.

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. 267-12-2015**

**Resolution Fixing Rate of Interest on Delinquent Taxes and Assessments  
and Fixing a Six (6%) Percent Penalty on Delinquent Taxes and  
Municipal Charges - 2016**

**MOTION:**

**SECOND:**

**BE IT RESOLVED** by the City Council of the City of Cape May, in accordance with Chapter 75, New Jersey Laws of 1991, and N.J.S.A. 54:4-67, 54:5-32, 54:5-34, and 54:5-35, which authorizes the Governing Body, inter alia, to fix the rate of interest to be charged in the City of Cape May for the non-payment of taxes, assessments and municipal charges, said rate of interest shall be and is hereby fixed at eight (8%) percent per annum on the first \$1,500.00 of delinquency and eighteen (18%) percent, per annum on any amount in excess of \$1,500.00, to be calculated from the date when the taxes, assessments and charges become delinquent.

**BE IT FURTHER RESOLVED** by the City Council of the City of Cape May, in accordance with N.J.S.A. 54:4-67, Chapter 75, New Jersey Laws of 1991, and Chapter 32, New Jersey Laws of 1994, which permits a six (6%) percent penalty on taxes and municipal charges greater than \$10,000.00 as of the close of the fiscal year, that said end-of-year penalty shall be fixed for the year 2016.

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 December 15, 2015.

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

Roll Call	Ayes	Nays	Absent	Abstain
Mahaney				
Meier				
Pessagno				
Swain				
Furlin				

cc: CFO  
Tax Collector

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

**RESOLUTION 268-12-2015**

**AUTHORIZING REFUND OF OVERPAID 2015 UTILITIES**

**MOTION:**

**SECOND:**

**WHEREAS**, the 3rd quarter 2015 utility bill was paid by the home owner and Seaboard Title; and

**WHEREAS**, the Seaboard Title has requested a refund of overpaid utilities;

**WHEREAS**, the Tax Collector of the City of Cape May has calculated the amount of the refunds as listed below; and

**WHEREAS**, the specific properties and amount of the overpaid utilities are listed below:

<b>PROPERTY OWNER</b>	<b>ADDRESS</b>	<b>BLOCK/LOT</b>	<b>AMOUNT</b>
Arago, Jennifer	1360 Delaware Ave	1155/13	\$409.20

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Cape May, that it authorizes the appropriate officers and officials of the City of Cape May to refund the overpaid utilities as stated above.

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 December 15, 2015

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

<b>Roll Call</b>	<b>Ayes</b>	<b>Nays</b>	<b>Absent</b>	<b>Abstain</b>
<b>Mahaney</b>				
<b>Furlin</b>				
<b>Meier</b>				
<b>Pessagno</b>				
<b>Swain</b>				

cc: CFO  
Water/Sewer

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

**RESOLUTION NO. 269-12-2015**

**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 of 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 – Boards and Commissions and Professionals.

\_\_\_\_\_ (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 December 15, 2015, that an Executive Session closed to the public shall be held on this date beginning at 7:00 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 December 15, 2015.

\_\_\_\_\_  
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. 270-12-2015**

**RESOLUTION APPROVING DONATION OF PERSONAL PROPERTY  
TO WEST CAPE MAY VOLUNTEER FIRE COMPANY**

**MOTION:**

**SECOND:**

**WHEREAS**, the City of Cape May has in its possession certain items of personal property including, without limitation, 2 (two) computers, (the "Property"); and

**WHEREAS**, the City has received a request from the West Cape May Volunteer Fire Company and would like to donate said personal property.

**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 aforementioned Personal Property is hereby declared to be surplus and not needed for public purposes.

I hereby certify the foregoing to be a true copy of a Resolution adopted by the City Council at a meeting held on December 15, 2015.

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

Roll Call	Ayes	Nays	Absent	Abstain
Mahaney				
Meier				
Pessagno				
Swain				
Furlin				

cc: Purchasing Agent  
CFO

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

**RESOLUTION NO. 271-12-2015**

**RESOLUTION APPROVING PROFESSIONAL SERVICES AGREEMENT  
BETWEEN HATCH MOTT MACDONALD AND THE CITY OF CAPE MAY  
FOR PREPARATION OF AN APPLICATION FOR AN EMERGENCY  
NJDEP PERMIT – QUEEN STREET OUTFALL REPAIR**

**MOTION:**

**SECOND:**

WHEREAS, the City of Cape May (the “City”) desires to enter into a Professional Services Agreement with Hatch Mott MacDonald (the “Professional Services Agreement”), in the form attached hereto as EXHIBIT A, to prepare an application for an emergency NJDEP Permit – Queen Street Outfall Repair (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 an estimated amount of SIX THOUSAND THREE HUNDRED (6,300.00) DOLLARS, is hereby approved.

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

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

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

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

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

I hereby certify the foregoing to be an original resolution adopted by the City Council of the City of Cape May at a meeting held on December 15, 2015.

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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. 272-12-2015**

**CANCELLATION OF OUTSTANDING CHECKS – CLEARING ACCOUNT**

**MOTION:**

**SECOND:**

**BE IT RESOLVED** by the City Council of the City of Cape May, that the Chief Financial Officer be and is hereby authorized to void the attached list of checks, totaling \$458.93 as they have been listed as outstanding checks over one (1) year old. The attached list of checks was issued against the City of Cape May Clearing Account at Sturdy Savings Bank:

- **SEE ATTACHED LIST OF CHECKS**

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 December 15, 2015.

---

Louise Cummiskey, City Clerk

Cc: Council Table  
Chief Financial Officer

Roll Call	Ayes	Nays	Absent	Abstain
Mahaney				
Swain				
Pessagno				
Meier				
Furlin				

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

**RESOLUTION NO. 273-12-2015**

**CANCELLATION OF OUTSTANDING CHECKS – PAYROLL ACCOUNT**

**MOTION:**

**SECOND:**

**BE IT RESOLVED** by the City Council of the City of Cape May, that the Chief Financial Officer be and is hereby authorized to void the attached list of checks, totaling \$1,269.85, as they have been listed as outstanding checks over one (1) year old. The attached list of checks was issued against the City of Cape May Payroll Account at Sturdy Savings Bank:

- **SEE ATTACHED LIST OF CHECKS**

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 December 15, 2015.

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

Cc: Council Table  
Chief Financial Officer

Roll Call	Ayes	Nays	Absent	Abstain
Mahaney				
Swain				
Pessagno				
Meier				
Furlin				

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

**RESOLUTION NO. 274-12-2015**

**RESOLUTION AUTHORIZING BIDDING FOR THE INSTALLATION OF  
CELLULAR COMMUNICATION ANTENNAS AND OTHER RELATED EQUIPMENT  
ON THE CANNING HOUSE LANE WATER TOWER**

**MOTION:**

**SECOND:**

WHEREAS, the City of Cape May (the "City") owns the Canning House Lane Water Tower located at Block 1061, Lots 137, and 139 (the "Property"); and

WHEREAS, the City Council has determined that it is in the City's best interest to allow the continued installation and operation of cellular communications equipment and other related property, all of which will be awarded through an open public auction for a period of five (5) years commencing 2016 and ending 2020, along with four (4), five (5) year option periods.

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

1. That the City Council hereby authorizes the bidding for installation and operation of cellular communications equipment and other related equipment on the Property by public auction pursuant to the terms and conditions set forth in the Bid Information Packet attached hereto as EXHIBIT A and by this reference made a part hereof.

2. In accordance with the New Jersey Local Lands and Buildings Law, N.J.S.A. 40A:12-1 et seq., as well as the provisions of N.J.S.A. 40:61-36, the City Council hereby authorizes the award to the highest responsible bidder at a public auction to be conducted at the Cape May City Hall Auditorium on January 20, 2016, at 12:00 Noon; subject to the required newspaper advertisements and in compliance with the Bid Information Packet.

3. That the City Manager along with all other appropriate City officials are hereby authorized and directed to take all actions necessary to effectuate the terms and conditions of this resolution in accordance with applicable law.

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 December 15, 2015.

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

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

**CITY OF CAPE MAY**

**RESOLUTION NO. 275-12-2015**

**TRANSFERS OF APPROPRIATIONS – 2015 BUDGET**

**MOTION:**

**SECOND:**

**BE IT RESOLVED** by the City Council of the City of Cape May, pursuant to N.J.S.A. 40A:4-58, that the following listed amounts be transferred from the appropriations deemed to be in excess, to such appropriations as are deemed to be insufficient:

<b>FROM:</b>	5-01-23-210-277	General Liability Insurance	\$ <u>25,000.00</u>
		Total:	\$ 25,000.00
<b>TO:</b>	5-01-20-165-200	Engineering & Planning Services-OE	\$ <u>25,000.00</u>
		Total:	\$ 25,000.00

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 December 15, 2015.

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

Cc: Council Table  
Chief Financial Officer

Roll Call	Ayes	Nays	Absent	Abstain
Mahoney				
Swain				
Pessagno				
Meier				
Furlin				

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

**RESOLUTION NO. 276-12-2015**

**REQUESTING APPROVAL OF THE DIRECTOR OF THE DIVISION OF LOCAL  
GOVERNMENT SERVICES TO ESTABLISH A DEDICATED TRUST BY RIDER FOR  
THE RECEIPT & DISBURSEMENT OF STREET OPENING ESCROW FEES  
REQUIRED BY NJSA 40:55D-53.1**

**MOTION:**

**SECOND:**

**WHEREAS**, permission is required of the Director of the Division of Local Government Services for approval as a dedication by rider of revenues received by a municipality when the revenue is not subject to reasonable accurate estimates in advance, and

**WHEREAS**, NJSA 40:55D-53.1 provides for receipt of Street Opening Escrow Fees by the municipality to provide for the operating costs to administer this act; and

**WHEREAS**, N.J.S.A. 40A: 4-39 provides the dedicated revenues anticipated from the City of Cape May Street Opening Escrow Trust are hereby anticipated as revenue and are hereby appropriated for the purpose to which said revenue is dedicated by statute or other legal requirement:

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

1. The Mayor and Council hereby request permission of the Director of the Division of Local Government Services to pay expenditures for Street Openings and NJSA 40:55D-53.1.
2. The Municipal Clerk of the City of Cape May is hereby directed to forward two certified copies of this resolution to the Director of the Division of Local Government Services.

I hereby certify the foregoing to be an original resolution adopted by the Mayor & City Council of the City of Cape May at a meeting held on December 15, 2015.

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

Mahaney				
Swain				
Pessagno				
Meier				
Furlin				

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

**RESOLUTION NO. 277-12-2015**

**REQUESTING APPROVAL OF THE DIRECTOR OF THE DIVISION OF LOCAL GOVERNMENT SERVICES TO ESTABLISH A DEDICATED TRUST BY RIDER FOR THE RECEIPT & DISBURSEMENT OF SMALL CITIES REVOLVING LOAN FUNDS**

**MOTION:**

**SECOND:**

**WHEREAS**, permission is required of the Director of the Division of Local Government Services for approval as a dedication by rider of revenues received by a municipality when the revenue is not subject to reasonable accurate estimates in advance, and

**WHEREAS**, N.J.S.A. 40A: 4-39 provides the dedicated revenues anticipated from the City of Cape May Small Cities Revolving Loan Trust are hereby anticipated as revenue and are hereby appropriated for the purpose to which said revenue is dedicated by statute or other legal requirement:

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

1. The Mayor and Council hereby request permission of the Director of the Division of Local Government Services to pay expenditures for the Small Cities Revolving Loan Trust Fund.
2. The Municipal Clerk of the City of Cape May is hereby directed to forward two certified copies of this resolution to the Director of the Division of Local Government Services.

I hereby certify the foregoing to be an original resolution adopted by the Mayor and City Council of the City of Cape May at a meeting held on December 15, 2015.

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

Error! Bookmark not defined.Roll Call	Ayes	Nays	Absent	Abstain
Mahaney				
Swain				
Pessagno				
Meier				
Furlin				

CITY OF CAPE MAY

RESOLUTION NO. 278-12-2015A

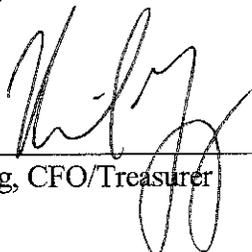
RESOLUTION FOR THE PAYMENT OF BILLS

MOTION:

SECOND:

**BE IT RESOLVED** by the City Council of the City of Cape May, that the following bills, approved for payment by the City Manager, be paid and that the Chief Financial Officer/Treasurer of the City of Cape May, is hereby authorized to draw orders for the amounts of same, as shown on bill list dated December 11, 2015 for payments excluding those related to Swain's Ace Hardware Inc. Total Bill List: \$349,747.45.

Current Fund Appropriations	\$ 224,158.23
Water/Sewer Utility Operating Fund	\$ 51,232.35
Tourism Utility Fund	\$ 6,477.07
General Capital Improvements	\$ 55,176.68
Water/Sewer Capital Improvements	\$ 2,370.00
Escrow Special Account	\$ 2,961.25
Trust Fund	\$ 313.40
Grant Fund	\$ -
Beach Utility Fund Appropriations	\$ 4,248.90
Beach Utility Capital Improvements	\$ -
	<u>\$ 346,937.88</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 December 15, 2015.

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

CITY OF CAPE MAY

RESOLUTION NO. 278-12-2015B

RESOLUTION FOR THE PAYMENT OF BILLS

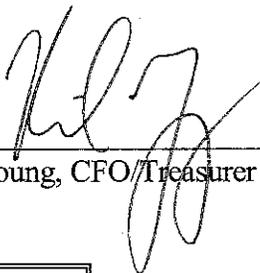
MOTION:

SECOND:

**BE IT RESOLVED** by the City Council of the City of Cape May, that the following bills, approved for payment by the City Manager, be paid and that the Chief Financial Officer/Treasurer of the City of Cape May, is hereby authorized to draw orders for the amounts of same, as shown on bill list dated December 11, 2015 for payments related to Swain's Ace Hardware Inc:

Total Bill List: \$349,747.45.

Current Fund Appropriations	\$	2,720.39
Utility Operating Fund Appropriations	\$	48.54
General Capital Improvements	\$	-
Water/Sewer Capital Improvements	\$	-
Escrow Special Account	\$	-
Trust Fund	\$	-
Tourism Utility	\$	40.64
Grant Fund	\$	-
Beach Utility Fund Appropriations	\$	-
Beach Utility Capital Improvements	\$	-
	<u>\$</u>	<u>2,809.57</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 December 15, 2015.

Louise Cummiskey, City Clerk

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

**RESOLUTION NO. 279-12-2015**

**RESOLUTION APPROVING PROFESSIONAL SERVICES AGREEMENT  
BETWEEN HATCH MOTT MACDONALD AND THE CITY OF CAPE MAY  
EXTENSION OF CAPEHART LANE**

**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 surveying, design and bid phase services and construction engineering services for the extension of Capehart Lane within Block 1031, Lot 44.03 (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 THIRTEEN THOUSAND (13,000.00) DOLLARS (surveying, design and bid phase services) and NINE THOUSAND TWO HUNDRED (\$9,200.00) DOLLARS (construction phase engineering services) is hereby approved.

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

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

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

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

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

I hereby certify the foregoing to be an original resolution adopted by the City Council of the City of Cape May at a meeting held on December 15, 2015.

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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. 280-12-2015**

**CANCELATION OF APPROPRIATED RESERVES FOR FEDERAL AND STATE GRANTS**

**MOTION:**

**SECOND:**

**WHEREAS**, the 2014 Audit Management Letter had stated that the Chief Financial Officer should review the appropriated reserve balances for federal and state grants as seen on Exhibit A-12 of the 2014 Audit Report and determine their proper disposition as there are many grant reserve balances that have remained unchanged for over 5 years; and

**WHEREAS**, the Chief Financial has performed the aforementioned review and has determined that the grants reserve balances listed on the attached Schedule A be authorized to be canceled;

**BE IT RESOLVED** by the City Council of the City of Cape May that the appropriated reserve balances for federal and state grants listed on Schedule A, totaling \$352,107.59, be canceled upon adoption 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 December 15, 2015.

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

cc: CFO

Roll Call	Ayes	Nays	Absent	Abstain
Mahaney				
Swain				
Pessagno				
Meier				
Furlin				

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

**RESOLUTION NO. 281-12-2015**

**CANCELATION OF GRANT RECEIVABLE BALANCES**

**MOTION:**

**SECOND:**

**WHEREAS**, the 2014 Audit Management Letter had stated that the Chief Financial Officer should review the grant receivable balances on Exhibit A-11 of the 2014 Audit Report and determine their proper disposition as there are many grant receivable balances that have remained unchanged for over 5 years; and

**WHEREAS**, the Chief Financial has performed the aforementioned review and has determined that the grants receivable balances listed on the attached Schedule A be authorized to be canceled;

**BE IT RESOLVED** by the City Council of the City of Cape May that the grants receivable balances listed on Schedule A, totaling \$357,179.73, be canceled upon adoption 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 December 15, 2015.

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

Cc: CFO

Roll Call	Ayes	Nays	Absent	Abstain
Mahaney				
Swain				
Pessagno				
Meier				
Furlin				