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

RESOLUTION NO. 154-07-2015

RESOLUTION APPOINTING FUND COMMISSIONER

MOTION: **SECOND:**

WHEREAS, the City of Cape May has resolved to join the Atlantic County Municipal Joint Insurance Fund, hereinafter referred to as FUND; and

WHEREAS, the bylaws of the FUND require that each Municipality appoint a Fund Commissioner who shall be a member of the municipality's governing body or one of its municipal employees; and

WHEREAS, the City of Cape May appointed Robert Smith, Public Works Superintendent, as Fund Commissioner effective January 1, 2015; and

WHEREAS, Robert Smith will retire his position of Public Works Superintendent, as well as Fund Commissioner effective July 31, 2015; and

WHEREAS, the City of Cape May recommends the appointment of Neil Young, CFO, as Fund Commissioner effective August 1, 2015.

NOW, THEREFORE, BE IT RESOLVED by the City of Cape May that it does hereby appoint **Neil Young,** CFO, as Fund Commissioner for the FUND.

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 July 7, 2015.

_____

Louise Cummiskey, City Clerk

Roll Call	Ayes	Nays	Absent	Abstain
Wichterman				
Meier				
Pessagno				
Swain				
Mahaney				

cc: Atlantic County JIF
Fund Commissioner
File

Files/resolutions/January/fund commissioner

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

RESOLUTION NO. 155-07-2015

RESOLUTION APPROVING AGREEMENT BETWEEN CITY OF CAPE MAY AND ACIR PROFESSIONAL

MOTION: **SECOND:**

WHEREAS, the City of Cape May (the "City") desires to enter into an agreement with ACIR Professional ("ACIR"), in the form attached hereto as EXHIBIT A ("Agreement"), to provide lighting and sound equipment for the 2015 Summer Concert Series Program (the "Services");

WHEREAS, the City has also reviewed the credentials and experience of ACIR, and because of the highly specialized and qualitative nature of the services and the expertise, extensive training and proven reputation that ACIR has in the performance of the Services, the City desires to enter into the Agreement as a contract for an extraordinary unspecifiable service contract in accordance with N.J.S.A. 40A:11-5(1)(a)(i);

WHEREAS, ACIR has completed and submitted a Business Entity Disclosure Certification which certifies that ACIR 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 ACIR from making any reportable contributions through the term of the Agreement.

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

1. The Agreement between ACIR 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 for Extraordinary Unspecifiable Services being executed by the Mayor and City Clerk within thirty (30) days from the date of this resolution.

5. A Notice of Award of an Agreement for Extraordinary Unspecifiable Services for the above services shall be published in the *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 July 7, 2015.

_____

Louise Cummiskey, City Clerk

Roll Call	Ayes	Nays	Absent	Abstain
Wichterman				
Meier				
Pessagno				
Swain				
Mahaney				

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

RESOLUTION NO. 156-07-2015

Refund of Deposit for Sidewalk Repair

MOTION: **SECOND:**

WHEREAS, the applicant listed below has applied for and paid $650.00 under the 50/50 Sidewalk Repair Program based upon an estimate from Carrot Top Masonry of $1,300.00 for repair to the sidewalk at 1125 New York Avenue, Cape May; and

WHEREAS, the applicant listed below obtained a second estimate for the same repair at a lesser amount of $760.00; and

WHEREAS, based upon the 50/50 sidewalk replacement plan and the reduced estimate amount, the applicant would only owe one-half of $760.00, or $380.00; and

WHEREAS, the City of Cape May owes the applicant the difference between $650.00 and $380.00 or a total reimbursement of $270.00.

WHEREAS, the name of the applicant, the specific property and amount to be refunded is listed below:

APPLICANT	ADDRESS	AMOUNT
Dory Laufman	1125 New York Avenue	$270.00

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Cape May that it hereby authorizes the appropriate officers and officials of the City of Cape May to refund the amount set forth above, 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 July 7, 2015.

_____

Louise Cummiskey, City Clerk

Roll Call	Ayes	Nays	Absent	Abstain
Wichterman				
Meier				
Pessagno				
Swain				
Mahaney				

cc: CFO
Shade Tree Commission

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

RESOLUTION NO. 157-07-2014

RESOLUTION AUTHORIZING TAX TITLE LIEN REDEMPTION

MOTION: **SECOND:**

WHEREAS, tax lien certificate 12-00001 was redeemed by the homeowner on June 15, 2015; and

WHEREAS, the lien holder, Cape Investors, LLC, has requested payment; and

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

WHEREAS, the specific property and amount of redemption is listed below:

PROPERTY OWNER	**ADDRESS**	**BLOCK/LOT**	**AMOUNT**
UFCW Local 1776	539 Elmira St.	1061/13	$18,126.94

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 make payment 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 July 7, 2015.

_____

Louise Cummiskey, City Clerk

cc: Tax Collector
CFO

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

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

RESOLUTION NO. 158-07-2015

RESOLUTION APPROVING SUBMISSION OF FISCAL YEAR 2016 SMALL CITIES PUBLIC FACILITIES APPLICATION

MOTION: **SECOND:**

WHEREAS, the City of Cape May desires to apply for and obtain a FY 2016 grant from the New Jersey Department of Community Affairs for approximately $400,000 from the New Jersey Department of Community Affairs for financial assistance to implement a Phase 7 project to remove mobility barriers in order to comply with the Americans with Disabilities Act (ADA).

BE IT THEREFORE RESOLVED,

1) that the City of Cape May does hereby authorize the application for such a grant, and,

2) recognizes and accepts that the Department may offer a lesser or greater amount and therefore, upon receipt of the grant agreement from the New Jersey Department of Community Affairs, does further authorize the execution of any such grant agreement; and also, upon receipt of the fully executed agreement from the Department, does further authorize the expenditure of funds pursuant to the terms of the agreement between the City of Cape May and the New Jersey Department of Community Affairs.

BE IT FURTHER RESOLVED, that the Mayor and Clerk are hereby authorized to sign the application, and that they or their successors in said titles are authorized to sign the agreement, and any other documents necessary in connection therewith.

I hereby certify the foregoing to be a true copy of a Resolution adopted by the City Council at a meeting held on July 7, 2015.

_____

Louise Cummiskey, City Clerk

AFFIX SEAL

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

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

RESOLUTION NO. 159-07-2015

RESOLUTION AUTHORIZING THE ADOPTION OF STATE MODEL CITIZEN PARTICIPATION PLAN FOR DCA SMALL CITIES PROGRAM

MOTION: **SECOND:**

WHEREAS, the City is Cape May is an applicant for a Department of Community Affairs Fiscal Year 2016 Small Cities Community Development Project for approximately $400,000.00 to implement a Phase 7 project to remove mobility barriers in order to comply with the Americans with Disabilities Act (ADA) and will enter into a grant agreement for said grant if approved; and

WHEREAS, that grant agreement will require the City of Cape May to comply with all federal regulations with respect to citizen participation; and

WHEREAS, the City of Cape May has reviewed the Model Citizen Participation Plan prepared for Small Cities CDBG grantees.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and the City Council of the City of Cape May, County of Cape May and State of New Jersey, that;

BE IT FURTHER RESOLVED that the City of Cape May will follow all regulations set forth in that document throughout the term of the grant agreement cited above.

I hereby certify the foregoing to be a true copy of a Resolution adopted by the City Council at a meeting held on July 7, 2015.

_____

Louise Cummiskey, City Clerk

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

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

RESOLUTION No. 160-07-2015

RESOLUTION IDENTIFYING SMALL CITIES FAIR HOUSING OFFICER

MOTION: **SECOND:**

WHEREAS, the City of Cape May is applying for a Fiscal Year FY 2016 Small Cities Community Development Block Grant for approximately $400,000 from the New Jersey Department of Community Affairs for financial assistance to implement a Phase 7 project to remove mobility barriers in order to comply with the Americans with Disabilities Act (ADA) ; and

WHEREAS, the City of Cape May must make efforts to affirmatively further fair housing; and

WHEREAS, the City of Cape May has reviewed various actions that would be acceptable to the New Jersey State Department of Community Affairs and the U.S. Department of Housing and Urban Development; and

WHEREAS, the City of Cape May has made assurances in the grant agreement that;

1. It will comply with the Housing and Community Development Act of 1974, as amended, and regulations issues thereto; and
2. It will comply with the Civil Rights Act of 1964, and the regulations issued thereto it; and
3. It will comply with the Fair Housing Act of 1968 and will affirmatively further fair housing; and
4. It will comply with the Age Discrimination Act of 1975 and with the Rehabilitation Act of 1973.

NOW, THEREFORE, BE IT RESOLVED that the City Clerk shall be designated as the Small Cities Program Fair Housing Compliance Officer for the City of Cape May; and

BE IT FURTHER RESOLVED that the Fair Housing Officer shall contact the US HUD Regional Office of Housing and Equal Opportunity and the NJ Division on Civil Rights, inform those agencies of his/her appointment as Fair Housing Officer and request Fair Housing Information; and

BE IT FURTHER RESOLVED that the Fair Housing Officer shall provide fair housing advisory services and assistance and referral advice to persons requesting such assistance from the City of Cape May; and

BE IT FURTHER RESOLVED that the City of Cape May will publish in the local newspaper of record, and post at the City Municipal Building, a public notice announcing the appointment of the Fair Housing Officer and the availability of local fair housing advisory services.

I hereby certify the foregoing to be a true copy of a Resolution adopted by the City Council at a meeting held on July 7, 2015.

_____

Louise Cummiskey, City Clerk

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

cc: US HUD Regional Office of Housing and Equal Opportunity
NJ Division on Civil Rights

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

RESOLUTION NO. 161-07-2015

RESOLUTION APPROVING PUBLIC FACILITIES GRANT MANAGEMENT PLAN

MOTION: **SECOND:**

WHEREAS, the City of Cape May will apply for approximately $400,000.00 from the New Jersey Department of Community Affairs for financial assistance to implement a Phase 7 project to remove mobility barriers in order to comply with the Americans with Disabilities Act (ADA); and

WHEREAS, the NJ Department of Community Affairs requires Cape May City to prepare a Grant Management Plan to define project staffing and project activities; and

WHEREAS, the NJ Department of Community Affairs requires Cape May City to officially adopt its Grant Management Plan;

WHEREAS, the City of Cape May has prepared a Grant Management Plant for its Fiscal Year 2016 Public Facilities project, a copy of which is attached hereto as Exhibit A.

NOW, THEREFORE BE IT RESOLVED, that the City Council of the City of Cape May adopts the Grant Management Plan prepared by Blauer Associates for the Fiscal Year 2016 Public Facilities project, a copy of which is attached hereto as Exhibit A.

I hereby certify the foregoing to be a true copy of a Resolution adopted by the City Council at a meeting held on July 7, 2015.

_____

Louise Cummiskey, City Clerk

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

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

RESOLUTION NO. 162-07-2015

RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF CAPE MAY AND MARK BLAUER FOR CONSULTING SERVICES

MOTION: **SECOND:**

WHEREAS, the City of Cape May (the "City") desires to apply for a Small Cities Community Development Block Grant ("CDBG") to provide funding for Phase VII ADA Compliance Improvements (the "Project"); and

WHEREAS, Mark Blauer, trading as Blauer Associates ("Blauer"), has submitted a proposal for preparing and submitting the application and assisting the City in connection with post approval advising and administrative assistance (the "Services"), a copy of which is attached hereto as EXHBIT A (the "Agreement"); and

WHEREAS, the City has determined that the Services qualify as extraordinary unspecifiable services pursuant to N.J.S.A. 40A:11-5, N.J.S.A. 40A:11-5(1)(a)(i) in that they are services which are specialized and qualitative in nature requiring expertise, extensive training and proven reputation in the field of endeavor; and

WHEREAS, the City desires to engage the Services of Blauer for the Project as a contract for extraordinary unspecifiable services.

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. The Agreement between Mark Blauer, trading as Blauer Associates, located at P.O. Box 363, Nescopeck, Pennsylvania 18635, and the City of Cape May, in the form attached hereto as EXHIBIT A, is hereby approved (the "Agreement").

2. The Mayor and Clerk are hereby authorized and directed to execute the Agreement in the form attached hereto as EXHIBIT A 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.

5. A Notice of Award of the Agreement for the above services shall be published in the *Cape May Star and Wave*.

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

RESOLUTION NO. 163-07-2015

RESOLUTION AWARDING ENERGY SAVINGS IMPROVEMENT PROGRAM OF THE CITY OF CAPE MAY TO JOHNSON CONTROLS

MOTION: **SECOND:**

WHEREAS, the City of Cape May has been a leader in sustainability throughout the State of New Jersey; and

WHEREAS, the City is interested in reducing the cost of energy for City facilities and in making City facilities more resilient; and

WHEREAS, the City has received a grant from Sustainable Jersey to select a firm to conduct an Energy Savings Company; and

WHEREAS, the City of Cape May has requested proposals from interested and qualified energy service companies to develop an Energy Savings Plan; and

WHEREAS, the City received two proposals and a Selection Committee consisting of City Representatives have evaluated these proposals; and

WHEREAS, both proposers agreed to complete the Energy Savings Plan at no cost or obligation to the City.

NOW THEREFORE BE IT RESOLVED, upon the unanimous recommenddation of the Selection Committee that Johnson Controls be authorized to prepare an Investment Grade Energy Audit and Energy Savings Plan for the City of Cape May.

BE IT FURTHER RESOLVED, that the Mayor and Clerk are hereby authorized to sign any documents necessary in connection therewith.

I hereby certify the foregoing to be a true copy of a Resolution adopted by the City Council at a meeting held on July 7, 2015.

_____

Louise Cummiskey, City Clerk

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

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

RESOLUTION NO. 164-07-2015

RESOLUTION AUTHORIZING JOHNSON CONTROLS TO PREPARE AN ENERGY SAVING PLAN

MOTION: **SECOND:**

WHEREAS, the City of Cape May has been a leader in sustainability throughout the State of New Jersey; and

WHEREAS, the City is interested in reducing the cost of energy for City facilities and in making City facilities more resilient; and

WHEREAS, the City has received a grant from Sustainable Jersey to select a firm to conduct an Energy Savings Company; and

WHEREAS, the City of Cape May has requested proposals from interested and qualified energy service companies to develop an Energy Savings Plan; and

WHEREAS, the City received two proposals and a Selection Committee consisting of City Representatives have evaluated these proposals; and

WHEREAS, both proposers agreed to complete the Energy Savings Plan at no cost or obligation to the City.

NOW THEREFORE BE IT RESOLVED, upon the unanimous recommendation of the Selection Committee that Johnson Controls be authorized to prepare an Investment Grade Energy Audit and Energy Savings Plan for all the City of Cape May.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to sign any documents necessary in connection therewith.

I hereby certify the foregoing to be a true copy of a Resolution adopted by the City Council at a meeting held on July 7, 2015.

_____

Louise Cummiskey, City Clerk

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

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

RESOLUTION NO 165-07-2015

RESOLUTION AUTHORIZING A GRANT AGREEMENT WITH THE STATE OF NEW JERSEY, OFFICE OF EMERGENCY MANAGEMENT

MOTION **SECOND**

WHEREAS, the City of Cape May qualifies for the a Federal Emergency Management Administration (FEMA) Hazard Mitigation Grant Program administered by the State of New Jersey, Office of Emergency Management; and

WHEREAS, the State of New Jersey, Office of Emergency Management has been authorized by Section 404 of the Stafford Act to receive, administer and disperse this grant; and

WHEREAS, the City of Cape May strives to save tax dollars; assist homeowners to recover from Superstorm Sandy; assure clean land, air and water; and improve working and living environments; and

WHEREAS, the City of Cape May has been awarded funding from the Hazard Mitigation Grant Program to install an emergency generator at the Cape May City Elementary School.

NOW THEREFORE, BE IT RESOLVED, that the City Council of the City of Cape May, State of New Jersey, hereby authorizes the Mayor or his designee to execute grant agreements for the above cited FEMA Hazard Mitigation Grant.

I hereby certify the foregoing to be a true copy of a Resolution adopted by the City Council at a meeting held on July 7, 2015.

_____

Louise Cummiskey, City Clerk

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

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

RESOLUTION NO. 166-07- 2015

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

MOTION: **SECOND:**

WHEREAS, the City of Cape May (the "City") desires to retain and employ Honorable Richard Williams, J.S.C. (Ret.) ("Judge Williams") as hearing officer in connection with the disciplinary hearings to be held with respect to those charges against Lieutenant Clarence Lear;

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 contact 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 Williams, 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 July 7, 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. 167-07-2015

RESOLUTION AUTHORIZING HATCH MOTT MacDONALD ENGINEERS TO PERFORM PRELIMINARY ASSESSMENTS

MOTION: **SECOND:**

WHEREAS, the City Council of the City of Cape May desires assistance in the preparation of preliminary assessments for the properties located at 811 and 817 St. John Street and 801 Lafayette Street as part of a property acquisition; and

WHEREAS, Hatch Mott MacDonald Engineers has submitted a professional engineering proposal dated July 1, 2015 (attached hereto) to perform the preliminary assessment services; and

WHEREAS, funds for such contract are available; and

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Cape May, formally authorizes the City Engineer, Hatch Mott MacDonald, 833 Route 9 North, Cape May Court House, New Jersey 08210, to perform the preliminary assessment services.

I hereby certify the foregoing to be an original resolution adopted by the City Council of the City of Cape May at a meeting held on July 7, 2015.

_____

Louise Cummiskey, City Clerk

Roll Call	Ayes	Nays	Absent	Abstain
Wichterman				
Meier				
Pessagno				
Swain				
Mahaney				

cc: CFO
Hatch Mott MacDonald
Project File

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

RESOLUTION NO. 168-07-2015

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.

__X__ (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 – Lifeguard Lieutenants, Lifeguards and PBA.

____ (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.

____ (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.

____ (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 July 7, 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 July 7, 2015.

_____

Louise Cummiskey, City Clerk

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. 169-07-2015

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

MOTION: **SECOND:**

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

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

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

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

Center for Community Arts

I hereby certify the foregoing to be a true copy of a resolution adopted by the City of Cape May at a meeting held on July 7, 2015.

_____

Louise Cummiskey, City Clerk

Roll Call	Ayes	Nays	Absent	Abstain
Wichterman				
Meier				
Pessagno				
Swain				
Mahaney				

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

RESOLUTION NO. 170-07-2015

RESOLUTION OF THE CITY OF CAPE MAY AUTHORIZING CHANGE ORDER NO. 2-FINAL FOR CONTRACT WITH LANDBERG CONSTRUCTION, LLC FOR THE FY 2014 UTILITY AND ROAD PROGRAM-CONTRACT 1-DELAWARE AND CAPE MAY AVENUES

MOTION: **SECOND:**

WHEREAS, the City of Cape May is currently under contract with Landberg Construction LLC for the FY 2014 Utility and Road Program, Contract 1, Delaware and Cape May Avenues; and

WHEREAS, it is requested that the City authorize Change Order No. 2-Final to reflect the following listed below:

Scope of Work changes are necessary for the following reasons:

1. Final as-built quantity adjustments.

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

1. The Mayor is authorized to execute and sign Change Order No. 2-Final to the contract with Landberg Construction LLC in the amount of $13,365.12 less than the previous contract price of $320,179.88 for a revised contract price of $306,814.76. This is a 3.02% overall increase from the original contract amount.

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 July 7, 2015.

_____
Louise Cummiskey, City Clerk

Roll Call	Ayes	Nays	Absent	Abstain
Meier				
Pessagno				
Wichterman				
Swain				
Mahaney				

cc: Chief Financial Officer
Supt. of Public Works
Remington Vernick & Walberg Engineers

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

RESOLUTION NO. 171-07-2015

RESOLUTION AUTHORIZING THE CITY OF CAPE MAY TO FILE A DECLARATORY JUDGMENT ACTION IN THE SUPERIOR COURT OF NEW JERSEY SEEKING A JUDICIAL DECLARATION THAT THE HOUSING PLAN OF THE CITY OF CAPE MAY IS PRESUMPTIVELY VALID AS PRESENTING A REALISTIC OPPORTUNITY TO PROVIDE ITS FAIR SHARE OF ITS HOUSING REGION'S PRESENT AND PROSPECTIVE NEED FOR LOW AND MODERATE INCOME HOUSING AND AUTHORIZING ANTHONY P. MONZO, ESQUIRE, SOLICITOR FOR THE CITY OF CAPE MAY TO FILE SUCH ACTION

MOTION: **SECOND:**

WHEREAS, on March 10, 2015, the New Jersey Supreme Court ruled *In the Matter of the Adoption of N.J.A.C. 5:96 and 5:97 by the New Jersey Council on Affordable Housing*, 221 N.J. 1 (2015) ("Decision") whereby the New Jersey Council on Affordable Housing ("COAH") was stripped of its power in the affordable housing process, at least on a temporary basis, and those powers have been transferred to the New Jersey Courts;

WHEREAS, the Decision becomes effective 90 days after March 10, 2015, that is, on June 8, 2015, after which municipalities will have only until July 8, 2015 to file a Declaratory Judgment Action with the Court seeking a judicial declaration that the municipalities housing plan is presumptively valid as presenting a realistic opportunity to provide its fair share of its housing region's present and prospective need for low and moderate incoming housing; and

WHEREAS, representatives of the City of Cape May ("City") have met with outside consultants previously engaged by the City and have recommended to the Mayor and City Council that the filing of such declaratory judgment should be pursued and is in the best interest of the City.

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

2. The City of Cape May is hereby authorized to file a Declaratory Judgment Action with the New Jersey Superior Court for the purpose of and in compliance with the holding of an the procedures established by the New Jersey Supreme Court ruled *In the Matter of the Adoption of N.J.A.C. 5:96 and 5:97 by the New Jersey Council on Affordable Housing*, 221 N.J. 1 (2015).

3. Anthony P. Monzo, Esquire, Solicitor for the City of Cape May, is hereby authorized to file the aforesaid action on behalf of the City of Cape May and in conducting this litigation shall provide periodic and timely updates to the Mayor and City Council.

4. The Declaratory Judgment Action shall be filed forthwith but in no event shall the same be filed later than July 8, 2015, the date set for filing such action by the New Jersey Supreme Court.

5. This Resolution shall take effect immediately.

6. The City Manager and City Solicitor are hereby authorized and directed to take all action reasonably necessary or required in order to carry out the intent and purpose 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 July 7, 2015.

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Louise Cummiskey, City Clerk

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

CITY OF CAPE MAY

RESOLUTION NO. 172-07-2015

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 02, 2015 for payments excluding those related to Swain's Ace Hardware Inc. Total Bill List: $1,560,911.81.

Current Fund Appropriations	$	1,046,417.55
Water/Sewer Utility Operating Fund Appropriations	$	74,870.13
Tourism Utility Fund	$	38,959.36
General Capital Improvements	$	317,609.86
Water/Sewer Capital Improvements	$	9,551.90
Escrow Special Account	$	34,928.92
Trust Fund	$	4,181.20
Grant Fund	$	8,920.10
Beach Utility Fund Appropriations	$	24,872.79
Beach Utility Capital Improvements	$	600.00
	$	1,560,911.81

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 July 07, 2015.

Louise Cummiskey, City Clerk