

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

**RESOLUTION NO. 236-11-2015**

**REFUND OF OVERPAID 2015 UTILITIES**

**MOTION:**

**SECOND:**

**WHEREAS**, the third quarter 2015 utility bill was paid by the homeowner and the Title Company of Jersey; and

**WHEREAS**, the owner has requested a refund of overpaid utilities; 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 utilities are listed below.

<u>Property Owner</u>	<u>Address</u>	<u>Block/Lot</u>	<u>Amount</u>
Van Voorhees, Abby	1209 New York Ave.	1132/40	\$398.25

**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 November 2, 2015.

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

cc: Water/Sewer Department  
CFO

Roll Call	Ayes	Nays	Absent	Abstain
Meier				
Pessagno				
Swain				
Wichterman				
Mahaney				

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

**RESOLUTION NO. 237-11-2015**

**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 item of revenue in the budget of the Year 2015, which is now available as a revenue and will be hereby appropriated as detailed below:

Revenue Title: State of NJ-Division of Criminal Justice  
Body Armor Replacement Program  
Appropriation Title: Current Fund – NJ 2015 Body Armor Replacement  
Amount: \$2,352.27

**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 November 2, 2015.

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

	Ayes	Nays	Absent	Abstain
Mahaney				
Meier				
Pessagno				
Swain				
Wichterman				

cc: CFO

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

**RESOLUTION NO. 238-11-2015**

**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: U.S. Department of Justice, Bureau of Justice Assistance – 2015  
Bulletproof Vest Partnership  
Appropriation Title: U.S. Department of Justice, Bureau of Justice Assistance – 2015  
Bulletproof Vest Partnership - OE  
Amount: \$2,340.95

**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 November 2, 2015.

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Louise Cummiskey, City Clerk

cc: CFO

Roll Call	Ayes	Nays	Absent	Abstain
Mahaney				
Meier				
Pessagno				
Swain				
Wichterman				

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

RESOLUTION NO. 239-11-2015

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 – Police Department

  X   (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 or 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 November 2, 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 November 2, 2015.

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

Roll Call	Ayes	Nays	Absent	Abstain
Mahaney				
Swain				
Wichterman				
Pessagno				
Meier				

CITY OF CAPE MAY

RESOLUTION NO. 240-11-2015

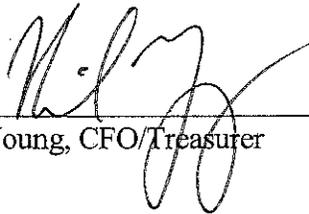
RESOLUTION FOR THE PAYMENT OF BILLS

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 October 30, 2015 for payments excluding those related to Swain's Ace Hardware Inc. Total Bill List: \$2,953,915.88.

Current Fund Appropriations	\$ 2,781,599.81
Water/Sewer Utility Operating Fund Appropriations	\$ 61,622.12
Tourism Utility Fund	\$ 22,267.36
General Capital Improvements	\$ 15,530.20
Water/Sewer Capital Improvements	\$ -
Escrow Special Account	\$ -
Trust Fund	\$ 32.10
Grant Fund	\$ 58,100.00
Beach Utility Fund Appropriations	\$ 12,481.81
Beach Utility Capital Improvements	\$ 2,282.48
	<u>\$ 2,953,915.88</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 November 2, 2015.

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

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

**RESOLUTION NO. 241-11-2015**

**RESOLUTION APPROVING CHANGE ORDER NO. 1 TO PROFESSIONAL SERVICES AGREEMENT BETWEEN REMINGTON, VERNICK & WALBERG ENGINEERS AND THE CITY OF CAPE MAY FOR NEW SUPPLY WELL ON THE SITE OF THE EXISTING DESALINIZATION PLANT, BLOCK 1061, LOT 139**

**MOTION:**

**SECOND:**

WHEREAS, the City of Cape May (the "City") and Remington, Vernick & Walberg Engineers ("RV&W") are parties to a certain Professional Services Agreement ("Agreement") to provide engineering design and permitting services for survey, engineering and construction phase and hydrogeological services for the drilling of a new supply well on the site of the existing desalinization plant, Block 1061, Lot 139 (the "Engineering Services");

WHEREAS, the Agreement was awarded to RV&W pursuant to Cape May City Resolution No. 61-02-2015;

WHEREAS, the original Agreement price was ONE HUNDRED FORTY-FOUR THOUSAND NINE HUNDRED (\$144,900.00) DOLLARS ("Agreement Price");

WHEREAS, as part of the funding requirements of the New Jersey Environmental Infrastructure Trust, specific construction administration and construction inspection/observation services are required during the construction phase of the project as more fully outlined in EXHIBIT A attached hereto and made a part hereof ("Additional Work"); and

WHEREAS, the City and RV&W have therefore agreed to Change Order No. 1 to increase the Agreement Price by the sum of FIFTY-THREE THOUSAND FIVE HUNDRED (\$53,500.00) DOLLARS for the Additional Work.

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

1. Change Order No. 1, increasing the Agreement Price by FIFTY-THREE THOUSAND FIVE HUNDRED (\$53,500.00) DOLLARS for the Additional Work, thereby increasing the total cost of the Agreement to ONE HUNDRED NINETY-EIGHT THOUSAND FOUR HUNDRED (\$198,400.00) DOLLARS, is hereby approved.

2. That the Mayor and Clerk are hereby authorized and directed to execute Change Order No. 1 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.

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 November 2, 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				