

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

ORDINANCE NO. 309-2016

**AN ORDINANCE OF THE CITY OF CAPE MAY
TO ADOPT A NEW CAPE MAY CITY ZONING MAP**

WHEREAS, Polistina Associates, LLC created a Zoning Map for the City of Cape May (the "Zoning Map") dated August 1, 2016;

WHEREAS, the Cape May City Council desires to adopt the Zoning Map and update Chapter 525, Section 6 of the Cape May City Code accordingly; and

WHEREAS, the Planning Board of the City of Cape May has unanimously approved the Zoning Map.

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

1. Article II of Chapter 525 of the Code of the City of Cape May is hereby amended as follows (inserted language is underlined, deleted language is strikethrough):

§ 525-6. Zoning Map and exhibits.

A. The districts listed in § 525-5 are bounded and defined as shown on the map prepared by ~~Remington, Vernick and Walberg Engineers~~ Polistina Associates, LLC dated ~~March 15, 2005 (revised July 19, 2005)~~ August 1, 2016, entitled "Zoning Map City of Cape May," hereby designated as the Zoning Map of Cape May, subject to the following exception(s):

(1) ~~Properties known as Block 1160, Lot 4.01 and Block 1160, Lot 4.02 shall be designated as and included in the R-5 zone.~~

(2) ~~Properties known as Block 1012, Lot 15 and Block 1012, Lot 16 shall be designated as and included in the C-3 zone.~~

(3) ~~Properties known as Block 1014, Lot 11 and Block 1014, Lot 12 shall be designated as and included in the R-2 zone.~~

(4) ~~The Property known as Block 1028, Lot 1.01 shall be designated as and included in the C-2 zone.~~

(5) ~~Properties known as Block 1062, Lot 8, Block 1062, Lot 9 and Block 10.01 shall be designated as and included in the C-2 zone.~~

(6) ~~Properties known as Block 1061, Lot 97 and Block 1061, Lot 98 shall be designated as and included in the C-6 zone.~~

~~(7) All lots which front on Cape May Avenue in Blocks 1105, 1106, 1119, 1120, 1134, 1135, 1150 and 1151 shall be designated and included in the R-1B Zone.~~

B. The Zoning Map shall be located and available for inspection in the office of the Zoning Official. Other maps, charts and interpretive materials which may be prepared and utilized in conjunction with this chapter are intended as supplemental guides. In the event of any uncertainty or discrepancy, the Zoning Map located in the office of the Zoning Official and the text of this chapter shall prevail.

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

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

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

ATTEST:

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

Louise Cummiskey, City Clerk

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

NOTICE

This Ordinance was introduced at a regular meeting of the City Council of the City of Cape May, held on August 16, 2016 and will be further considered for final passage during a meeting of the City Council, to be held at the Cape May City Hall Auditorium, 643 Washington Street, Cape May, New Jersey, on September 20, 2016 at 7:00 P.M. at which time a Public Hearing will be held.

Louise Cummiskey, City Clerk

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

Introduced: August 16, 2016
First Publication: August 24, 2016
2nd Reading & Adoption: September 20, 2016
Final Publication: September 28, 2016

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

ORDINANCE NO. 310-2016

**ORDINANCE PROVIDING FOR BEACH UTILITY IMPROVEMENTS AND
APPROPRIATING \$300,000 FOR BEACH REPLENISHMENT AND ACQUISITION
OF EQUIPMENT IN AND BY THE CITY OF CAPE MAY,
IN THE COUNTY OF CAPE MAY, NEW JERSEY.**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CAPE MAY, IN
THE COUNTY OF CAPE MAY, NEW JERSEY AS FOLLOWS:**

Section 1. The City of Cape May, in the County of Cape May, New Jersey (the "City") hereby appropriates \$300,000 from existing Beach Utility capital improvement fund monies for beach replenishment and acquisition of equipment, including, but not limited to a bulldozer, a beach sanitizer and other equipment, and including all appurtenances related or incidental thereto, including all work and materials necessary therefor and incidental thereto.

Section 2. 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 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 3. This ordinance shall take effect as provided by the law.

NOTICE

Ordinance 310-2016 was introduced at a regular meeting of the City Council of the City of Cape May, held on September 20, 2016 and will be further considered for final passage during a meeting of the City Council, to be held at the Cape May City Hall Auditorium, 643 Washington Street, Cape May, New Jersey, on October 18, 2016 at 7:00 P.M. at which time a Public Hearing will be held.

Louise Cummiskey, City Clerk

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
Furlin				
Meier				
Pessagno				
Swain				
Mahaney				

Introduced: September 20, 2016
First Publication: September 28, 2016
2nd Reading & Adoption: October 18, 2016
Final Publication: October 26, 2016

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

RESOLUTION NO. 202-09-2016

RESOLUTION APPROVING PLACE-TO-PLACE TRANSFER OF PLENARY RETAIL CONSUMPTION LIQUOR LICENSE NO. 0502-33-006-002, CARPENTER STREET HOSPITALITY, INC. FOR AN EXPANSION OF LICENSED PREMISES LOCATED AT 142 DECATUR STREET, CAPE MAY, NJ 08204

MOTION:

SECOND:

WHEREAS, Carpenter Street Hospitality, Inc., t/a Fins Bar & Grille (the "Licensee"), holds Plenary Retail Consumption License No. 0502-33-006-002 (the "License") for premises located at 142 Decatur Street; and

WHEREAS, the license is validly existing and was granted for the license year July 1, 2016 to June 30, 2017; and

WHEREAS, the Licensee has made application to the City Council, the Liquor License Issuing Authority of the City of Cape May, for a place-to-place transfer of the License; and

WHEREAS, the place-to-place transfer would not result in the licensed area being expanded but rather would license the entire building; and

WHEREAS, the City of Cape May desires to approve Licensee's place-to-place transfer of the License pursuant to the special conditions specified on EXHIBIT A.

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

1. That the application for the renewal and place-to-place transfer of the Plenary Retail Consumption License No. 0502-32-021-003 heretofore issued to Carpenter Street Hospitality, Inc., t/a Fins Bar & Grille, for licensed premises situated at 142 Decatur Street, Cape May, New Jersey 08204, is hereby approved, subject to the special conditions set forth on EXHIBIT A.

2. This Resolution shall take effect immediately.

I hereby certify the foregoing to be an original resolution adopted by the City Council of the City of Cape May at a meeting held on September 20, 2016.

Louise Cummiskey, City Clerk

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

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

RESOLUTION NO. 203-09-2016

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

MOTION:

SECOND:

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

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

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

- _____ (1) Matters Required by Law to be Confidential: Any matter which, by express provision of Federal law or State statute or rule of court shall be rendered confidential or excluded from the provisions of the Open Public Meetings Act.
- _____ (2) Matters Where the Release of Information Would Impair the Right to Receive Funds: Any matter in which the release of information would impair a right to receive funds from the Government of the United States.
- _____ (3) Matters Involving Individual Privacy: Any material the disclosure of which constitutes an unwarranted invasion of individual privacy such as any records, data, reports, recommendations, or other personal material of any educational, training, social service, medical, health, custodial, child protection, rehabilitation, legal defense, welfare, housing, relocation, insurance and similar program or institution operated by a public body pertaining to any specific individual admitted to or served by such institution or program, including but not limited to information, relative to the individual's personal and family circumstances, and any material pertaining to admission, discharge, treatment, progress or condition of any individual, unless the individual concerned (or, in the case of a minor or incompetent, his guardian) shall request in writing that the same be disclosed publicly.
- _____ (4) Matters Relating to Collective Bargaining Agreement: Any collective bargaining agreement, or the terms and conditions which are proposed for inclusion in any collective bargaining agreement, including the negotiation of the terms and conditions thereof with employees or representatives of employees of the public body.
- _____ (5) Matters Relating to the Purchase, Lease or Acquisition of Real Property or the Investment of Public Funds: Any matter involving the purchase, lease or acquisition of real property with public funds, the setting of banking rates or investment of public funds, where it could adversely affect the public interest if discussion of such matters were disclosed.

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

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 September 20, 2016, 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 September 20, 2016.

Louise Cummiskey, City Clerk

Roll Call	Ayes	Nays	Absent	Abstain
Mahaney				
Swain				
Furlin				
Pessagno				
Meier				

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

RESOLUTION NO. 204-09-2016

**AUTHORIZING PURCHASE OF ONE (1) NEW
2017 CAMEL 900 VACUUM TRUCK**

MOTION:

SECOND:

WHEREAS, on Monday, June 06, 2016, the Cape May City Council adopted Resolution No. 119-06-2016, authorizing the City's participation in the National Cooperative established by Houston Galveston Area Council "H-GAC" in order to effectuate substantial economies in the purchase of materials, supplies and services; and

WHEREAS, the City of Cape May Water/Sewer Department has determined there is a need to purchase one, new Vacuum Truck; and

WHEREAS, the City of Cape May Water/Sewer Department has selected a 2017 Camel 900 Dump Body on a 2017 International Chassis Model 7500 SFA 4x2 (SA537) to be purchased from an H-GAC approved vendor, as follows:

H.A. DeHart & Son
11 Crown Point Road
Thorofare, NJ 08086

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Cape May hereby approves the purchase of a 2017 Camel 900 Vacuum Truck in accordance with the specifications, from H.A DeHart & Son, in the amount of \$354,053.94.

BE IT FURTHER RESOLVED that the proper City Officials are authorized and directed to take the necessary steps to execute the documents for the aforementioned 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 September 20, 2016.

Louise Cummiskey, City Clerk

cc: Water/Sewer Admin
CFO
Purchasing Agent

Roll Call	Ayes	Nays	Absent	Abstain
Meier				
Furlin				
Swain				
Pessagno				
Mahaney				

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

RESOLUTION NO. 205-09-2016

**RESOLUTION AUTHORIZING THE BID OF LEASE
OF CITY-OWNED PROPERTY LOCATED AT 100 BEACH AVENUE**

MOTION:

SECOND:

WHEREAS, the City of Cape May (the "City") currently owns property known as Broadway Pavilion, 100 Beach Avenue, Cape May, New Jersey (the "Property");

WHEREAS, the City Council has determined that it is in the City's best interest to allow the bidding of the Lease so that the City can let it at a public auction for an award of a five year lease for the Property commencing January 1, 2017 and ending December 31, 2021.

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 approves a lease of 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 lease of the Property to the highest responsible bidder at a public auction to be conducted at the Cape May City Hall Auditorium on November 10, 2016, at 11:00 A.M. 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 September 20, 2016.

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. 206-09-2016A

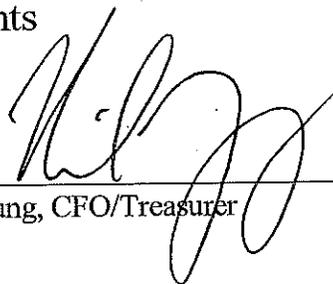
RESOLUTION FOR THE PAYMENT OF BILLS

MOTION:

SECOND:

BE IT RESOLVED by the City Council of the City of Cape May, that the following bills, approved for payment by the City Manager, be paid and that the Chief Financial Officer/Treasurer of the City of Cape May, is hereby authorized to draw orders for the amounts of same, as shown on bill list dated September 16, 2016 for payments excluding those related to Swain's Ace Hardware Inc. Total Bill List: \$685,455.43.

Current Fund Appropriations	\$ 564,324.65
Water/Sewer Utility Operating Fund	\$ 16,858.37
Tourism Utility Fund	\$ 26,286.09
General Capital Improvements	\$ 30,551.27
Water/Sewer Capital Improvements	\$ 4,031.66
Escrow Special Account	\$ 3,248.75
Trust Fund	\$ 9.00
Grant Fund	\$ 6,095.00
Beach Utility Fund Appropriations	\$ 19,081.63
Beach Utility Capital Improvements	\$ 13,461.28
	<u>\$ 683,947.70</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 September 20, 2016.

Louise Cummiskey, City Clerk

CITY OF CAPE MAY

RESOLUTION NO. 206-09-2016B

RESOLUTION FOR THE PAYMENT OF BILLS

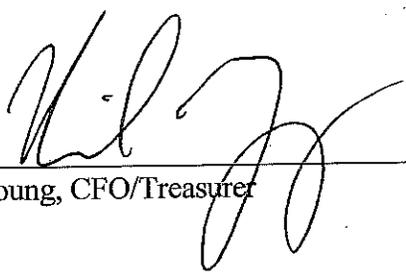
MOTION:

SECOND:

BE IT RESOLVED by the City Council of the City of Cape May, that the following bills, approved for payment by the City Manager, be paid and that the Chief Financial Officer/Treasurer of the City of Cape May, is hereby authorized to draw orders for the amounts of same, as shown on bill list dated September 16, 2016 for payments related to Swain's Ace Hardware Inc:

Total Bill List: \$685,455.43

Current Fund Appropriations	\$	1,251.19
Utility Operating Fund Appropriations	\$	57.58
General Capital Improvements	\$	-
Water/Sewer Capital Improvements	\$	-
Escrow Special Account	\$	-
Trust Fund	\$	-
Tourism Utility	\$	58.88
Grant Fund	\$	-
Beach Utility Fund Appropriations	\$	140.08
Beach Utility Capital Improvements	\$	-
	<u>\$</u>	<u>1,507.73</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 September 20, 2016.

 Louise Cummiskey, City Clerk