

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

RESOLUTION NO. 189-09-2016

**RESOLUTION OPPOSING SEISMIC AIR GUN TESTING
OFF THE COAST OF NEW JERSEY**

MOTION:

SECOND:

WHEREAS, the proposed seismic air gun blasting is utilized to search for oil and gas reserves deep beneath the ocean floor; and

WHEREAS, such blasting is proposed for the East Coast; and

WHEREAS, the seismic air gun testing uses extremely loud blasts of air, 100,000 times more intense than a jet engine and repeated every 10 seconds, 24 hours a day for days to months on end; and

WHEREAS, the blasting can cause permanent hearing loss, injury and even death to whales, dolphins and larvae fish when used at shore distances; and

WHEREAS, the air gun noise has been shown to decrease the catch rates within certain fisheries; and

WHEREAS, the commercial and recreation fishing in New Jersey supports over 63,000 jobs, all of which would be threatened by seismic blasting and the offshore drilling that would follow; and

WHEREAS, the Ocean based tourism and recreation generates nearly 3.1 billion in GDP (Gross Domestic Profit) for the state and sustains over 79,000 jobs; and

WHEREAS, the Obama Administration could decide in the next weeks to allow companies to use seismic air guns to search for oil and gas deposits in the Atlantic Ocean within the next few weeks; and

WHEREAS, the Mayor and Council of the City of Cape May urge Governor Christie to oppose the seismic air gun blasting off the coast of New Jersey.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Cape May, that it offers its plea to New Jersey State Governor Chris Christie, to oppose the seismic air gun blasting off the coast of New Jersey.

BE IT FURTHER RESOLVED that a Certified Copy of this Resolution be forwarded to the Cape May County Board of Chosen Freeholders, all Cape May County Mayors, the Honorable Chris Christie and President Obama.

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 6, 2016.

Louise Cummiskey, City Clerk

| Roll Call | Ayes | Nays | Absent | Abstain |
|------------------|-------------|-------------|---------------|----------------|
| Meier | | | | |
| Pessagno | | | | |
| Swain | | | | |
| Furlin | | | | |
| Mahaney | | | | |

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

RESOLUTION NO 190-09-2016

**RESOLUTION OF THE CITY OF CAPE MAY CONSENTING TO
THE AWARD SUBMISSION OF ROTARY PARK**

MOTION:

SECOND:

WHEREAS, the City of Cape May, County of Cape May, State of New Jersey has completed the renovation of Rotary Park; and

WHEREAS, the design and construction of said project was under the auspices of Raymond M. Roberts, PE, an employee of Remington, Vernick & Walberg Engineers; and

WHEREAS, the New Jersey Society of Municipal Engineers (NJSME) is currently seeking applications for Outstanding Municipal Projects for their Award Luncheon to be held in conjunction with the 2016 New Jersey Society League of Municipalities Conference in the City of Atlantic City.

NOW, THEREFORE, BE IT RESOLVED that the City of Cape May in the County of Cape May, State of New Jersey, hereby consents to the submission of the Rotary Park Project and names Raymond M. Roberts, PE, as the Engineer responsible for and in charge of this project.

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 6, 2016.

Louise Cummiskey, City Clerk

| Roll Call | Ayes | Nays | Absent | Abstain |
|------------------|-------------|-------------|---------------|----------------|
| Meier | | | | |
| Pessagno | | | | |
| Swain | | | | |
| Furlin | | | | |
| Mahaney | | | | |

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

RESOLUTION NO. 191-09-2016

**CANCELATION OF WATER AND SEWER UTILITY CHARGES
BLOCK 1061 LOT 47, 811 ST. JOHN STREET**

MOTION:

SECOND:

WHEREAS, the City of Cape May purchased from Brenda E. Robinson, Trustee of Brenda E. Robinson Living Trust, the property known as Block 1061 Lot 47 and more commonly known as 811 St John Street, Cape May, New Jersey. The Settlement was held on February 5, 2016; and

WHEREAS , all water and sewer utility charges for account number 765-1 for the first quarter 2016, due and owing by Brenda E. Robinson, Trustee of Brenda E. Robinson Living Trust, were satisfied and paid through the sale and settlement of the property, except for a pro-rated portion of the quarter in the amount of \$61.87; and

WHEREAS , all water and sewer utility charges for account number 765-2 for the first quarter 2016, due and owing by Brenda E. Robinson, Trustee of Brenda E. Robinson Living Trust, were satisfied and paid through the sale and settlement of the property, except for a pro-rated portion of the quarter in the amount of \$22.15; and

WHEREAS, since the property known as Block 1061 Lot 47 and more commonly known as 811 St John Street, Cape May, New Jersey is now a City owned property, it is the desire of Mayor and Council to cancel the pro-rated water and sewer utility balances for account number 765-1 in the amount of \$61.87 and account number 765-2 in the amount of \$22.15 in the total amount of \$84.02; and

WHEREAS, the total amount of \$84.02 represents the pro-rated portion for the period after February 5, 2016 and after the date of settlement and transfer of ownership to the City of Cape May.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Cape May in the County of Cape May and State of New Jersey, that the property known as Block 1061 Lot 47 and more commonly known as 811 St John Street, Cape May, New Jersey is a City owned, tax exempt property and the pro-rated water and sewer utility balances in the total amount of \$84.02 shall be cancelled.

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 6, 2016.

Louise Cummiskey, City Clerk

| Roll Call | Ayes | Nays | Absent | Abstain |
|------------------|-------------|-------------|---------------|----------------|
| Meier | | | | |
| Pessagno | | | | |
| Swain | | | | |
| Furlin | | | | |
| Mahaney | | | | |

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

RESOLUTION NO. 192-09-2016

**CANCELATION OF WATER AND SEWER UTILITY CHARGES
BLOCK 1061 LOT 44, 817 ST. JOHN STREET**

MOTION:

SECOND:

WHEREAS, the City of Cape May purchased from Mary Jane Barrett, the property known as Block 1061 Lot 44 and more commonly known as 817 St John Street, Cape May, New Jersey. The Settlement was held on June 29, 2015; and

WHEREAS, all water and sewer utility charges for the first, second and third quarters of 2015, due and owing by Mary Jane Barrett, were satisfied and paid through the sale and settlement of the property, except for a pro-rated portion of the third quarter in the amount of \$76.50; and

WHEREAS, since the property known as Block 1061 Lot 44 and more commonly known as 817 St John Street, Cape May, New Jersey is now a City owned property, it is the desire of Mayor and Council to cancel the pro-rated water and sewer utility balance on the property in the amount of \$76.50; and

WHEREAS, the amount of \$76.50 represents the pro-rated portion for the period after June 29, 2015 and after the date of settlement and transfer of ownership to the City of Cape May.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Cape May in the County of Cape May and State of New Jersey, that the property known as Block 1061 Lot 44 and more commonly known as 817 St John Street, Cape May, New Jersey is a City owned, tax exempt property and the pro-rated water and sewer utility balance in the amount of \$76.50 shall be cancelled.

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 6, 2016.

Louise Cummiskey, City Clerk

| Roll Call | Ayes | Nays | Absent | Abstain |
|-----------|------|------|--------|---------|
| Meier | | | | |
| Pessagno | | | | |
| Swain | | | | |
| Furlin | | | | |
| Mahaney | | | | |

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

RESOLUTION NO. 193-09-2016

**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 2016, which are now available as a revenue and will be hereby appropriated as detailed below:

Revenue Title: Estate of Edward D. Ross
Appropriation Title: Current Fund – Estate of Edward Ross - Expenses
Amount: \$60,000.00

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 September 6, 2016.

Louise Cummiskey, City Clerk

| | Ayes | Nays | Absent | Abstain |
|----------|------|------|--------|---------|
| Furlin | | | | |
| Meier | | | | |
| Pessagno | | | | |
| Swain | | | | |
| Mahaney | | | | |

cc: CFO

CITY OF CAPE MAY

RESOLUTION NO. 194-09-2016A

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 2, 2016 for payments excluding those related to Swain's Ace Hardware Inc. Total Bill List: \$766,345.70.

| | |
|------------------------------------|----------------------|
| Current Fund Appropriations | \$ 398,540.33 |
| Water/Sewer Utility Operating Fund | \$ 98,090.92 |
| Tourism Utility Fund | \$ 60,301.59 |
| General Capital Improvements | \$ 128,037.52 |
| Water/Sewer Capital Improvements | \$ 1,671.00 |
| Escrow Special Account | \$ 9,622.50 |
| Trust Fund | \$ - |
| Grant Fund | \$ 5,945.00 |
| Beach Utility Fund Appropriations | \$ 63,992.27 |
| Beach Utility Capital Improvements | \$ - |
| | <u>\$ 766,201.13</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 06, 2016.

Louise Cummiskey, City Clerk

CITY OF CAPE MAY

RESOLUTION NO. 194-09-2016B

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 2, 2016 for payments related to Swain's Ace Hardware Inc:

Total Bill List: \$766,345.70.

| | | |
|---------------------------------------|-----------|---------------|
| Current Fund Appropriations | \$ | 95.56 |
| Utility Operating Fund Appropriations | \$ | 49.01 |
| General Capital Improvements | \$ | - |
| Water/Sewer Capital Improvements | \$ | - |
| Escrow Special Account | \$ | - |
| Trust Fund | \$ | - |
| Tourism Utility | \$ | - |
| Grant Fund | \$ | - |
| Beach Utility Fund Appropriations | \$ | - |
| Beach Utility Capital Improvements | \$ | - |
| | <u>\$</u> | <u>144.57</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 September 06, 2016.

Louise Cummiskey, City Clerk

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

RESOLUTION NO. 195-09-2016

**RESOLUTION APPROVING PROFESSIONAL SERVICES AGREEMENT
BETWEEN MOTT MACDONALD AND THE CITY OF CAPE MAY
FOR CAPE MAY AVENUE RECONSTRUCTION PROJECT**

MOTION:

SECOND:

WHEREAS, the City of Cape May (the "City") desires to enter into a Professional Services Agreement with Mott MacDonald (formerly known as Hatch Mott MacDonald) (the "Professional Services Agreement"), in the form attached hereto as EXHIBIT A, for professional engineering services for the reconstruction of the 1200-block of the south side of Cape May Avenue ("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, Mott MacDonald has completed and submitted a Business Entity Disclosure Certification which certifies that 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 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 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, for a lump sum fee of TWENTY-FIVE THOUSAND FOUR HUNDRED (\$25,400.00) DOLLARS is hereby approved.

2. 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. 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 September 6, 2016.

Louise Cummiskey, City Clerk

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

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

RESOLUTION NO. 196-09-2016

**RESOLUTION APPROVING PROFESSIONAL SERVICES AGREEMENT
BETWEEN MOTT MACDONALD AND THE CITY OF CAPE MAY
FOR TRAFFIC ENGINEERING SERVICES AT THE INTERSECTION OF
JEFFERSON STREET AND CORGIE STREET**

MOTION:

SECOND:

WHEREAS, the City of Cape May (the "City") desires to enter into a Professional Services Agreement with Mott MacDonald (formerly known as Hatch Mott MacDonald) (the "Professional Services Agreement"), in the form attached hereto as EXHIBIT A, for professional engineering services for an analysis of the intersection of Jefferson Street and Corgie Street to determine whether a multi-way stop control is warranted at the intersection ("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, Mott MacDonald has completed and submitted a Business Entity Disclosure Certification which certifies that 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 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 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, for a lump sum fee of EIGHT THOUSAND TWO HUNDRED(\$8,200.00) DOLLARS is hereby approved.

2. 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. 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 September 6, 2016.

Louise Cummiskey, City Clerk

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

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

RESOLUTION NO. 197-09-2016

**RESOLUTION APPROVING PROFESSIONAL SERVICES AGREEMENT
BETWEEN MOTT MACDONALD AND THE CITY OF CAPE MAY
FOR HUGHES STREET AND STOCKTON PLACE RESURFACING PROJECT**

MOTION:

SECOND:

WHEREAS, the City of Cape May (the "City") desires to enter into a Professional Services Agreement with Mott MacDonald (formerly known as Hatch Mott MacDonald) (the "Professional Services Agreement"), in the form attached hereto as EXHIBIT A, for professional engineering services for the resurfacing of Hughes Street (between Franklin Street and Ocean Street) and Stockton Place (between Hughes Street and Columbia Avenue) ("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, Mott MacDonald has completed and submitted a Business Entity Disclosure Certification which certifies that 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 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 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, for a lump sum fee of SIXTY-THREE THOUSAND SIX HUNDRED (\$63,600.00) DOLLARS is hereby approved.

2. 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. 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 September 6, 2016.

Louise Cummiskey, City Clerk

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

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

RESOLUTION NO. 198-09-2016

**RESOLUTION TO AWARD BID FOR LEASE OF SPACE ON THE
CANNING HOUSE LANE WATER TOWER FOR THE INSTALLATION
AND OPERATION OF CELLULAR COMMUNICATIONS
ANTENNA AND OTHER RELATED EQUIPMENT**

WHEREAS, the Cape May City ("City") has advertised and received bids for the installation and operation of cellular communications equipment and other related property on the Canning House Lane Water Tower located at Block 1061, Lots 137 and 139 (the "Property"); a

WHEREAS, it has been determined that a responsive bid was submitted for Parcel B by New Cingular Wireless PCS, LLC ("Cingular");

WHEREAS, the City has reviewed Cingular's bid and has determined that it is acceptable; and

WHEREAS, the City desires to approve such bid pursuant to the terms and conditions of the Lease which are set forth on EXHIBIT A attached hereto (the "Lease").

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 bid submitted by Cingular for the installation and operation of cellular communications equipment and other related property upon the Canning House Lane Water Tower, Parcel B is hereby accepted.
2. That the Lease which is set forth on EXHIBIT A attached hereto is also approved.
3. That the Mayor and Clerk are hereby authorized and directed to execute said Lease 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 September 6, 2016.

Louise Cummiskey, Clerk

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

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

RESOLUTION NO. 199-09-2016

**RESOLUTION TO AWARD BID FOR LEASE OF SPACE ON THE
CANNING HOUSE LANE WATER TOWER FOR THE INSTALLATION
AND OPERATION OF CELLULAR COMMUNICATIONS
ANTENNA AND OTHER RELATED EQUIPMENT**

WHEREAS, the Cape May City ("City") has advertised and received bids for the installation and operation of cellular communications equipment and other related property on the Canning House Lane Water Tower located at Block 1061, Lots 137 and 139 (the "Property"); a

WHEREAS, it has been determined that a responsive bid was submitted for Parcel A by Celco Partnership d/b/a Verizon Wireless ("Verizon");

WHEREAS, the City has reviewed Verizon's bid and has determined that it is acceptable; and

WHEREAS, the City desires to approve such bid pursuant to the terms and conditions of the Lease which are set forth on EXHIBIT A attached hereto (the "Lease").

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 bid submitted by Verizon for the installation and operation of cellular communications equipment and other related property upon the Canning House Lane Water Tower, Parcel A is hereby accepted.
2. That the Lease which is set forth on EXHIBIT A attached hereto is also approved.
3. That the Mayor and Clerk are hereby authorized and directed to execute said Lease 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 September 6, 2016.

Louise Cummiskey, Clerk

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

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

RESOLUTION NO. 200-09-2016

**RESOLUTION APPROVING CHANGE ORDER NO. 2 TO AGREEMENT BETWEEN
AXIOS, INC. AND THE CITY OF CAPE MAY FOR LAFAYETTE STREET PARK
PROJECT- PHASE I**

MOTION:

SECOND:

WHEREAS, the City of Cape May (the "City") and Axios, Inc. ("Axios") are parties to a certain Agreement ("Agreement") to provide construction services for Lafayette Street Park Project- Phase I, Cape May City, NJ Neighborhood Community Revitalization Program, New Jersey Economic Development Authority P #3981 (the "Project Services");

WHEREAS, the Agreement was awarded to Axios pursuant to Cape May City-Resolution No. 60-02-2016;

WHEREAS, the original Agreement price was ONE MILLION TWO HUNDRED SIXTY-SIX THOUSAND TWO HUNDRED SEVEN (\$1,266,207.00) DOLLARS and was increased by Change Order No. 1 to ONE MILLION THREE HUNDRED TWENTY-EIGHT THOUSAND NINE HUNDRED SEVENTEEN (\$1,328,917.00) DOLLARS;

WHEREAS, the City has determined that Tuckahoe Turf Fescue Sod should be placed along Lafayette Street between the fence and sidewalk, requiring additional work not specified in the bid packet, as more fully outlined in EXHIBIT A attached hereto and made a part hereof ("Additional Work");

WHEREAS, the City and Axios have therefore agreed to Change Order No. 2 to increase the Agreement Price by the sum of TWO THOUSAND FIVE HUNDRED (\$2,500.00) DOLLARS for the Additional Work; and

WHEREAS, the City and Axios have also agreed in Change Order No. 2 to extend the time for the completion of portal construction to September 2, 2016.

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

1. Change Order No. 2 increasing the price for the Agreement by TWO THOUSAND FIVE HUNDRED (\$2,500.00) DOLLARS for the Additional Work, thereby increasing the total cost of the Agreement to ONE MILLION THREE HUNDRED THIRTY-ONE THOUSAND FOUR HUNDRED SEVENTEEN (\$1,331,417.00) DOLLARS, is hereby approved.

2. Change Order No. 2 extending the time to complete portal construction to September 2, 2016.

3. That the Mayor and Clerk are hereby authorized and directed to execute Change Order No. 2, in the form attached hereto as EXHIBIT A, 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 September 6, 2016.

Louise Cummiskey, City Clerk

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