

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

**ORDINANCE NO. 335-2017**

**AN ORDINANCE OF THE CITY OF CAPE MAY  
AMENDING THE CAPE MAY DESIGN STANDARDS AND  
CITY CODE SECTION 525-39 - STANDARDS, DESIGN  
GUIDELINES AND CRITERIA**

**WHEREAS**, Cape May City Code §525-39 provides uniform standards, design standards and criteria for the regulation of historic sites and districts for use by the Historic Preservation Commission (“HPC”);

**WHEREAS**, the HPC has requested an amendment to the Design Standards pertaining to solar panels, wind turbines/windmills and satellite and broadband television antennas; and

**WHEREAS**, the City Council desires to approve the suggested amendments to the Design Standards pursuant to the terms and conditions set forth herein; and

**WHEREAS**, the City Council wishes to make additional amendments to the Historic Preservation sections of the city’s zoning ordinance to clarify and standardize its nomenclature, and to clearly establish the procedure for, and scope of review of, appeals from decisions of the HPC,

**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:

Section 1. The following standard is hereby added to the “City of Cape May Historic Preservation Design Standards” to address solar panels in a rehabilitation or new project:

Solar Panel in a Rehabilitation or New Project.

Applicable existing Design Standard(s): Roofs, Accessory Structures and New Construction

Enhancing the energy efficiency of a historic building is important. To that end, it is often possible to install features such as solar panels and photovoltaic cells provided they are installed in a sensitive manner. Because these elements must be positioned to take advantage of unobstructed sunlight, the roof of a historic structure may be an obvious location. However, the roofline of a historic building is often a distinctive feature. Therefore, the installation of solar panels should conform to guidance regarding rooftop additions to avoid altering the historic character of the building. Historic buildings with a flat roof or parapet can usually accommodate solar panels because the panels will be hidden, while properties with a hipped or gabled roof are generally not good candidates for a rooftop solar installation. Solar panels in the historic district or on historic buildings outside the historic district which are conspicuous from a public right of way, such as a

nearby street, sidewalk or other public space are not appropriate in the historic district or on any historic sites. Should solar technology develop to a point where it is indistinguishable from existing, historically accurate materials, that technology may be acceptable in non-rated structures.

In circumstances where solar collectors are not placed on rooftops, they shall be positioned in limited or no-visibility locations in secondary areas of the property. Vegetation or compatible screen may also be an option to further reduce the impact of these features on an historic site. For some historic sites, it may not be possible to incorporate solar panels and meet the Secretary of Interior's Standards for Rehabilitation. This standard shall apply for all rehabilitation or new projects in the historic district and for any rehabilitation projects that impact a historic site outside of the historic district.

Section 2. The following standard is hereby added to the "City of Cape May Historic Preservation Commission Design Standards" to address installing windmills/wind turbines in a rehabilitation or new project:

Installing Windmill/Wind Turbine in a rehabilitation or New Project.

Applicable existing Design Standard(s): Streetscape and Accessory Structures

Enhancing energy resources to save the burning of carbon fuel is important. However, because the placement of windmills/wind turbines requires the unobstructed use of wind, they must, by definition, be visible from the street and will therefore adversely impact the historic character of the City. As a result, windmills and wind turbines are not appropriate in the City's historic district.

Section 3. The following standard is hereby added to the "City of Cape May Historic Preservation Commission Design Standards" to address the installation of satellite and broadband television antennas in historic districts.

Installing Satellite and Broadband Television Antennas.

Applicable existing Design Standard(s): Roofs, Accessory Structures and New Construction

Because these elements must be positioned to take advantage of unobstructed views of satellite positions or other communication methods, they generally do. By definition, these locations are generally conspicuous from the street, public right-of-way or public space, thus adversely impacting the historic character of the City. As a result, these elements are not appropriate for the City of Cape May's Historic District. This standard shall apply to all projects in the Historic District and to all projects that impact historic sites outside of the Historic District.

Section 4. The following standard is hereby added to the "City of Cape May Historic Preservation Design Standards" to address installing replacement windows at a historic site:

## Installing Replacement Windows at a Historic Site

Applicable existing Design Standard(s): Windows

In the name of energy efficiency and environmental responsibility, replacement window manufacturers and contractors are developing technologically advanced construction materials to replicate historic wood windows. The goal is to maintain the historic character of the building without eroding its timeless essence. Previously, replacement windows were vinyl, aluminum, or a composite with wood. These options have not been as durable as the original wood window. Where feasible, repair, rather than replacement, of wood windows is generally the “greener” option. Original windows properly repaired and maintained can be as energy efficient as replacement window, however, such repair and maintenance is not always possible or may be prohibitively expensive. It is incumbent on the HPC and the Zoning Board of Adjustment to stay abreast of construction advances and encourage use of increasingly acceptable and sustainable wood composites.

When the original wood windows have deteriorated beyond repair, a solid wood replacement window is a preferred replacement. However, when a contributing property has clad windows, an owner may replace those windows with “like for like” materials. The appearance of the replacement clad windows must be consistent with the general characteristics of a historic window of the type and period, but need not replicate the missing historic window.

Section 5. Section 525-39(F) of the City Code of the City of Cape May is hereby amended as follows (new language is underlined and deleted language is stricken):

F. ~~GuidelinesStandards~~. GuidelinesStandards as are adopted by the Historic Preservation Commission pursuant to resolution of the Historic Preservation Commission are hereby adopted and made part of this chapter. The ~~guidelinestandards~~ consist of window ~~guidelinestandards~~, exterior sheathing ~~guidelines~~ standards, fence ~~guidelines~~ standards, streetscape ~~guidelinesstandards~~, roof standards, door standards, porch standards, solar panel standards, windmill/wind turbine standards, broadband television antenna standards, and design ~~guidelinesstandards~~ for all new construction and rehabilitation projects in the historic district and for all rehabilitation projects that affect historic sites outside of the historic district~~building in East Cape May historic~~.

A copy of the ~~guidelines~~ standards shall be available in the offices of the Construction Official and the City Clerk. The ~~guidelinesstandards~~ may be amended by the Historic Preservation Commission, but shall not take effect until proved approved by ordinance of City Council.

Section 6. A new section, Section 525-39(H), is added to the City Code of the City of Cape May as follows:

H. *De Minimis* Exception. The standards provided for in Section 525-39(F) may be waived by the Historic Preservation Commission based upon a finding that the impact from said waiver is *de minimis*, and thus will not have a material or substantial impact on the historic district or a historic site.

Section 7. Section 525-37(E)(5) of the City Code of the City of Cape May is hereby amended as follows:

Appeals from determinations of the Construction Official pursuant to referral to the Historic Preservation Commission may be made by the applicant to the Zoning Board of Adjustment, according to N.J.S.A. 40:55D-70(a). Nothing herein shall be deemed to limit the right of judicial review of the action after an appeal is concluded by the Zoning Board of Adjustment. The appellant shall pay all costs for copies of any transcript(s), which shall be by a certified court reporter. The appeal shall be heard on the record made before the Historic Preservation Commission. A determination by the Historic Preservation Commission on issues within its authority shall be entitled to due deference. If, in the case of an appeal made pursuant to this subsection, the Zoning Board of Adjustment determines there is an error in any order, requirement, decision or refusal made by the Construction Official pursuant to a certificate or denial of a certificate submitted by the Historic Preservation Commission in accordance with N.J.S.A. 40:55D-111, the Zoning Board of Adjustment shall, in writing, include the reasons for its determination in the findings of its decision thereon. The determination of the Historic Preservation Commission may be overturned only if the Zoning Board of Adjustment finds that the Historic Preservation Commission determination was arbitrary, capricious, unreasonable, or contrary to law.

Section 8. All other ordinances in conflict or inconsistent with this Ordinance are hereby repealed to the extent of such conflict or inconsistency.

Section 9. 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 provisions of this Ordinance are hereby declared to be severable.

Section 9. 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

\_\_\_\_\_  
Patricia Harbora, City Clerk

BY: \_\_\_\_\_  
Clarence F. Lear III, Mayor

**NOTICE**

Ordinance 335-2017 was introduced at a regular meeting of the City Council of the City of Cape May, held on October 17, 2017 and will be further considered for final passage during a meeting of the City Council, to be held at the Cape May City Hall Auditorium, 643 Washington Street, Cape May, New Jersey, on December 5, 2017, 5:30 P.M. at which time a Public Hearing will be held.

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Patricia Harbora, City Clerk

<b>Roll Call</b>	<b>Ayes</b>	<b>Nays</b>	<b>Absent</b>	<b>Abstain</b>
<b>Furlin</b>				
<b>Hendricks</b>				
<b>Meier</b>				
<b>Pessagno</b>				
<b>Lear</b>				

Introduced:	October 17, 2017
First Publication:	October 25, 2017
2 <sup>nd</sup> Reading & Adoption:	December 5, 2017
Final Publication:	December 13, 2017
Effective Date:	January 2, 2018

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

**RESOLUTION NO. 260-12-2017**

**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 – EPL/POL Claims

\_\_\_\_\_ (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 December 5, 2017, that an Executive Session closed to the public shall be held on this date beginning at 5:30 P.M. in the City Hall Building of the City of Cape May, 643 Washington Street, Cape May for the discussion of matters relating to the specific items designated above.

It is anticipated that the deliberations conducted in closed session may be disclosed to the public upon the determination of the City Council that the public interest will no longer be served by such confidentiality.

I hereby certify the foregoing to be an original resolution adopted by the City Council of the City of Cape May at a meeting held on December 5, 2017.

\_\_\_\_\_  
Patricia Harbora, City Clerk

Roll Call	Ayes	Nays	Absent	Abstain
Furlin				
Hendricks				
Meier				
Pessagno				
Lear				

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

**RESOLUTION NO. 261-12-2017**

**RESOLUTION INTRODUCING AND APPROVING THE 2018 BUDGET OF THE  
WASHINGTON STREET MALL BUSINESS IMPROVEMENT DISTRICT  
OF THE CITY OF CAPE MAY**

**MOTION:**

**SECOND:**

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

**WHEREAS**, as required by N.J.S.A. 40:56-84, the District Management Corporation shall submit a detailed annual budget for the adoption by Resolution of the governing body in the amount of \$73,700.00; and

**WHEREAS**, proper notice will be given by public advertising and posting in public places regarding the time, place and the date of public hearing on the Washington Street Mall Business Improvement District 2018 Budget.

**NOW, THEREFORE, BE IT RESOLVED** that the attached statement of revenues and appropriations shall constitute the Washington Street Mall Business Improvement District 2018 Budget. Said Budget shall be published in the Cape May Star and Wave in the issue of December 13, 2017. A hearing on the Budget will be held in the City of Cape May City Hall Auditorium on December 19, 2017 at 6:00 P.M.

I hereby certify the foregoing to be an original resolution adopted by the City Council of the City of Cape May at a meeting held on December 5, 2017.

\_\_\_\_\_  
Patricia Harbora, City Clerk

<b>Roll Call</b>	<b>Ayes</b>	<b>Nays</b>	<b>Absent</b>	<b>Abstain</b>
<b>Furlin</b>				
<b>Hendricks</b>				
<b>Meier</b>				
<b>Pessagno</b>				
<b>Lear</b>				



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

**RESOLUTION NO. 262-12-2017**

**AUTHORIZING PROFESSIONAL SERVICES CONTRACT WITH EMPLOYEE CARE  
FOR AN EMPLOYEE ASSISTANCE PROGRAM - \$2,876.00**

**MOTION:**

**SECOND:**

**WHEREAS**, there is a need for the City to provide a Drug Free Workplace and Employee Assistance Program under Federal guidelines; and

**WHEREAS**, the City wishes to renew the contract with Employee Care, One Fairway Drive, Cape May Court House, New Jersey to provide said services; and

**WHEREAS**, funds for such contracts are available; and

**WHEREAS**, the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.) requires that the resolution authorizing the award of contract for "Professional Services" without competitive bids and the contract itself must be available for public inspection.

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

1. The Mayor and City Clerk be and are hereby authorized to execute the documents necessary to enter into a 12-month contract with Employee Care beginning December 5, 2017 to December 1, 2018 to provide an Employee Assistance Program at a cost of \$2,876.00.
2. This contract is awarded without competitive bidding as a "Professional Service" in accordance with 40A:11-5(1) of the Local Public Contracts Law and notice of this action shall be published in the Cape May Star and Wave.

I hereby certify the foregoing to be an original resolution adopted by the City Council of the City of Cape May at a meeting held on December 5, 2017.

\_\_\_\_\_  
Patricia Harbora, City Clerk

Roll Call	Ayes	Nays	Absent	Abstain
Furlin				
Hendricks				
Meier				
Pessagno				
Lear				

cc: CFO  
Employee Care  
Public Works Superintendent

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

**RESOLUTION NO. 263-12-2017**

**APPOINTMENT TO THE CAPE MAY CITY FIRE POLICE**

**MOTION:**

**SECOND:**

**WHEREAS**, pursuant to N.J.S.A. 15:8-4, the City of Cape May (“City”) has recognized the establishment of a fire police unit (“Fire Police”) from among members of the Cape May Volunteer Fire Company (the “Fire Company”);

**WHEREAS**, the Bylaws of the Fire Company, as approved by the City Council, further provide that the City Council may appoint members to perform certain police duties and responsibilities at fires and drills, for a term of office not exceeding five (5) years from the date of the appointment in accordance with N.J.S.A. 15:8-4;

**WHEREAS**, the Fire Company has submitted to the City Council a list of individuals for appointment or reappointment to the Fire Police; and

**WHEREAS**, based upon the recommendations of the Fire Company and the City’s Fire Chief, the City Council desires to appoint said individuals to the Fire Police for a term which will begin on the date hereof and expire on the date of the City’s reorganization meeting to be held in January, 2022.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Cape May, that the following appointment commencing December 5, 2017 and ending on the date of the Cape May reorganization meeting to be held in January, 2022 be made to the Cape May City Fire Police:

Thomas H. Keene

I hereby certify the foregoing to be an original resolution adopted by the City Council of the City of Cape May at a meeting held on December 5, 2017.

\_\_\_\_\_  
Patricia Harbora, City Clerk

<b>Roll Call</b>	<b>Ayes</b>	<b>Nays</b>	<b>Absent</b>	<b>Abstain</b>
<b>Furlin</b>				
<b>Hendricks</b>				
<b>Meier</b>				
<b>Pessagno</b>				
<b>Lear</b>				

cc: Fire Police  
File

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

**RESOLUTION NO. 264-12-2017**

**RESOLUTION APPROVING PROFESSIONAL SERVICES AGREEMENT  
BETWEEN PAULUS, SOKOLOWSKI AND SARTOR, LLC AND  
THE CITY OF CAPE MAY**

**MOTION:**

**SECOND:**

**WHEREAS**, the City of Cape May (the “City”) desires to enter into a Professional Services Agreement with Paulus, Sokolowski and Sartor, LLC (“PSS”) in the form attached hereto as EXHIBIT A, to provide an Intensive Level Survey of Historical Properties within the City to be conducted in accordance with New Jersey State Historic Preservation Office Guidelines for Architectural Survey (the “Project”);

**WHEREAS**, the City solicited and received proposals from several architectural firms to provide an Intensive Level Survey of Historical Properties, the City has determined to award the Professional Services Agreement based on the experience and qualifications of PSS; 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;

**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 dated December 5, 2017, between Paulus, Sokolowski and Sartor, LLC, located at 67B Mountain Boulevard Extension, Warren, New Jersey 07059, and the City of Cape May, in the form attached hereto as EXHIBIT A, at a fixed fee amount of TWENTY-FOUR THOUSAND NINE HUNDRED NINETY-NINE (\$24,999.00) DOLLARS, including costs, is hereby authorized.
2. That the Mayor or Deputy Mayor and Clerk are hereby authorized and directed to execute the Professional Services 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 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 or Deputy 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 Star and Wave.

I hereby certify the foregoing to be an original resolution adopted by the City Council of the City of Cape May at a meeting held on December 5, 2017.

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Patricia Harbora, City Clerk

<b>Roll Call</b>	<b>Ayes</b>	<b>Nays</b>	<b>Absent</b>	<b>Abstain</b>
<b>Furlin</b>				
<b>Hendricks</b>				
<b>Meier</b>				
<b>Pessagno</b>				
<b>Lear</b>				

cc: Paulus, Sokolowski and Sartor, LLC  
Historic Preservation Commission

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

**RESOLUTION NO. 265-12-2017**

**RESOLUTION AUTHORIZING UTILITY BILL ADJUSTMENT  
DUE TO CATASTROPHIC OCCURRENCE**

**MOTION:**

**SECOND:**

**WHEREAS**, pursuant to the provisions of Chapter 510, section 33 of the Revised General Ordinances of the City of Cape May, the Water and Sewer Utility Superintendent recommended adjustments to utility bills due to catastrophic occurrences; and

**WHEREAS**, said adjustments exceed the \$1,500.00 limit set forth in Chapter 510, section 32, Revised General Ordinances of the City of Cape May, for staff approval; and

**WHEREAS**, City Council has reviewed the recommended adjustment to correct billing due to catastrophic occurrences;

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Cape May that the following adjustments be approved:

<u>Bl/Lot</u>	<u>Address</u>	<u>Customer</u>	<u>Adjustment</u>
1017/15 C-2	111B First Avenue	William E & Donna L. Hilton	\$1,782.00

**BE IT FURTHER RESOLVED** that the Tax Collector is hereby authorized to make said adjustments and adjust the records of the Water & Sewer Utility accordingly.

I hereby certify the foregoing to be an original resolution adopted by the City Council of the City of Cape May at a meeting held on December 5, 2017.

\_\_\_\_\_  
Patricia Harbora, City Clerk

Roll Call	Ayes	Nays	Absent	Abstain
Lear				
Meier				
Hendricks				
Furlin				
Pessagno				

cc: Water/Sewer Department

Clerks/Resolutions/2017 Adjustments/

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

**RESOLUTION NO. 266-12-2017**

**REDUCTION OF PERFORMANCE GUARANTEE FOR  
PELLA, LLC. C/O VELVENTO HOLDINGS, LLC.  
1151 NEW YORK AVENUE, CAPE MAY, NJ 08204  
BLOCK 1176, LOT 1**

**MOTION:**

**SECOND:**

**WHEREAS**, Pella, LLC. c/o Velvento Holdings, LLC., 1151 New York Avenue, Cape May, NJ 08204, Block 1176, Lot 1, originally posted a Performance Guarantee with the City of Cape May via a Letter of Credit through Sturdy Savings Bank in the amount of SEVEN HUNDRED THIRTY-EIGHT THOUSAND SEVEN HUNDRED EIGHTEEN DOLLARS AND TWENTY CENTS (\$738,718.20)and;

**WHEREAS**, the Planning Board Engineer Craig R. Hurless, PE, PP, CME has advised via a letter dated October 25, 2017 that the developer has completed a portion of the required improvements for this project and recommends a reduction of the Performance Guarantee to the amount of TWO HUNDRED EIGHTY-EIGHT THOUSAND EIGHT HUNDRED THIRTY DOLLARS AND TEN CENTS (\$288,830.10).

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Cape May, the governing body thereof, that the Performance Guarantee for the above referenced property be reduced to the amount of TWO HUNDRED EIGHTY-EIGHT THOUSAND EIGHT HUNDRED THIRTY DOLLARS AND TEN CENTS (\$288,830.10).

I hereby certify the foregoing to be an original resolution adopted by the City Council of the City of Cape May at a meeting held on December 5, 2017.

\_\_\_\_\_  
Patricia Harbora, City Clerk

<b>Roll Call</b>	<b>Ayes</b>	<b>Nays</b>	<b>Absent</b>	<b>Abstain</b>
<b>Furlin</b>				
<b>Hendricks</b>				
<b>Meier</b>				
<b>Pessagno</b>				
<b>Lear</b>				

cc: Chief Financial Officer  
Planning Board Secretary

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

**RESOLUTION NO. 267-12-2017**

**A RESOLUTION 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 2017, which are now available as a revenue and will be hereby appropriated as detailed below:

Revenue Title: EMMA - 2016 Emergency Management Agency Assistance  
Appropriation Title: EMMA - 2016 Emergency Management Agency Assistance - OE  
Amount: \$9,400.00

**BE IT FURTHER RESOLVED** that completed Certifications for this Resolution be forwarded to the Director of the Division of Local Government Services for approval.

I hereby certify the foregoing to be an original resolution adopted by the City Council of the City of Cape May at a meeting held on December 5, 2017.

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Patricia Harbora, City Clerk

Roll Call	Ayes	Nays	Absent	Abstain
Furlin				
Hendricks				
Meier				
Pessagno				
Lear				

cc: City Treasurer  
State of New Jersey (original)

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

**RESOLUTION NO. 268-12-2017**

**A RESOLUTION 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 2017, which are now available as revenue and will be hereby appropriated as detailed below:

Revenue Title: NJDCA-INTENSIVE LEVEL SURVEY-FY2017  
Appropriation Title: NJDCA-INTENSIVE LEVEL SURVEY-FY2017 - OE  
Amount: \$24,999.00

**BE IT FURTHER RESOLVED** that completed Certifications for this Resolution be forwarded to the Director of the Division of Local Government Services for approval.

I hereby certify the foregoing to be an original resolution adopted by the City Council of the City of Cape May at a meeting held on December 5, 2017.

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Patricia Harbora, City Clerk

Roll Call	Ayes	Nays	Absent	Abstain
Furlin				
Hendricks				
Meier				
Pessagno				
Lear				

cc: City Treasurer  
State of New Jersey (Original)



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

**RESOLUTION NO. 269-12-2017**

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

**MOTION:**

**SECOND:**

**WHEREAS**, the City of Cape May has in its possession a certain item of personal property including, without limitation, one (1) air compressor, (the "Property"); and

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

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

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

I hereby certify the foregoing to be a true copy of a Resolution adopted by the City Council at a meeting held on December 5, 2017.

\_\_\_\_\_  
Patricia Harbora, City Clerk

<b>Roll Call</b>	<b>Ayes</b>	<b>Nays</b>	<b>Absent</b>	<b>Abstain</b>
<b>Furlin</b>				
<b>Hendricks</b>				
<b>Meier</b>				
<b>Pessagno</b>				
<b>Lear</b>				

cc: Purchasing Agent  
CFO

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

**RESOLUTION NO. 270-12-2017**

**RESOLUTION AUTHORIZING CHANGE ORDER NO. 1 FOR A CONTRACT WITH AURORA ENVIRONMENTAL, INC. FOR THE SOIL REMEDIATION OF PUBLIC WORKS STATE CONTRACT NO. 42274**

**MOTION:**

**SECOND:**

**WHEREAS**, the City of Cape May is currently under contract with Aurora Environmental, Inc. for the Soil Remediation of Public Works on September 5, 2017; and

**WHEREAS**, it is requested that the City authorize Change Order No. 1 to reflect the changes as set forth on EXHIBIT A, attached hereto.

**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. 1 to the contract with Aurora Environmental, Inc. in the amount of \$8,423.89 more than the previous contract amount of \$55,750.00 for an amended contract price of \$64,173.89.

I hereby certify the foregoing to be an original resolution adopted by the City Council of the City of Cape May at a meeting held on December 5, 2017.

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Patricia Harbora, City Clerk

<b>Roll Call</b>	<b>Ayes</b>	<b>Nays</b>	<b>Absent</b>	<b>Abstain</b>
<b>Furlin</b>				
<b>Hendricks</b>				
<b>Meier</b>				
<b>Pessagno</b>				
<b>Lear</b>				

cc: Chief Financial Officer  
Supt. of Public Works  
Aurora Environmental  
Project File

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

**RESOLUTION NO. 271-12-2017**

**RESOLUTION AWARDING A CONTRACT FOR PROFESSIONAL ENGINEERING SERVICES FOR THE PENNSYLVANIA AVENUE – TRAFFIC CALMING AND PEDESTRIAN SAFETY IMPROVEMENTS BETWEEN WILMINGTON AVENUE AND CHICAGO AVENUE IN THE CITY OF CAPE MAY**

**WHEREAS**, the City of Cape May has requested proposals for the provision of professional engineering services to prepare plans, specifications, and construction inspection services for traffic calming improvements on Pennsylvania Avenue from Wilmington Avenue to Chicago Avenue; and

**WHEREAS**, the engineering firm of Mott Macdonald, LLC, has submitted a proposal to perform those engineering services for a total cost of \$16,000, with the expected project completion date in May 2018; and

**WHEREAS**, having reviewed that proposal, the Cape May City Council deems it in the best interest of the City to accept the Mott Macdonald proposal and to award the contract to Mott Macdonald in accordance with the terms contained in its proposal letter dated November 15, 2017, which proposal is attached to this Resolution and incorporated therein.

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

1. The Recital paragraphs are incorporated as if fully set forth.
2. The Cape May City Council hereby authorizes the award of a contract to perform professional engineering services to prepare plans, specifications, and construction inspection services for traffic calming improvements on Pennsylvania Avenue from Wilmington Avenue to Chicago Avenue, in the City of Cape May, to Mott Macdonald, LLC, in the contract amount of \$16,000 and in full conformity with its proposal letter dated November 15, 2017.
3. The appropriate city officials are hereby authorized to execute all documents required to consummate this contract award.
4. This contract is awarded as a professional services contract, without public bidding, pursuant to N.J.S.A. 40A:11-5(1)(a)(i).
5. This Resolution shall take effect immediately upon passage, according to law.

I hereby certify the foregoing to be an original resolution adopted by the City Council of the City of Cape May at a meeting held on December 5, 2017.

\_\_\_\_\_  
Patricia Harbora, City Clerk

<b>Roll Call</b>	<b>Ayes</b>	<b>Nays</b>	<b>Absent</b>	<b>Abstain</b>
<b>Furlin</b>				
<b>Hendricks</b>				
<b>Meier</b>				
<b>Pessagno</b>				
<b>Lear</b>				

cc: Mott MacDonald, LLC