

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

**ORDINANCE NO. 338 - 2018**

**AN ORDINANCE ESTABLISHING THE POSITION OF  
DEPUTY CITY MANAGER IN THE CITY OF CAPE MAY**

**WHEREAS**, the Section 10-42 of the Cape May City Code currently acknowledges the ability of the City Council to establish the position of Deputy City Manager and reserves the Council's ability to do so; and

**WHEREAS**, although the position of Deputy City Manager currently does not exist, the increasing complexity of municipal government and the need for delivery of efficient municipal services has persuaded the City Council that the position of Deputy City Manager should be established, and its powers and duties specified; and

**WHEREAS**, having carefully considered the matter, the City Council of the City of Cape May believes it in the best interests of the City and its residents, to establish the position of Deputy City Manager and to define its duties and responsibilities,

**NOW, THEREFORE, BE IT ORDAINED** by the Cape May City Council as follows:

Section 1. The averments of the preamble are incorporated as a Statement of Purpose and Intent for this Ordinance.

Section 2. Section 10-42 of the Cape May City Code is hereby amended in its entirety as follows:

**Deputy City Manager**

- A. There is hereby established, in the City of Cape May, the position of Deputy City Manager.
- B. The Deputy City Manager shall be appointed and removed by the City Manager, pursuant to N.J.S.A. 40:69A-95(c). His position shall be considered an unclassified position for Civil Service purposes.
- C. Although the City Manager shall appoint the Deputy City Manager, whether the City shall fill the position of Deputy City Manager shall be a matter for Council's discretion.
- D. The Deputy City Manager shall be chosen based solely on his or her executive and administrative qualifications.
- E. The Deputy City Manager shall have such duties and responsibilities as authorized to the City Manager and which are assigned to him or her by the City Manager.
- F. In the temporary absence of the City Manager, the Deputy City Manager shall

serve as City Manager.

G. Should the City Manager's position become vacant, there shall be no automatic succession of Deputy City Manager to City Manager. The City Council shall fill the City Manager position by appointment in accordance with the governing law.

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

Section 4. All ordinances inconsistent with this Ordinance are hereby repealed.

Section 5 This Ordinance shall take effect within twenty (20) days of final passage and publication as provided by law.

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

ATTEST:

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

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

**NOTICE**

Ordinance No. 338-2018 was introduced at a regular meeting of the City Council of the City of Cape May, held on January 16, 2018 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 February 20, 2018, 6:00 P.M., at which time a Public Hearing will be held.

Roll Call	Ayes	Nays	Absent	Abstain
Pessagno				
Meier				
Hendricks				
Furlin				
Lear				

Introduction:	January 16, 2018
First Publication:	January 24, 2018
Second Reading & Adoption:	February 20, 2018
Final Publication:	February 28, 2018
Effective Date:	March 20, 2018

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

**ORDINANCE NO. 341- 2018**

**AN ORDINANCE TO AMEND CHAPTER 158 OF THE CODE OF THE  
CITY OF CAPE MAY, CONCERNING BEACH TAGS**

**WHEREAS**, Section 158-2 of the Cape May Municipal Code currently limits the number of seasonal beach tags that can be purchased by one person to five; and

**WHEREAS**, the City Council of the City of Cape May believes it in the City's best interest to raise that limit to ten,

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

**SECTION 1.** Section 158-2 of the Code of the City of Cape May is hereby amended as follows (deletions in [brackets], additions underlined):

**§ 158-2. Definitions.**

As used in this article, the following term shall have the meaning indicated:

SEASONAL BEACH TAG — A beach tag to use the public beaches in the City of Cape May during a bathing season for personal use by the purchaser of such beach tag. No more than [five] ten (10) seasonal beach tags for any one season may be purchased by one person.

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

**SECTION 3.** Should any section, paragraph, sentence, clause or phase 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 4.** This Ordinance shall become effective 20 days after final passage and publication, according to law.

**NOTICE**

Ordinance 341-2018 was introduced at a regular meeting of the City Council of the City of Cape May, held on February 20, 2018 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 March 20, 6:00 P.M. at which time a Public Hearing will be held.

ATTEST:

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

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

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

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

Introduction: February 20, 2018  
First Publication: February 28, 2018  
Second Reading & Adoption: March 20, 2018  
Final Publication: March 28, 2018  
Effective Date: April 17, 2018

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

**ORDINANCE NO. 342 - 2018**

**AN ORDINANCE AMENDING CERTAIN SECTIONS OF CHAPTER 7  
OF THE CODE OF THE CITY OF CAPE MAY, CONCERNING  
TRAFFIC**

**WHEREAS**, Chapter 7 of the Cape May Municipal Code regulates traffic and parking in the City; and

**WHEREAS**, the City Council of the City of Cape May believes it in the City's best interest to raise make certain amendments to that Chapter to clarify the responsibilities of the City Manager, and

**NOW, THEREFORE BE IT ORDAINED** by the City Council of the City of Cape May in the County of Cape May and State of New Jersey that Chapter 7 of the Cape May Municipal Code is hereby amended as follows (deletions in [brackets], additions underlined):

**SECTION 1.** Section 7.2of the Code of the City of Cape May is amended as follows:

**§ 7-2. Authorization for street closings.**

A. The [Mayor] City Manager or, in his/her absence, disability or inability to act, the Chief of Police and, in the event of his/her absence, disability or inability to act, then the ranking officer of the Police Department, is hereby authorized to provide by regulation for the closing of any street or portion thereof to motor vehicle traffic on any day or days during specified hours on any day or days whenever he/she finds that such closing is necessary for the preservation of the public safety, health or welfare.

B. Any regulations promulgated by the [Mayor] City Manager and in accordance with paragraph A. above, shall provide for the posting of proper warning signs of such closing on any street or portion thereof during the time the same is closed in pursuance thereof.

C. Any violation of this regulation promulgated thereunder shall be punished by a fine not to exceed fifty (\$50.00) dollars.

D. Any regulation adopted that mandates the closing of any street for a period greater than forty-eight (48) consecutive hours shall not become effective unless and until it has been submitted to and approved by the Commissioner of the Department of Transportation.

**SECTION 2.** Section 7-10 of the Code of the City of Cape May is amended as follows:

**§ 7-10. Parking prohibited during state of emergency.**

A. Upon the declaration of an emergency, there shall be no vehicles operated or parked upon streets or portions of streets where temporary "EMERGENCY-NO PARKING", "EMERGENCY-STREET CLOSED" or barricades are displayed or placed. When weather conditions, accidents, fires, street excavations, utility installations, repairs, public celebrations or various similar activities dictate or require that regular/normal traffic flow and/or parking be temporarily suspended, the Chief of Police or, in his/her absence, the next highest ranking police officer is authorized to direct the posting of "EMERGENCY-NO PARKING" or "EMERGENCY-STREET CLOSED" signs or barricades. Notification that "EMERGENCY-NO PARKING" or "EMERGENCY-STREET CLOSED" signs or barricades are being or will be posted shall be given to any operator/owner of any vehicle parked on the street or portion prior to the posting of the signs.

B. No person shall park, leave standing or operate any vehicle in violation of this section.

Any unoccupied vehicle parked or left standing in violation of this section shall be deemed to be a nuisance or threat to the safe and appropriate regulation of traffic or emergency operation and any police officer may order the removal and storage of the vehicle. The owner/operator of any vehicle towed for violating this section shall be responsible for payment of any expense resulting from towing and storage before regaining possession of the vehicle.

C. A vehicle owner/operator will not be considered in violation of this section unless the appropriate signs, barricades or other reasonable or required means of notification has been made and sufficient time is given for proper removal of the vehicle.

A police officer may arrange for the towing or removal of a vehicle that is not in violation of this section when an emergency exists that requires the vehicle be removed without delay and the owner/operator cannot be immediately located.

D. Pursuant to N.J.S.A. 40:67-16.9, the [Mayor] City Manager is authorized to provide by regulation for the closing of any street or portion thereof to motor vehicle traffic during specific hours of any day or days whenever he finds that such closing is necessary for the preservation of the public safety, health or welfare. The appropriate signs or barricades shall be placed for the purpose of notifying vehicle operators that the street is closed during the time specified.

**SECTION 3.** All other ordinances in conflict or inconsistent with this Ordinance are hereby repealed, to the extent of such conflict or inconsistency.

**SECTION 4.** Should any section, paragraph, sentence, clause or phase 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 5.** This Ordinance shall become effective 20 days after final passage and publication, according to 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 342-2018 was introduced at a regular meeting of the City Council of the City of Cape May, held on February 20, 2018 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 March 20, 6:00 P.M. at which time a Public Hearing will be held.

Roll Call	Ayes	Nays	Absent	Abstain
Pessagno				
Meier				
Hendricks				
Furlin				
Lear				

Introduction: February 20, 2018  
First Publication: February 28, 2018  
Second Reading & Adoption: March 20, 2018  
Final Publication: March 28, 2018  
Effective Date: April 17, 2018

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

**ORDINANCE NO. 343- 2018**

**BOND ORDINANCE PROVIDING FOR PRELIMINARY  
EXPENSES FOR THE CONTRUCTION OF A NEW  
PUBLIC SAFETY BUILDING IN AND BY THE CITY OF  
CAPE MAY, IN THE COUNTY OF CAPE MAY, NEW  
JERSEY, APPROPRIATING \$300,000 THEREFOR AND  
AUTHORIZING THE ISSUANCE OF \$285,000 BONDS OR  
NOTES OF THE CITY TO FINANCE PART OF THE COST  
THEREOF.**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CAPE MAY, IN THE COUNTY OF CAPE MAY, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) AS FOLLOWS:

Section 1. The improvement described in Section 3(a) of this bond ordinance is hereby authorized to be undertaken by the City of Cape May, in the County of Cape May, New Jersey (the "City") as a general improvement. For the improvement or purpose described in Section 3(a), there is hereby appropriated the sum of \$300,000, including the sum of \$15,000 as the down payment required by the Local Bond Law. The down payment is now available by virtue of provision for down payment or for capital improvement purposes in one or more previously adopted budgets.

Section 2. In order to finance the cost of the improvement or purpose not covered by application of the down payment, negotiable bonds are hereby authorized to be issued in the principal amount of \$285,000 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. (a) The improvement hereby authorized and the purpose for the financing of which the bonds are to be issued is the preliminary expenses for the construction of a new public safety building, including all related costs and expenditures necessary therefor and incidental thereto.

(b) The estimated maximum amount of bonds or bond anticipation notes to be issued for the improvement or purpose is as stated in Section 2 hereof.

(c) The estimated cost of the improvement or purpose is equal to the amount of the appropriation herein made therefor.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer; provided that no bond anticipation note shall mature later than one year from its date, unless such bond anticipation notes are permitted to mature at such later date in accordance with applicable law. The bond anticipation notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer. The chief financial officer shall determine all matters in connection with bond



anticipation notes issued pursuant to this bond ordinance, and the chief financial officer's signature upon the bond anticipation notes shall be conclusive evidence as to all such determinations. All bond anticipation notes issued hereunder may be renewed from time to time subject to the provisions of the Local Bond Law or other applicable law. The chief financial officer is hereby authorized to sell part or all of the bond anticipation notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the bond anticipation notes pursuant to this bond ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the bond anticipation notes sold, the price obtained and the name of the purchaser.

Section 5. 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 bond 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 6. The following additional matters are hereby determined, declared, recited and stated:

- (a) The improvement or purpose described in Section 3(a) of this bond ordinance is not a current expense. It is an improvement or purpose that the City may lawfully undertake as a general improvement, and no part of the cost thereof has been or shall be specially assessed on property specially benefitted thereby.
- (b) The period of usefulness of the improvement or purpose within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the bonds authorized by this bond ordinance, is 30 years.
- (c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the City as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$285,000, and the obligations authorized herein will be within all debt limitations prescribed by the Local Bond Law.
- (d) An aggregate amount not exceeding \$300,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the purpose or improvement.

Section 7. The City hereby declares the intent of the City to issue bonds or bond anticipation notes in the amount authorized in Section 2 of this bond ordinance and to use the

proceeds to pay or reimburse expenditures for the costs of the purposes described in Section 3(a) of this bond ordinance. This Section 7 is a declaration of intent within the meaning and for purposes of Treasury Regulations.

Section 8. Any grant moneys received for the purpose described in Section 3(a) hereof shall be applied either to direct payment of the cost of the improvement or to payment of the obligations issued pursuant to this bond ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are so used.

Section 9. The chief financial officer of the City is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the City and to execute such disclosure document on behalf of the City. The chief financial officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the City pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the "Rule") for the benefit of holders and beneficial owners of obligations of the City and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the City fails to comply with its undertaking, the City shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

Section 10. The full faith and credit of the City are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the City, and the City shall be obligated to levy *ad valorem* taxes upon all the taxable real property within the City for the payment of the obligations and the interest thereon without limitation of rate or amount.

Section 11. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

## NOTICE

Ordinance 343-2018 was introduced at a regular meeting of the City Council of the City of Cape May, held on February 20, 2018 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 March 20, 2018 at 6:00 P.M. at which time a Public Hearing will be held.

**NOTICE OF ADOPTION**

The foregoing Ordinance was considered on second reading by the City Council of the City of Cape May, New Jersey, and, after public hearing, was adopted finally on March 20, 2018

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

ATTEST:

\_\_\_\_\_

Patricia Harbora, City Clerk

BY: \_\_\_\_\_

Clarence F. Lear III, Mayor

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

Introduction: February 20, 2018  
First Publication: February 28, 2018  
Second Reading & Adoption: March 20, 2018  
Final Publication: March 28, 2018  
Effective Date: April 17, 2018

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

**RESOLUTION NO. 74-02-2018**

**RESOLUTION APPROVING CERTIFIED LIST OF CITY OF CAPE MAY LOSAP  
QUALIFIED VOLUNTEER FIRE DEPARTMENT MEMBERS FOR THE YEAR 2017**

**MOTION:**

**SECOND:**

**WHEREAS**, pursuant to Resolution #137-12-2004A, the **City of Cape May** has adopted a Length of Service Award Program Deferred Plan provided by the Lincoln National Life Insurance Company and Lincoln Financial Group, it's agent, Plan Identifier: 01-LOSAP-LINCOLN-101700; and

**WHEREAS**, pursuant to NJSA 40A:14-191, emergency service organizations participating in a Length of Service Award Program (LOSAP) shall annually certify a list of all volunteer members who have qualified for credit under the LOSAP program for the previous year; and

**WHEREAS**, the City of Cape May Volunteer Fire Department has provided the governing body with a certified list of volunteer members who have qualified for credit under the LOSAP program from the year 2017; and

**WHEREAS**, the governing body of the City of Cape May has reviewed the list for accuracy.

**NOW THEREFORE BE IT RESOLVED**, that the City Council of the City of Cape May hereby approves the certified list of volunteer members who have qualified for credit under the LOSAP program for the year 2017.

**BE IT FURTHER RESOLVED** that the approved list shall be posted by the City of Cape May Volunteer Fire Department for a period of thirty (30) days for membership review.

**BE IT FURTHER RESOLVED** that the approved list shall be available in the office of the Municipal Clerk.

**BE IT FURTHER RESOLVED** by the City of Cape May that the Municipal Clerk forward a certified copy of this Resolution to the Chief Financial Officer and the Director of the Division of Local Government Services in the State Department of Community Affairs.

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 February 20, 2018.

---

Patricia Harbora, City Clerk

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

cc: LOSAP file  
Volunteer Fire Department  
Fire Department  
CFO  
DLGS-DCA

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

**RESOLUTION NO. 75-02-2018**

**RESOLUTION DETERMINING THE FORM AND OTHER DETAILS OF NOT EXCEEDING \$2,000,000 BONDS, SERIES 2018, OF THE CITY OF CAPE MAY, IN THE COUNTY OF CAPE MAY, NEW JERSEY, AND PROVIDING FOR THEIR SALE TO THE NEW JERSEY INFRASTRUCTURE BANK (F/K/A THE NEW JERSEY ENVIRONMENTAL INFRASTRUCTURE TRUST) AND THE STATE OF NEW JERSEY AND FURTHER AUTHORIZING THE EXECUTION OF VARIOUS AGREEMENTS, ALL PURSUANT TO THE STATE FISCAL YEAR 2018 NEW JERSEY WATER BANK**

**MOTION:**

**SECOND:**

**WHEREAS**, the City of Cape May, in the County of Cape May, New Jersey (the "Local Unit"), has determined that there exists a need within the Local to undertake various improvements, including, but not limited to, the replacement of Well 5 for the Sands Aquifer, including all work and materials necessary therefor and incidental thereto (the "Project") as defined in each of that certain Loan Agreement (the "I-Bank Loan Agreement") to be entered into by and between the Local Unit and the New Jersey Infrastructure Bank (the "I-Bank") and that certain Loan Agreement (the "Fund Loan Agreement", and together with the I-Bank Loan Agreement, the "Loan Agreements") to be entered into by and between the Local Unit and the State of New Jersey, acting by and through the New Jersey Department of Environmental Protection (the "State"), all pursuant to the State Fiscal Year 2018 New Jersey Water Bank (the "Program"); and

**WHEREAS**, the Local Unit has determined to finance the acquisition, construction, renovation or installation of the Project with the proceeds of a loan to be made by each of the I-Bank (the "I-Bank Loan") and the State (the "Fund Loan", and together with the I-Bank Loan, the "Loans") pursuant to the I-Bank Loan Agreement and the Fund Loan Agreement, respectively; and

**WHEREAS**, to evidence the Loans, each of the I-Bank and the State require the Local Unit to authorize, execute, attest and deliver the Local Unit's Bonds, Series 2018, to the I-Bank (the "I-Bank Loan Bond") and Bonds, Series 2018, to the State (the "Fund Loan Bond", and together with the I-Bank Loan Bond, the "Local Unit Bonds"), said Local Unit Bonds to be issued in an aggregate principal amount not to exceed \$2,000,000, pursuant to the terms of the Local Bond Law of the State of New Jersey, constituting Chapter 2 of Title 40A of the Revised Statutes of the State of New Jersey (the "Local Bond Law"), other applicable law and the Loan Agreements; and

**WHEREAS**, N.J.S.A. 40A:2-27(a)(2) of the Local Bond Law allows for the sale of the I-Bank Loan Bond and the Fund Loan Bond to the I-Bank and the State, respectively, without any public offering, and N.J.S.A. 58:11B-9(a) allows for the sale of the I-Bank Loan Bond to the I-Bank without any public offering, all under the terms and conditions set forth herein; and

**WHEREAS**, the I-Bank and the State have expressed their desire to close in escrow the making of the Loans, the issuance of the Local Unit Bonds and the execution and delivery of the Loan Agreements, all pursuant to the terms of an Escrow Agreement (the "Escrow Agreement") to be entered into by and among the I-Bank, the State, the Local Unit and the escrow agent named therein.

**NOW, THEREFORE, BE IT RESOLVED** by a 2/3 vote of the full membership of the governing body of the Local Unit as follows:

**Section 1.** The I-Bank Loan Agreement, the Fund Loan Agreement and the Escrow Agreement (collectively, the "Financing Documents") are hereby authorized to be executed and delivered on behalf of the Local Unit by either the Mayor or the Chief Financial Officer in substantially

the forms on file with the Clerk, with such changes as the Mayor or the Chief Financial Officer (each an "Authorized Officer"), in their respective sole discretion, after consultation with counsel and any advisors to the Local Unit (collectively, the "Local Unit Consultants") and after further consultation with the I-Bank, the State and their representatives, agents, counsel and advisors (collectively, the "Program Consultants", and together with the Local Unit Consultants, the "Consultants"), shall determine, such determination to be conclusively evidenced by the execution of such Financing Documents by an Authorized Officer as determined hereunder. The Local Unit Clerk is hereby authorized to attest to the execution of the Financing Documents by an Authorized Officer of the Local Unit as determined hereunder and to affix the corporate seal of the Local Unit to such Financing Documents.

**Section 2.** The Authorized Officers of the Local Unit are hereby further severally authorized to (i) execute and deliver, and the Local Unit Clerk is hereby further authorized to attest to such execution and to affix the corporate seal of the Local Unit to, any document, instrument or closing certificate deemed necessary, desirable or convenient by the Authorized Officers or the Local Unit Clerk, as applicable, in their respective sole discretion, after consultation with the Consultants, to be executed in connection with the execution and delivery of the Financing Documents and the consummation of the transactions contemplated thereby, which determination shall be conclusively evidenced by the execution of each such certificate or other document by the party authorized hereunder to execute such certificate or other document, and (ii) perform such other actions as the Authorized Officers deem necessary, desirable or convenient in relation to the execution and delivery thereof.

**Section 3.** In accordance with N.J.S.A. 40A:2-27(a)(2) of the Local Bond Law and N.J.S.A. 58:11B-9(a), the Local Unit hereby sells and awards its I-Bank Loan Bond to the I-Bank and its Fund Loan Bond to the State, in a total aggregate principal amount not to exceed \$2,000,000, all in accordance with the provisions hereof. The Local Unit Bonds have been referred to and are described in various bond ordinances combined by resolution dated January 19, 2016 and entitled "Resolution Providing for the Combination of Certain Issues of General Improvement Bonds of the City of Cape May, in the County of Cape May, New Jersey into a Single Issue of Bonds Aggregating \$2,000,000 in Principal Amount". The ordinances referenced aforementioned resolution were finally adopted at various meetings held by the Local Unit at such times a quorum was present and acted throughout, all pursuant to the terms of the Local Bond Law and other applicable law.

**Section 4.** The Chief Financial Officer of the Local Unit (the "Chief Financial Officer") is hereby authorized to determine, in accordance with the Local Bond Law and pursuant to the terms and conditions established by the I-Bank and the State under the Loan Agreements and the terms and conditions hereof, the following items with respect to the I-Bank Loan Bond and the Fund Loan Bond:

- (a) The aggregate principal amounts of the I-Bank Loan Bond and the Fund Loan Bond to be issued;
- (b) The maturity and annual principal installments of the Local Unit Bonds, which maturity shall not exceed 30 years;
- (c) The date of the Local Unit Bonds;
- (d) The interest rates of the Local Unit Bonds;
- (e) The purchase price for the Local Unit Bonds; and
- (f) The terms and conditions under which the Local Unit Bonds shall be subject to redemption prior to their stated maturities.

**Section 5.** Any determination made by the Chief Financial Officer pursuant to the terms hereof shall be conclusively evidenced by the execution and attestation of the Local Unit Bonds by the parties authorized under Section 4(c) hereof.

**Section 6.** The Local Unit hereby determines that certain terms of the Local Unit Bonds shall be as follows:

- (a) The I-Bank Loan Bond shall be issued in a single denomination and shall be numbered R-1. The Fund Loan Bond shall be issued in a single denomination and shall be numbered R-2;
- (b) The Local Unit Bonds shall be issued in fully registered form and shall be payable to the registered owners thereof as to both principal and interest in lawful money of the United States of America; and
- (c) The Local Unit Bonds shall be executed by the manual or facsimile signatures of the Mayor and the Chief Financial Officer under official seal or facsimile thereof affixed, printed, engraved or reproduced thereon and attested by the manual signature of the Local Unit Clerk.

**Section 7.** The I-Bank Loan Bond and the Fund Loan Bond shall be substantially in the form set forth in the I-Bank Loan Agreement and the Fund Loan Agreement, respectively.

**Section 8.** The law firm of McManimon, Scotland & Baumann, LLC is hereby authorized to arrange for the printing of the Local Unit Bonds, which law firm may authorize McCarter & English, LLP, bond counsel to the I-Bank and the State for the Program, to arrange for same. The Local Unit auditor is hereby authorized to prepare the financial information necessary in connection with the issuance of the Local Unit Bonds. The Mayor, the Chief Financial Officer and the Local Unit Clerk are hereby authorized to execute any certificates necessary or desirable in connection with the financial and other information.

**Section 9.** The terms of the Local Unit Bonds authorized to be set forth by the Chief Financial Officer in accordance with Section 2 hereof shall be ratified by the affirmative vote of 2/3 of the full membership of the governing body of the Local Unit.

**Section 10.** The Mayor and the Chief Financial Officer are hereby severally authorized to execute any certificates or documents necessary or desirable in connection with the sale of the Local Unit Bonds, and are further authorized to deliver same to the I-Bank and the State upon delivery of the Local Unit Bonds and the receipt of payment therefor in accordance with the Loan Agreements.

**Section 11.** This resolution shall take effect immediately.

**Section 12.** Upon the adoption hereof, the Local Unit Clerk shall forward certified copies of this resolution to McManimon, Scotland & Baumann, LLC, bond counsel to the Local Unit, and Richard T. Nolan, Esq., McCarter & English, LLP, bond counsel to the I-Bank.

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 February 20, 2018.

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

Roll Call	Ayes	Nays	Absent	Abstain
Pessagno				
Meier				
Hendricks				
Furlin				
Lear				



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

**RESOLUTION NO. 76-02-2018**

**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 – Council On Affordable Housing (COAH)

\_\_\_\_\_ (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 February 20, 2018, that an Executive Session closed to the public shall be held on this date beginning at 6:00 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 February 20, 2018.

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

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

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

**RESOLUTION NO. 77-02-2018**

**RESOLUTION REJECTING BIDS – CAPE MAY STAGE FIRE PROTECTION SYSTEM**

**MOTION:**

**SECOND:**

**WHEREAS**, the City of Cape May (the “City”) advertised for the receipt of bids for supplying electrical services and repairs; and

**WHEREAS**, only two (2) sealed bid was received on February 13, 2018, which has been determined to frustrate the purposes of public bidding pursuant to N.J.S.A. 40A:11-1 *et seq.*; and

**WHEREAS**, the City has desired to reject the two (2) bids received and to rebid the contract for Cape May Stage Fire Protection System.

**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 two bids received for a contract for Cape May Stage Fire Protection System received on February 13, 2018, are hereby rejected.

2. A contracting unit may reject all bids and rebid pursuant to the New Jersey Public Contracts Law N.J.S.A. 40A:11-13.2, *et seq.* for any of the following reasons:

(a) The lowest bid substantially exceeds the cost estimates for the goods or services:

(b) The lowest bid substantially exceeds the contracting unit’s appropriation for the goods or services:

A. This Resolution shall take effect immediately.

I hereby certify the foregoing is a true copy of a Resolution adopted by the City Council at a meeting held on February 20, 2018.

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

Roll Call	Ayes	Nays	Absent	Abstain
Pessagno				
Meier				
Hendricks				
Furlin				
Lear				

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

**RESOLUTION NO. 78-02-2018**

**A RESOLUTION OF THE CITY OF CAPE MAY AUTHORIZING CHANGE ORDER  
NO. 1 FOR CONTRACT WITH CHARLES MARANDINO, LLC FOR  
RECONSTRUCTION OF HUGHES STREET AND STOCKTON PLACE  
CONTRACT M-10**

**MOTION:**

**SECOND:**

**WHEREAS**, the City of Cape May is currently under contract with Charles Marandino, LLC for the reconstruction of Hughes Street and Stockton Place Project; and

**WHEREAS**, it is requested by the City to authorize Change Order No. 1 to reflect the following listed below:

City authorized the adjustment in the original contract for additional quantities.

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

1. The Mayor is authorized to execute and sign Change Order No. 1 to the contract with Charles Marandino, LLC in the amount of \$284.41 more than the original contract amount of \$221,854 for an amended contract price of \$222,138.41.

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 February 20, 2018.

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

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

cc: Chief Financial Officer  
Mott MacDonald Engineers  
Project File

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

**RESOLUTION NO. 79-02-2018**

**RESOLUTION AWARDING CONTRACT FOR THE SUPPLY, DELIVERY & INSTALLATION OF: BEACHFRONT PUBLIC SAFETY PAGING SYSTEM & BACKGROUND MUSIC SYSTEM PHASE 1**

**MOTION:**

**SECOND:**

**WHEREAS**, sealed bids were received on February 14, 2018, with proper advertisement for the supply, delivery & installation of Beachfront Public Safety Paging System & Background Music System Phase 1; and

**WHEREAS**, one (1) bid was received, in compliance with the specifications, and the responsible bidder with the lowest net bid of **\$259,500.00** was:

**Metro Sound Pros, INC.  
577 State Route 208, Suite 200  
Monroe, NY 10950**

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Cape May, that the bid of Metro Sound Pros, Inc., terms and pricing per the contract, be and is hereby accepted in accordance with the specifications; and

**BE IT FURTHER RESOLVED** that the proper City Officials are authorized and directed to take steps necessary 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 February 20, 2018.

---

Patricia Harbora, City Clerk

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

cc: CFO  
Purchasing Agent  
Public Works Department

CITY OF CAPE MAY

RESOLUTION NO. 81-02-2018

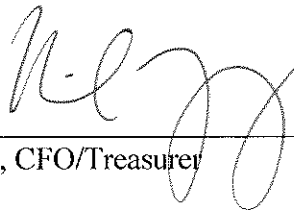
RESOLUTION FOR THE PAYMENT OF BILLS

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 February 15, 2018 for the amount of: \$798,033.80

Current Fund Appropriations	\$ 675,745.16
Water/Sewer Utility Operating Fund	\$ 7,832.28
Tourism Utility Fund	\$ 2,156.84
General Capital Improvements	\$ 47,788.96
Water/Sewer Capital Improvements	\$ 58,321.63
Escrow Special Account	\$ 4,070.00
Trust Fund	\$ 1,181.45
Grant Fund	\$ -
Beach Utility Fund Appropriations	\$ 937.48
Beach Utility Capital Improvements	\$ -
	<u>\$ 798,033.80</u>



---

Neil Young, CFO/Treasurer

Roll Call	Ayes	Nays	Absent	Abstain
Pessagno				
Meier				
Hendricks				
Furlin				
Lear				

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 February 20, 2018.

---

Patricia Harbora, City Clerk