

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

**ORDINANCE NO. 372-2019**

**AN ORDINANCE AMENDING SECTION 10-12 OF THE CAPE MAY CITY  
CODE, GOVERNING THE DUTIES OF CITY COUNCIL**

**MOTION:**

**SECOND:**

**WHEREAS**, Chapter 10, Article II of the Cape May Municipal Code provides for the existence and operation of the Cape May City Council; and

**WHEREAS**, Section 10-12 of the Municipal Code sets forth the powers and duties of City Council; and

**WHEREAS**, Section 10-12(B)(7) of the Code provides that, on a rotating basis, at least one member of City Council must attend the monthly Department Head meetings held by the City Manager; and

**WHEREAS**, having reviewed that section, and having sought and obtained the advice of its solicitor, City Council believes that Section 10-12(B)(7) is inconsistent with N.J.S.A. 40:69A-91, which requires that Council's dealings with department heads be conducted exclusively through the City Manager; and

**WHEREAS**, Council further believes that Code Section 10-12(B)(7) is superfluous, given that the City Manager reports regularly to City Council about the activities of the various city departments that by statute are under his control.

**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**SECTION 1.** Section 10-12(B)(7) of the Cape May Municipal Code is hereby repealed in its entirety.

**SECTION 2.** All other ordinances in conflict or inconsistent with this Ordinance are hereby repealed, to the extent of such conflict or inconsistency.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

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 372-2019 was introduced at a regular meeting of the City Council of the City of Cape May, held on February 5, 2019 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 5, 2019, 4:00 P.M. at which time a Public Hearing will be held.

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

Roll Call	Ayes	Nays	Absent	Abstain
Hendricks				
Meier				
Mullock				
Sheehan				
Lear				

Introduction: February 5, 2019  
 First Publication: February 13, 2019  
 Second Reading & Adoption: March 5, 2019  
 Final Publication: March 13, 2019  
 Effective Date: April 2, 2019

cc: City Manager  
 City Council  
 Mayor

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

**ORDINANCE NO. 373- 2019**

**AN ORDINANCE AMENDING CHAPTER 520  
OF THE CAPE MAY CITY CODE,  
GOVERNING WEDDINGS AND CIVIL UNIONS**

**MOTION:**

**SECOND:**

**WHEREAS**, Chapter 520 of the Cape May Municipal Code governs the performances of weddings by the City's Mayor and Deputy Mayor and provides a schedule of fees for that service; and

**WHEREAS**, City Council believes it advisable that this Chapter be revised to account for expenses incurred by the City when weddings are cancelled or postponed,

**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.** Chapter 520 of the Cape May City Code is hereby amended and revised as follows (additions are underlined; deletions are in [brackets]):

**§ 520-1. Ceremonial service fee.**

Any persons seeking to be wed by the Mayor or Deputy Mayor of the City of Cape May shall pay to the City a ceremonial service fee of \$325[00]. Of that amount, \$225 shall compensate the Mayor or Deputy Mayor for officiating at the service. The remaining \$100[75 dollars] shall defray the City's costs for booking and scheduling the wedding. The applicant shall also pay a fee of \$100 to defray the cost of any rehearsal at which the mayor or deputy mayor is asked to attend.

**§ 520-2. Weddings on City property.**

In addition, anyone whose wedding takes place on City property, including City parks and the beach, shall pay to the City a fee of \$25 to defray the costs associated with the use of the City's property. This section shall apply whether or not the Mayor or Deputy Mayor officiates at the service, but shall not apply to any wedding attended by 20 or fewer persons.

**§ 520-3. Reserved.**

**[Repealed 10-3-2017 by Ord. No. 332-2017]**

**§ 520-4. Fees collected.**

Any fees collected by the Mayor or Deputy Mayor for the performance of weddings or civil union ceremonies on or after April 1, 2007 shall be remitted to the City and deposited into the general fund.

**§ 520-5. Refusal by Mayor or Deputy Mayor.**

Nothing contained herein shall be construed to require that the Mayor or Deputy Mayor perform any weddings or civil union ceremonies; provided that any decisions to perform or not perform such ceremonies be made non-discriminatorily [nondiscriminatory] and in compliance with the New Jersey Law Against Discrimination, as well as any other applicable federal or state law.

**§ 520-6. Outside elected officials.**

If [In the event that] a wedding or civil union ceremony is performed in the City by the mayor or other elected official of another municipality, such other municipality shall process any such application and establish, if any, any applicable fees for such services, to be assessed and collected by such other municipality. Cape May [The City] shall not be responsible for assessing or collecting any fees or compensating the elected officials from any other municipality for performing wedding or civil union ceremonies in the City.

**§ 520-7. Cancellation.**

The fees described in this chapter shall be nonrefundable.

**§ 520-8. Postponement.**

If [In the event that] any persons need to reschedule the ceremony for which they tendered either an administrative fee or a ceremonial service fee, such postponement shall be permitted without additional cost only if notice is provided no later than 60 days before [within 14 days of] the scheduled [agreed upon] ceremony date. All postponements are subject to the availability of both the venue requested and the Mayor or Deputy Mayor.

**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.

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 373-2019 was introduced at a regular meeting of the City Council of the City of Cape May, held on February 5, 2019 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 5, 2019 4:00 P.M. at which time a Public Hearing will be held.

Roll Call	Ayes	Nays	Absent	Abstain
Hendricks				
Meier				
Mullock				
Sheehan				
Lear				

Introduction: February 5, 2019  
 First Publication: February 13, 2019  
 Second Reading & Adoption: March 5, 2019  
 Final Publication: March 13, 2019  
 Effective Date: April 2, 2019

cc: Clerk's Office  
 Mayor  
 Deputy Mayor

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

**RESOLUTION NO. 66-03-2019**

**RESOLUTION AUTHORIZING RETENTION OF ANTHONY DROLLAS, ESQ.  
AS SPECIAL COUNSEL FOR THE CONVENTION HALL LITIGATION**

**MOTION:**

**SECOND :**

**WHEREAS**, the City of Cape May is currently involved in litigation captioned City of Cape May v. Kimmel Bogrette, et al., Docket No. CMC-L-328-16, in the Cape May County Superior Court, which litigation concerns the Cape May Convention Center; and

**WHEREAS**, the City is represented in that litigation by Anthony Drollas, Esq., currently a member of the Capehart Scatchard law firm; and

**WHEREAS**, the City has learned that Mr. Drollas is leaving the Capehart firm to join the firm of Malamut & Associates, LLC, in its government affairs and regulatory practice group; and

**WHEREAS**, the Cape May City Council further believes that it best serves the interest of the citizens and residents of Cape May if Mr. Drollas continues as Cape May's counsel in the lawsuit, given his experience and his extensive knowledge of the case,

**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 averments of the preamble are hereby incorporated.
2. The Cape May City Council hereby determines that it will retain Anthony Drollas, Esq., to continue to represent it in the Convention Hall litigation.
3. The City Manager, City Clerk, and other City officers and employees are hereby authorized to take all necessary steps to effectuate this continued representation, including execution of a Client Authorization letter, and negotiation of a professional services contract with Mr. Drollas and his new law firm.
3. This resolution shall take effect immediately, according to law.

I, Patricia Harbora, City Clerk of the City of Cape May, County of Cape May, State of New Jersey, do hereby certify the foregoing is a correct and true original Resolution adopted by the City Council of the City of Cape May at a meeting held on March 5, 2019.

---

Patricia Harbora, City Clerk

<b>Roll Call</b>	<b>Ayes</b>	<b>Nays</b>	<b>Absent</b>	<b>Abstain</b>
<b>Hendricks</b>				
<b>Meier</b>				
<b>Mullock</b>				
<b>Sheehan</b>				
<b>Lear</b>				

cc:     Manager  
          Anthony Drollas, Esq. – Malamut & Associates, LLC  
          Contract File

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

**RESOLUTION NO. 67-03-2019**

**RESOLUTION DESIGNATING THE 2019 BATHING BEACHES**

**MOTION:**

**SECOND:**

**WHEREAS**, Chapter 158 of the Revised General Ordinances of the City of Cape May, authorizes City Council to adopt Resolutions to regulate bathing and surfing on beaches within the City.

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

1. The beaches listed on Schedule A, attached hereto and made a part hereof, are hereby established as protected bathing beaches from which persons may bathe and swim subject to the conditions set forth in Chapter 158 as amended.
2. The beach opening dates set forth in the notes and codes section of Schedule A are subject to revisions from year to year. Beaches are closed at the end of the bathing season on dates set by the beach supervisor, which dates are subject to approval by the City Manager.
3. This Resolution shall take effect immediately.

I, Patricia Harbora, City Clerk of the City of Cape May, County of Cape May, State of New Jersey, do hereby certify the foregoing is a correct and true original Resolution adopted by the City Council of the City of Cape May at a meeting held on March 5, 2019.

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

Roll Call	Ayes	Nays	Absent	Abstain
Hendricks				
Meier				
Mullock				
Sheehan				
Lear				

cc: All City Departments  
Beach Parcel Leasees  
Owners of Private Beaches Designated  
Police Department



**RESOLUTION NO. 67-03-2019**

**SCHEDULE "A"  
PROTECTED BATHING BEACHES - 2019 SUMMER SEASON:**

Subject to "safety conditions" as determined by the Beach Supervisor or designated representative, and subject to any other approvals as determined by the City Manager, the following beach parcels are hereby designated as protected bathing beaches for the 2019 summer season.

<b>LOTS</b>	<b>BEACH KNOWN AS</b>	<b>WIDTH</b>	<b>OWNER</b>	<b>CODE</b>
-------------	-----------------------	--------------	--------------	-------------

**BLOCK 1000 WEST OF CONVENTION HALL:**

7,8, 8.01#	Third Avenue Beach	598	City	A
9-10	Second Avenue Beach	320	City	B
11	First Avenue Beach	320	City	A
12,13&14	Broadway Beach	540	City	B
15-19*	Colton Court Beach	400	City	B
19*	Mogck Beach	467	City	A
19*, 20&21+	Cleto L. Cannone Beach	348	City	C
21+, 22-24	Windsor Beach	404	City	B
25,26& 27	Congress Beach	457	City, State	C
28	Steger Beach	341	Steger, City	A
29	Hunt's Beach	145	City	B
30	Hagy Beach	105	City	B
31-33	Stockton Beach	408	City	A
34	Colonial Beach	369	Fite, City	C

**BLOCK 1000 EAST OF CONVENTION HALL:**

42	Howard Street Beach	151	City	A
32-47	Jefferson Beach	308	City	B
54-55	Queen Street Beach, Section 1	105	Steger/Gram's	C
56-59	Queen Street Beach, Section 2	547	City	A
63	Madison Avenue Beach	500	City	B
60,61-62	Philadelphia Beach, West of Jetty	400	City	B
63	Philadelphia Beach, East of Jetty	450	City	A
	Reading Beach			C
63	Congressman Wm. J. Hughes Beach	300	City	A
63	Baltimore Beach	300	City	C
	Brooklyn Beach			C

**BLOCK 1196, LOT 1 & BLOCK 1221 LOTS 1&2 - POVERTY BEACH**

As Above	Poverty Beach	650	City	A
----------	---------------	-----	------	---

**SCHEDULE "A" NOTES & CODES:**

- A Beaches open May 25<sup>th</sup>, 26<sup>th</sup>, and 27<sup>th</sup> 2019. Beaches open weekends until June 8, 2019 and every day thereafter.
- B Beaches open June 15, 2019 for the balance of the summer.
- C Beaches open June 22, 2019 for the balance of the summer.
- \* Lot 19 is divided into three parts. The westernmost 200' is assigned to Colton Court Beach; the middle 467' toward the east is known as Mogck Beach; the easternmost 128' is part of Cannone Beach.
- + Lot 21 is divided in half. The western 128' is part of Cannone Beach and the eastern 127' is part of Windsor Beach.
- # Third Avenue Beach also includes Block 1008, Lots 1 through 18 and Block 1010, Lots 8 through 17.

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

**RESOLUTION NO. 68-03-2019**

**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; and

**WHEREAS**, the Cape May City Office of Emergency Management has been awarded State Homeland Security Grant Program, Subgrant CFDA #97.042, Award #FY18-EMPG-EMAA-0502 from the New Jersey State Police Office of Emergency Management. The Subgrant, consisting of a total amount of \$20,946.00, including \$10,000.00 federal award and \$10,946.00 Local Matching Funds, is for the purpose of enhancing the City of Cape May's ability to prevent, protect against, respond to and recover from acts of terrorism, natural disasters and other catastrophic events and emergencies.

**WHEREAS**, funds will be used for salary, wages, and fringe benefits; and

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Cape May is hereby authorized to accept this subaward, and 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 2019, which are now available as a revenue and will be hereby appropriated as detailed below:

Revenue Title: EMMA - 2018 Emergency Management Agency Assistance  
Appropriation Title: EMMA - 2018 Emergency Management Agency Assistance - OE  
Amount: \$10,000.00

**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, Patricia Harbora, City Clerk of the City of Cape May, County of Cape May, State of New Jersey, do hereby certify the foregoing is a correct and true original Resolution adopted by the City Council of the City of Cape May at a meeting held on March 5, 2019.

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

Roll Call	Ayes	Nays	Absent	Abstain
Hendricks				
Meier				
Mullock				
Sheehan				
Lear				

cc: City Treasurer

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

**RESOLUTION NO. 69-03-2019**

**RESOLUTION OF THE CITY OF CAPE MAY AUTHORIZING CHANGE ORDER NUMBER 2 FOR THE CONTRACT WITH LANDBERG CONSTRUCTION, LLC FOR THE RECONSTRUCTION OF PENNSYLVANIA AVENUE, CONTRACT M-15**

**MOTION:**

**SECOND:**

**WHEREAS**, the City of Cape May is currently under contract with Landberg Construction, LLC for the Reconstruction of Pennsylvania Avenue Project; and

**WHEREAS**, quantity changes are necessary to adjust the original contract quantities to match the as-built contract quantities; and

**WHEREAS**, the project engineer has recommended approval, and has requested that City Council authorize Change Order No. 2 to reflect the following listed below; and

**WHEREAS**, having reviewed the matter, the City Council will accept the engineer's recommendation.

**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. 2 to the contract with Landberg Construction, LLC. The net result of Change Order No. 2 is in the amount of \$44,135.87 less than the amended contract amount of \$634,689.47 for an final contract price of \$590,553.60.

I, Patricia Harbora, City Clerk of the City of Cape May, County of Cape May, State of New Jersey, do hereby certify the foregoing is a correct and true original Resolution adopted by the City Council of the City of Cape May at a meeting held on March 5, 2019.

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

Roll Call	Ayes	Nays	Absent	Abstain
Hendricks				
Meier				
Mullock				
Sheehan				
Lear				

cc: MM Engineer  
Project file

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

**RESOLUTION NO. 70-03-2019**

**RESOLUTION ON INFORMING THE PUBLIC OF COMMITTEE OPENINGS**

**MOTION:**

**SECOND :**

**WHEREAS**, from time to time, the City of Cape May appoints committees, whose membership is drawn from interested members of the community, to research and advise the Cape May City Council on issues of importance to the municipality; and

**WHEREAS**, the City Council wishes to make the public aware of any and all committee openings; and

**WHEREAS**, the City Council believes that the establishment of such a process is in the best interest of the City and its residents, in that it will ensure that selection of committee members is done on an open and fair basis, with adequate notice to all interested residents, and in a manner that ensures membership of the highest quality and expertise,

**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 averments of the preamble are hereby incorporated.
2. The City shall announce the formation of a new committee, or the existence of openings on current committees, to the public as openings occur.
3. The creation of the new committee, or the existence of the openings on current committees, shall be posted on the City's website.
4. Persons interested in volunteering may submit their name and contact information to the City Clerk.
5. All committee appointments shall be made by resolution of City Council. In making those appointments, Council shall not be limited to those persons who submitted their names to the City Clerk but shall be free to consider other persons Council members deem qualified.
6. This resolution shall take effect immediately, according to law.

I, Patricia Harbora, City Clerk of the City of Cape May, County of Cape May, State of New Jersey, do hereby certify the foregoing is a correct and true original Resolution adopted by the City Council of the City of Cape May at a meeting held on March 5, 2019.

---

Patricia Harbora, City Clerk

<b>Roll Call</b>	<b>Ayes</b>	<b>Nays</b>	<b>Absent</b>	<b>Abstain</b>
<b>Hendricks</b>				
<b>Meier</b>				
<b>Mullock</b>				
<b>Sheehan</b>				
<b>Lear</b>				

cc: Advisory Committee Chairs  
Advisory Committee File

**CITY OF CAPE MAY**

**RESOLUTION NO. 71-03-2019**

**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 March 1, 2019 for the amount of: \$615,282.84

Current Fund Appropriations	\$ 384,373.26
Water/Sewer Utility Operating Fund	\$ 60,704.56
Tourism Utility Fund	\$ 10,590.85
General Capital Improvements	\$ 137,303.24
Water/Sewer Capital Improvements	\$ 1,690.00
Escrow Special Account	\$ 5,932.50
Trust Fund	\$ -
Grant Fund	\$ 10,218.31
Beach Utility Fund Appropriations	\$ 3,961.12
Beach Utility Capital Improvements	\$ 509.00
	<u>\$ 615,282.84</u>

  
\_\_\_\_\_  
Neil Young, CFO/Treasurer

Roll Call	Ayes	Nays	Absent	Abstain
Hendricks				
Meier				
Mullock				
Sheehan				
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 March 05, 2019.

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

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

**RESOLUTION NO. 72-03-2019**

**RESOLUTION AUTHORIZING THE PURCHASE OF A 4-TON ASPHALT TRAILER  
UNDER HGAC CO-OP CONTRACT NO. SM10-16 (\$42,797.00)**

**MOTION:**

**SECOND:**

**BE IT RESOLVED** by the City Council of the City of Cape May that authorization is hereby given to purchase a 4-Ton Asphalt Trailer from Spaulding Manufacturing Inc., under HGAC Co-op Contract No. SM10-16.

I, Patricia Harbora, City Clerk of the City of Cape May, County of Cape May, State of New Jersey, do hereby certify the foregoing is a correct and true original Resolution adopted by the City Council of the City of Cape May at a meeting held on March 5, 2019.

---

Patricia Harbora, City Clerk

Roll Call	Ayes	Nays	Absent	Abstain
Hendricks				
Meier				
Mullock				
Sheehan				
Lear				

---

**TREASURER'S CERTIFICATION**

---

The undersigned, treasurer of the City of Cape May, does hereby certify to the Mayor and Council that sufficient funds are appropriated in the General Capital Fund. To satisfy any and all obligations resulting from the award of the referenced contract and further, that all expenses on account of the aforesaid contract shall be charged to C-04-55-918-102 and shall be encumbered on same.

---

Neil Young, City Manager/CFO/Treasure

cc: CFO  
Finance/QPA  
Public Works