

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

**ORDINANCE NO. 344-2018**

**CALENDAR YEAR 2018**

**ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION  
LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A: 4-45.14)**

**WHEREAS**, the Local Government Cap Law, N.J.S.A. 40A:4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget to 2.5% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

**WHEREAS**, N.J.S.A. 40A:4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

**WHEREAS**, the City Council of the City of Cape May in the County of Cape May finds it advisable and necessary to increase its CY 2018 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

**WHEREAS**, the City Council of the City of Cape May hereby determines that a 3.5% increase in the budget for said year, amounting to \$128,161.79 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

**WHEREAS** the City Council of the City of Cape May hereby determines that any amount authorized hereinabove that is not appropriated, as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

**NOW THEREFORE BE IT ORDAINED**, by the City Council of the City of Cape May, in the County of Cape May a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2018 budget year, the final appropriations of the City of Cape May shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 1.0%, amounting to \$448,566.27 and that the CY 2018 municipal budget for the City of Cape May be approved and adopted in accordance with this ordinance; and,

**BE IT FURTHER ORDAINED**, that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

**BE IT FURTHER ORDAINED**, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

**BE IT FURTHER ORDAINED**, that a certified copy of this ordinance upon adoption with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

**ATTEST:**

**CITY OF CAPE MAY**

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Patricia Harbora, City Clerk

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Clarence F. Lear III, Mayor

## NOTICE

Ordinance 344-2018 was introduced at a regular meeting of the City Council of the City of Cape May, held on March 6, 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 April 3, 2018, 6:00 P.M. at which time a Public Hearing will be held.

\_\_\_\_\_  
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>				

Introduced:	March 6, 2018
First Publication:	March 14, 2018
2 <sup>nd</sup> Reading & Adoption:	April 3, 2018
Final Publication:	April 11, 2018
Effective Date:	May 1, 2018

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

**ORDINANCE NO. 349 - 2018**

**AN ORDINANCE AMENDING CHAPTER 7, SECTION 44.3 OF THE CAPE MAY CITY MUNICIPAL CODE, REGULATING PARKING METER ZONES**

**WHEREAS**, Chapter 7 Of the Cape May Municipal Code regulates vehicles and traffic, including parking; and

**WHEREAS**, Section 7-44.3 of the Code regulates parking meter zones in certain areas of the City; and

**WHEREAS**, at the request of the City's Business Improvement District, and having carefully considered the matter, the Cape May City Council desires to amend Section 7-44.3 of the Code to extend the time when metered parking is required on the streets adjacent to the BID,

**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 (additions underlined; deletions [in brackets]):

1. The averments of the preamble are incorporated into this Ordinance.
2. Section 7.44.3 of the Cape May Municipal Code is hereby amended as follows:

Three (3) Hour Time Limit Metered Parking  
April [May] 1 to December [October] 31  
10:00 a.m. to 10:00 p.m., \$.25 per fifteen minutes

NAME OF STREET	SIDE	LOCATION
Carpenter's Lane	Both	Perry Street to Ocean Street
Lyle Lane	Both	Decatur Street to Perry Street
Mansion Street	South	Jackson Street to Perry Street

3. This Ordinance shall supersede all other ordinances in conflict or inconsistent with it.

4. 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.

5. 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 349-2018 was introduced at a regular meeting of the City Council of the City of Cape May, held on April 3, 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 May 1, 2018, 6:00 P.M. at which time a Public Hearing will be held.

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

Roll Call	Ayes	Nays	Absent	Abstain
Pessagno				
Meier				
Hendricks				
Furlin				
Lear				

Introduced: April 3, 2018  
First Publication: April 11, 2018  
2<sup>nd</sup> Reading & Adoption: May 1, 2018  
Final Publication: May 9, 2018  
Effective Date: May 29, 2018

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

**RESOLUTION NO. 98-04-2018**

**RESOLUTION AUTHORIZING THE READING OF THE 2018  
ANNUAL MUNICIPAL BUDGET BY TITLE ONLY**

**MOTION:**

**SECOND:**

**WHEREAS**, N.J.S.A. 40A:4-8 authorizes the reading of the budget by title only at the public hearing thereon, provided certain requirements are met; and

**WHEREAS**, the City Council of the City of Cape May, is satisfied that such conditions have been met.

**NOW, THEREFORE BE IT RESOLVED** by the City Council of the City of Cape May, in the County of Cape May and State of New Jersey, a majority of the full membership concurring, as follows:

1. The allegations of the preamble are incorporated herein by this reference;
2. The City Council of the City of Cape May, finds and determines that

(A) At least one (1) week prior to the date of this hearing, a complete copy of the approved budget was made available for public inspection at the Cape May Free Public Library Branch of the Cape May County Library and was made available to each person requesting the same during the week immediately preceding the public hearing and is available to each person requesting a copy during the public hearing, as required by N.J.S.A. 40A:4-8.

(B) The City Council of the City of Cape May, hereby declares that the conditions set forth in subsections 1.a and 1.b of N.J.S.A. 40A:4-8 have been met.

(C) The City Council of the City of Cape May, hereby determines that the 2018 Municipal Budget of the City of Cape May shall be read by its title only at the public hearing to be conducted thereon.

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 April 3, 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. 99-04-2018**

**RESOLUTION DECLARING ELIGIBILITY TO CONDUCT SELF-EXAMINATION  
OF THE 2018 BUDGET**

**MOTION:**

**SECOND:**

**WHEREAS**, N.J.S.A. 40A:4-78b has authorized the Local Finance Board to adopt rules that permit municipalities in sound fiscal condition to assume the responsibility, normally granted to the Director of the Division of Local Government Services, of conducting the annual budget examination; and

**WHEREAS**, N.J.A.C. 5:30-7 was adopted by the Local Finance Board on February 11, 1997; and

**WHEREAS**, pursuant to N.J.A.C. 5:30-7 through 7.5 the City Council of the City of Cape May has been declared eligible to participate in the program by the Division of Local Government Services, and the Chief Financial Officer has determined that the City of Cape May meets the necessary conditions to participate in the program for the 2018 budget year.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Cape May, County of Cape May that in accordance with N.J.A.C. 5:30-7.6a & b and based upon the Chief Financial Officer's certification, the governing body has found the budget has met the following requirements:

1. That with reference to the following items, the amounts have been calculated pursuant to law and appropriated as such in the budget:
  - a. Payment of interest and debt redemption charges;
  - b. Deferred charges and statutory expenditures;
  - c. Cash deficit of preceding year;
  - d. Reserve for uncollected taxes;
  - e. Other reserves and non-disbursement items;
  - f. Any inclusions of amount required for school purposes.
2. That the provisions relating to limitation on increases of appropriations pursuant to N.J.S.A. 40A:4-45.2 and appropriations for exceptions to limits on appropriations found at 40A:4-45.3 et seq. are fully met. (Complies with "CAP" law.)
3. That the budget is in such form, arrangement, and content as required by the Local Budget Law and N.J.A.C. 5:30-4 and 5:30-5.

4. That pursuant to the Local Budget Law:
  - a. All estimates of revenue are reasonable, accurate, and correctly state;
  - b. Items of appropriation are properly set forth;
  - c. In itemization, form, arrangement, and content the budget will permit the exercise of the comptroller function within the municipality.
  
5. The budget and associated amendments have been introduced, publicly advertised, and adopted in accordance with the relevant provision of the Local Budget Law, except that failure to meet the deadlines of N.J.S.A. 40A:4-5 shall not prevent such certification.
  
6. That all other applicable statutory requirements have been fulfilled.

**BE IT FURTHER RESOLVED** that a copy of this Resolution be forwarded to the Director of the Division of Local Government 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 April 3, 2018.

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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>Pessagno</b>				
<b>Meier</b>				
<b>Hendricks</b>				
<b>Furlin</b>				
<b>Lear</b>				

cc: Chief Financial Officer  
 Dir. of DLGS (1 certified)  
 Auditor

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

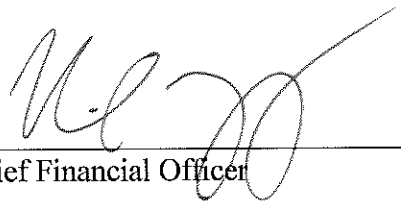
**CERTIFICATION OF APPROVED 2018 BUDGET**

It is hereby certified that the Approved Budget complies with the requirements of law and approval is given pursuant of N.J.S.A. 40A:4-78(b) and N.J.A.C. 5:30-7.

It is further certified that the municipality has met the eligibility requirements of N.J.A.C. 5:30-7.4 and 7.5, and that I, as Chief Financial Officer, have completed the local examination in compliance with N.J.A.C. 5:30-7.6.

Dated:

By:

  
\_\_\_\_\_  
Chief Financial Officer

This certification form and resolution of the governing body executing such certification should be annexed to the adopted budget (N.J.A.C. 5:30-7.6(e))



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

**RESOLUTION NO. 100-04-2018: RESOLUTION TO AMEND 2018 BUDGET**

**WHEREAS**, the local municipal budget for the year 2018 was approved on the 6th day of March, 2018 and  
**WHEREAS**, the public hearing on said budget has been held as advertised, and  
**WHEREAS**, it is desired to amend said approved budget, now  
**THEREFORE BE IT RESOLVED**, by the City Council of the City of Cape May, County of Cape May that the following amendments to the approved budget of 2018 be made:

<u>Recorded Vote</u>	(	(	(
	(	(	Abstained(
	Ayes(	Nays(	(
	(	(	(
	(	(	(
	(	(	Absent(
	(	(	(

<u>From</u>	<u>To</u>
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**WATER & SEWER UTILITY FUND:**

**ANTICIPATED REVENUES:**

			0.00
			0.00
Operating Surplus Anticipated	717,314.00	732,314.00	15,000.00
Total Water & Sewer Revenues	<u>7,098,314.00</u>	<u>7,113,314.00</u>	15,000.00

**ANTICIPATED APPROPRIATIONS:**

			0.00
			0.00
Debt Service			0.00
Payment on Bond Anticipation Notes	0.00	15,000.00	15,000.00
			0.00
Total Water & Sewer Appropriations	<u>7,098,314.00</u>	<u>7,113,314.00</u>	15,000.00
			0.00

**BEACH UTILITY FUND:**

**ANTICIPATED REVENUES:**

Operating Surplus Anticipated	264,475.00	274,475.00	10,000.00
Total Beach Utility Revenues	<u>2,555,475.00</u>	<u>2,565,475.00</u>	10,000.00

**ANTICIPATED APPROPRIATIONS:**

			0.00
Debt Service			0.00
Payment on Bond Anticipation Notes	0.00	10,000.00	10,000.00
Total Beach Utility Appropriations	<u>2,555,475.00</u>	<u>2,565,475.00</u>	10,000.00
			0.00

**BE IT FURTHER RESOLVED**, that two certified copies of this resolution be filed forthwith in the office of the Director of Local Government Services for his certification of the local municipal budget so amended.

It is hereby certified that all additions and math in this amendment are correct.

\_\_\_\_\_  
**Leon P. Costello, CPA, RMA**

It is hereby certified that this is a true copy of a resolution amending the budget, adopted by the governing body on the 3rd day of April, 2018.

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

**SECTION 2 - UPON ADOPTION FOR YEAR 2018**  
 (Only to be Included in the Budget as Finally Adopted)

CITY OF CAPE MAY, COUNTY OF CAPE MAY, STATE OF NEW JERSEY  
 RESOLUTION NO. 101-04-2018: RESOLUTION TO ADOPT 2018 BUDGET

Be it Resolved by the CAPE MAY City Council of the CAPE MAY County of CAPE MAY that the budget heretofore set forth is hereby adopted and shall constitute an appropriation for the purposes stated of the sums therein set forth as appropriations, and authorization of the amount of:

- (a) \$ 9,950,473.52 (Item 2 below) for municipal purposes, and
- (b) \$ - (Item 3 below) for school purposes in Type I School Districts only (N.J.S. 18A:9-2) to be raised by taxation and,
- (c) \$ - (Item 4 below) to be added to the certificate of amount to be raised by taxation for local school purposes in Type II School Districts only (N.J.S. 18A:9-3) and certification to the County Board of Taxation of the following summary of general revenues and appropriations.
- (d) \$ - (Sheet 43) Open Space, Recreation, Farmland and Historic Preservation Trust Fund Levy

**RECORDED VOTE**

(Insert last name)

Ayes	[		]	Abstained		[		]	Absent		[		]
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**SUMMARY OF REVENUES**

<b>1. General Revenues</b>													
Surplus Anticipated													
Miscellaneous Revenues Anticipated													
Receipts from Delinquent Taxes													
<b>2. AMOUNT TO BE RAISED BY TAXATION FOR MUNICIPAL PURPOSES (Item 6(a), Sheet 11)</b>													
Item 6(b), Sheet 42													
Item 6(b), Sheet 11 (N.J.S. 40A:4-14)													
<b>TOTAL AMOUNT TO BE RAISED BY TAXATION FOR SCHOOLS IN TYPE I SCHOOL DISTRICTS ONLY</b>													
<b>4. To Be Added TO THE CERTIFICATE FOR THE AMOUNT TO BE RAISED BY TAXATION FOR SCHOOLS IN TYPE II SCHOOL DISTRICTS ONLY:</b>													
Item 6(b), Sheet 11 (N.J.S. 40A:4-14)													
<b>Total Revenues</b>													

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

**RESOLUTION NO. 102-04-2018**

**RESOLUTION SUPPORTING CONTINUED PARTICIPATION IN THE  
SUSTAINABLE JERSEY™ MUNICIPAL CERTIFICATION PROGRAM –  
CAPE MAY CITY GREEN TEAM**

**MOTION:**

**SECOND:**

**WHEREAS**, the City Council of the City of Cape May strives to save tax dollars, assure clean air and water, build on its strong ecotourism base, improve working and living environments to build a community that is sustainable and resilient economically, environmentally and socially, a community which would thrive well into the new century; and

**WHEREAS**, the City Council of the City of Cape May wishes to continue building a model of government which benefits our residents now and far into the future with green community initiatives which are easy to replicate and affordable to implement; and

**WHEREAS**, in an attempt to maintain the focus on “Green” issues, the City Council wishes to authorize the continuation of a Cape May City Green Team; and

**WHEREAS**, the City Council of the City of Cape May originally began the process of focusing on “Green” issues by creating a Cape May City Green Team by means of Resolution No. 36-02-2011 and continued under the authorization of Resolution No. 105-05-2014 and Resolution No. 113-06-2016; Resolution No. 96-03-2017; and

**WHEREAS**, the City Council of the City of Cape May has made its operations greener and more environmentally friendly by conducting energy audits of the City’s facilities and implementing the recommended upgrades/improvements through grants and rebates; and

**WHEREAS**, solar power, high efficiency buildings, changes to fleet purchasing and maintenance, complete streets programs, waste reduction, recycling improvements, buy local programs, water quality improvements, green purchasing and operational changes have all been utilized as the City moves to do their share to lessen the environmental impact of its operations.

**NOW, THEREFORE, BE IT RESOLVED**, by the City Council of the City of Cape May that we hereby authorize the continuation of the Cape May City Green Team consisting of members who shall be residents, property owners, business owners/operators or employees of the City of Cape May or any entity located in the City of Cape May, appointed annually, but whose initial term or appointment shall be through December 31, 2018.

**NOW, THEREFORE, BE IT FINALLY RESOLVED**, by the City Council of the City of Cape May that the following persons are hereby re-appointed or appointed to the Cape May City Green Team. (See Exhibit “A” attached hereto.)

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 April 3, 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: Members  
Sustainable Jersey™

EXHIBIT A

GREEN TEAM MEMBERS

Patricia Hendricks – Councilmember, Business Person/ Environmental Commission  
Joe Picard – Superintendent of Public Works; Deputy Emergency Management Coordinator;  
Carl Behrens – Superintendent of Water and Sewer  
Clarence F. Lear, III - Mayor  
Susan Wichterman – Shade Tree Commission  
Warren Coupland – Historic Preservation Commission  
Dan Shustack – Purchasing  
John Van De Vaarst – Zoning Board  
Sandy Sandmeyer-Bryan – Teacher, Cape May Elementary School  
Heather Bruno – Secretary, Environmental Commission  
Neil Young – City Manager  
James Rutala – Environmental Consultant  
Tracie Cicchitti – President, Chamber of Commerce of Greater Cape May  
Reverend Jeffrey Elliott – Pastor, Cape May Lutheran Church & Team Chair  
Adrianna Liningston – Nature Conservancy  
Gretchen Whitman – Nature Center of Cape May

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

**RESOLUTION NO. 103-04-2018  
RESOLUTION DECLARING APRIL AUTISM AWARENESS MONTH**

**MOTION:**

**SECOND:**

**WHEREAS**, National Autism Awareness Month began Sunday, April 1, 2018 and ends Sunday, April 30, 2018 and is intended to increase public knowledge and awareness about complex disorders of brain development; and

**WHEREAS**, Autism or, more appropriately, Autism Spectrum Disorder is described as "a developmental disability that can cause significant social, communication and behavioral challenges; and

**WHEREAS**, Autism varies in degrees and may be caused by different combinations of genetic and environmental influences; and

**WHEREAS**, The Centers for Disease Control and Prevention (CDC) estimates Autism's prevalence as 1 in 68 children in the United States, including 1 in 42 boys and 1 in 189 girls; and

**WHEREAS**, in recognition of Autism Awareness Month supporting organizations seek to improve the lives of those who struggle with Autism;

**NOW THEREFORE BE IT RESOLVED**, that the City Council of the City of Cape May hereby recognizes the month of April 2018 as Autism Awareness Month and urges all citizen to learn about Autism Spectrum Disorders and their consequent impacts on the lives of those who affected; and

**BE IT FURTHER RESOLVED**, that the City Council encourages all Cape May residents to support Autism Awareness Month by reaching out in support of families with Autistic children and by endorsing recognized research efforts to develop the most effective health and social interventions.

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 April 3, 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: All Departments

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

**RESOLUTION NO. 104-04-2018**

**RESOLUTION FOR APPOINTMENT TO AND REMOVAL FROM THE ENVIRONMENTAL COMMISSION**

**MOTION:**

**SECOND:**

**BE IT RESOLVED**, by the City Council of the City of Cape May that the following members be appointed to or removed from the Environmental Commission:

**APPOINTED:**

**Dottie Rogers**, Regular Member (replacing Nancy Granick)  
201 South Broadway  
Cape May, NJ 08204  
Term expires: 12/31/2018

**APPOINTED:**

**Charlotte Todd**, Alternate Member I (replacing Heather Bruno)  
651 Hughes Street  
Cape May, NJ 08204  
Term expires: 12/31/2018

**APPOINTED:**

**Heather Bruno**, Regular Member  
1105 West Street  
Cape May, NJ 08204  
Term expires: 12/31/2019

**REMOVED:**

**Sue Carroll**, Regular Member  
**Nancy Granick**, Regular Member

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 April 3, 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: Commission Folder  
Members

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

**RESOLUTION NO. 105-04-2018**

**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. – White Collar and Communications Employees contracts

\_\_\_\_\_ (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 – Convention Hall litigation

\_\_\_\_\_ (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 April 3, 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 April 3, 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. 106-04-2018**

**RESOLUTION APPROVING AN AGREEMENT WITH CAPE ISLAND BAPTIST CHURCH, ALLOWING THE CITY OF CAPE MAY TO USE THE CHURCH PARKING LOT**

**MOTION:**

**SECOND:**

**WHEREAS**, the City of Cape May wishes to enter into an agreement with Cape Island Baptist Church to use the Church's parking lot, at 115 Gurney Street, to provide parking for events at Cape May Convention Hall during the 2018 season; and

**WHEREAS**, both the City and the Church have agreed to this arrangement on the terms set forth in the attached Parking Agreement,

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

1. The averments of the preamble are incorporated by reference.
2. The City Council hereby approves the attached Parking Agreement with the Cape Island Baptist Church, and authorizes the appropriate City officials to take all steps necessary to consummate that agreement.
3. This Resolution shall take effect immediately, 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 April 3, 2018.

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Patricia Harbora, City Clerk

Roll Call	Ayes	Nays	Absent	Abstain
Pessagno				
Meier				
Hendricks				
Pessagno				
Lear				

cc: All Departments  
City Attorney  
City Engineer  
City Hall Bulletin Board  
Cape May City Housing Authority  
Cape May Co. Library/Cape May City Branch

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

**RESOLUTION NO. 107-04-2018**

**RESOLUTION AUTHORIZING SETTLEMENT OF DISPUTE BETWEEN THE CITY OF CAPE MAY AND THE SEA MIST CONDOMINIUM**

**MOTION:**

**SECOND:**

**WHEREAS**, a dispute has arisen between the City of Cape May and the Sea Mist Condominium Association about responsibility for the cost of repairing damage to the irrigation system at the Sea Mist Condominium; and

**WHEREAS**, both sides wish to amicably resolve this dispute without any admission of liability by either party; and

**WHEREAS**, the parties have discussed the matter and have come to an amicable resolution of the dispute.

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

1. The City of Cape May will pay the sum of \$1,200 to the Sea Mist Condominium Association in full settlement of the dispute between the parties.
2. The parties agree that this payment constitutes a good faith, compromise resolution to this dispute, and does not constitute an admission of liability by either party.
3. The Sea Mist Condominium Association shall release the City of Cape May, its agents, employees, successors and assigns, from all claims arising out of, of that could have been brought as a result of, the dispute between these parties; and further releases the City from all claims it has or could have asserted against the City as of the date of execution of this Settlement Agreement and Release.
4. This settlement is embodied in the attached Settlement Agreement and Release, which is incorporated herein.
5. The appropriate City officials are hereby authorized to take all steps necessary to consummate this settlement.
6. This Resolution shall take effect immediately, 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 April 3, 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: Sea Mist Condominium Association

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

**RESOLUTION NO. 108-04-2018**

**RESOLUTION APPROVING A LEASE WITH T-MOBILE NORTHEAST, LLC. FOR A CELL PHONE ANTENNA ON THE MADISON AVENUE WATER TOWER IN THE CITY OF CAPE MAY**

**WHEREAS**, the City of Cape May owns property at 710 Madison Avenue, Cape May, New Jersey 08204, otherwise known as Block 1090, Lot 34, on which it maintains a water tower; and

**WHEREAS**, the City has in the past leased, and wishes to continue leasing, space on that water tower for the operation of a cell phone antenna; and

**WHEREAS**, the City, pursuant to the Local Land and Buildings Law, N.J.S.A. 40A:12-1 et seq., the City advertised the proposed lease of that space and received bids for the lease at an oral auction conducted on March 7, 2018; and

**WHEREAS**, T-Mobile Northeast, LLC, 510 Virginia Drive, Fort Washington, PA 19034, was the highest bidder with a bid of \$2,500 per month for a 15-year lease term; and

**WHEREAS**, the Cape May City Council has reviewed that bid, and consulted with its solicitor and the City Manager, and believes that it is the City's best interest to accept that bid and approve a lease with T-Mobile Northeast, LLC. on those terms.

**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 approves the lease of space on the Madison Avenue water tower for a term of 15 years, at a monthly rent of \$2,500, to T-Mobile Northeast, LLC, of Fort Washington, PA.
3. The parties shall execute a written lease, in the form attached hereto, that embodies those terms.
4. The appropriate city officials are hereby authorized to execute all documents required to consummate this contract award.
5. This lease is entered into, and is subject to, the Local Land and Buildings Law, N.J.S.A. 40A:12-1 et seq.
6. 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 April 3, 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. 109-04-2018**

**A RESOLUTION AUTHORIZING THE RETENTION OF PAUL J. BALDINI,  
ESQUIRE, AS CONFLICT SOLICITOR FOR THE CITY OF CAPE MAY**

**MOTION:**

**SECOND:**

**WHEREAS**, the City of Cape May anticipates negotiating shared-service agreements with the Borough of West Cape May, including the Municipal Court Administrator and Construction Office; and

**WHEREAS**, because of a conflict of interest, no member of the firm Barry, Corrado, Grassi & Gillin-Schwartz, P.C., may advise the City in the negotiation of any shared-service agreement with the Borough of West Cape May; and

**WHEREAS**, the City therefore must appoint a conflict counsel to provide it with legal advice pertaining to this matter; and

**WHEREAS**, Paul J. Baldini, Esquire, of Sea Isle City, is an experienced municipal solicitor with expertise in municipal contracts; and

**WHEREAS**, the City Council has considered the matter and believes that Paul J. Baldini, Esquire, should be appointed as special conflict counsel for this matter

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

1. The averments of the preamble are incorporated by reference.
2. Paul J. Baldini, Esquire, of Wildwood, New Jersey, is hereby appointed special conflict solicitor for the City of Cape May, exclusively in the negotiation of shared services agreements with the Borough of West Cape May in 2018.
3. Mr. Baldini shall be reimbursed at an hourly rate of \$225, which is the current hourly rate for the City Solicitor.
4. The mayor and clerk are authorized to enter into a contract with Mr. Baldini for his services in this matter, on the terms described above.
5. This resolution shall take effect immediately 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 April 3, 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. 110-04-2018**

**RESOLUTION AUTHORIZING AN AGREEMENT FOR USE OF THE SOCCER FIELD  
AT LAFAYETTE STREET PARK**

**MOTION:**

**SECOND:**

**WHEREAS**, the City of Cape May is the tenant, and the Cape May City Elementary School District is the owner, of certain lands adjacent to the Cape May City Elementary School on Lafayette Street in Cape May, which lands include a soccer field; and

**WHEREAS**, the Recreation Department of the Township of Lower has asked the City for permission to use that soccer field for its youth soccer program between April 11, 2018, through May 26, 2018; and

**WHEREAS**, in the spirit of municipal comity and cooperation, the City is willing to grant the Township that permission, subject to certain conditions; and

**WHEREAS**, the School District, as owner of the property, is also willing to permit the Township to use the fields, subject to those same conditions.

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

1. The averments of the preamble are incorporated by reference.
2. The City Council hereby agrees to permit the Lower Township Recreation Department to use the Lafayette Street Park soccer field for its youth soccer program between April 11, 2018, through May 26, 2018. The Township's use shall be limited to that purpose.
3. The hours of use shall be from 5 p.m. until 7:30 p.m. from Monday through Friday, and from 9 a.m. to 1 p.m. on Saturdays.
4. Lower Township shall not pay a fee for use of the field, but will reimburse the City for all maintenance costs caused by its use beyond normal wear and tear.
5. Lower Township shall furnish proof of insurance acceptable to the City and the School District, and will name the City and the School District as an additional insured on all relevant policies.
6. Lower Township shall execute the City's standard use of facilities agreement, including its hold harmless and indemnification provisions.
7. Lower Township shall not schedule use of the field that conflicts with any pre-existing use by the City or School District, or with any event previously scheduled by the City or the School District.

8. Lower Township shall sign a Use Agreement that embodies these conditions, and that Agreement shall also be signed by the School District.

9. The appropriate City officials are hereby authorized to sign a Use Agreement that embodies these conditions, and to take all steps necessary to consummate this arrangement.

10. This Resolution shall take effect immediately, 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 April 3, 2018.

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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>Pessagno</b>				
<b>Meier</b>				
<b>Hendricks</b>				
<b>Furlin</b>				
<b>Lear</b>				

cc: All Departments  
City Attorney  
Cape May City Elementary School District  
City Hall Bulletin Board  
Cape May City Housing Authority  
Cape May Co. Library/Cape May City Branch  
Cape May Star and Wave  
The Press of Atlantic City  
Cape May County Herald

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

**RESOLUTION NO. 111-04-2018**

**RESOLUTION AUTHORIZING THE CITY CLERK TO ISSUE BINGO AND RAFFLE LICENSES THROUGHOUT THE YEAR TO QUALIFIED ORGANIZATIONS**

**MOTION:**

**SECOND:**

**WHEREAS**, the City Clerk receives applications throughout the year from various organizations to conduct bingo and/or raffle games within Cape May City; and

**WHEREAS**, the below listed applicant has obtained their State Registration from N.J. Legalized Games of Change and have been in good standing with the City for many years; and

**WHEREAS**, there appears to be no reason to deny the license for 2018, providing all paperwork is completed and required fees have been paid.

**NOW, THEREFORE, BE IT RESOLVED**, by the City Council of the City of Cape May, the Governing body thereof, that the City Clerk is authorized to issue bingo/raffle licenses for 2018 to the following organization as applicable throughout the year.

**The Garden Club of Cape May**

I hereby certify the foregoing to be a true copy of a resolution adopted by the City of Cape May at a meeting held on April 3, 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: LGCCC  
File

**CITY OF CAPE MAY**

**RESOLUTION NO. 112-04-2018**

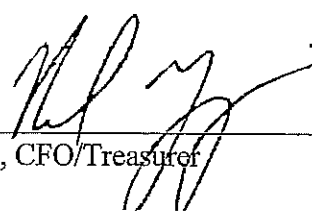
**RESOLUTION FOR THE PAYMENT OF BILLS**

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 March 29, 2018 for the amount of: \$2,709,163.06

Current Fund Appropriations	\$ 2,585,055.46
Water/Sewer Utility Operating Fund	\$ 34,246.08
Tourism Utility Fund	\$ 40,790.81
General Capital Improvements	\$ 11,150.07
Water/Sewer Capital Improvements	\$ 1,142.12
Escrow Special Account	\$ -
Trust Fund	\$ -
Grant Fund	\$ 25,271.00
Beach Utility Fund Appropriations	\$ 11,507.52
Beach Utility Capital Improvements	\$ -
	<u>\$ 2,709,163.06</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 April 3, 2018.

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

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

**RESOLUTION NO. 113-04-2018**

**RESOLUTION AWARDING A CONTRACT FOR PROFESSIONAL ADVERTISING SERVICES, IN CONNECTION WITH THE 2018 SUMMER CONCERT SERIES, TO WISERLINK**

**WHEREAS**, the City of Cape May has requested and received proposals for professional advertising services in connection with the City's 2018 Summer Concert Series; and

**WHEREAS**, the advertising firm of WiserLink Inc., PO Box 313 Egg Harbor City, NJ 08215 has submitted a proposal to perform those advertising services for a total cost of \$12,500; and

**WHEREAS**, the scope of those services is described in the attached Exhibit A to this resolution; and

**WHEREAS**, having reviewed that proposal, the Cape May City Council deems it in the best interest of the City to accept the Wiser Link proposal and to award the contract for advertising services to Wiser Link in accordance with the terms contained in Exhibit A.

**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 for professional advertising services in connection with the City's 2018 Summer Concert Series to Wiser Link, in the contract amount of \$12,500 and in full conformity with the terms set forth in Exhibit A.
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, 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 April 3, 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>				