

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

**ORDINANCE NO. 317 - 2017**

**AN ORDINANCE REPEALING CHAPTER 319 OF THE  
CAPE MAY CITY MUNICIPAL CODE,  
REGULATING LOITERING**

**WHEREAS**, Chapter 319 of the Cape May Municipal Code prohibits certain types of loitering; and

**WHEREAS**, in State v. Crawley, 90 N.J. 241 (1982), the New Jersey Supreme Court, after considering a Newark loitering ordinance whose language was similar to the language of the Cape May loitering ordinance, determined that the New Jersey State Penal Code has preempted local regulation of loitering and held that regulation of loitering-type conduct was exclusively a matter of state law; and

**WHEREAS**, regulation of vagrancy and loitering, whether at a statewide or municipal level, raises sensitive constitutional concerns that are best addressed by careful regulation in a uniform, statewide fashion; and

**WHEREAS**, given these facts, the City Council of the City of Cape May deems it in the City's best interest to repeal the City's loitering ordinance in its entirety and to restrict regulation of loitering-type conduct to those offenses specified in Chapter 33 of the New Jersey State Criminal Code, as instructed by the state Supreme Court in State v. Crawley,

**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:

1. The averments of the preamble are incorporated into this Ordinance.
2. Chapter 319 of the Cape May Municipal Code, entitled "Loitering," is hereby repealed in its entirety.
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 317-2017 was introduced at a regular meeting of the City Council of the City of Cape May, held on May 2, 2017 and will be further considered for final passage during a meeting of the City Council, to be held at the Cape May City Hall Auditorium, 643 Washington Street, Cape May, New Jersey, on June 6, 2017, 6:00 P.M. at which time a Public Hearing will be held.

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

Roll Call	Ayes	Nays	Absent	Abstain
Furlin				
Hendricks				
Meier				
Pessagno				
Lear				

Introduced: May 02, 2017  
First Publication: May 10, 2017  
2<sup>nd</sup> Reading & Adoption: June 06, 2017  
Final Publication: June 14, 2017  
Effective Date: July 04, 2017

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

**ORDINANCE NO. 318 - 2017**

**AN ORDINANCE AMENDING CHAPTER 422 OF THE  
CAPE MAY CITY MUNICIPAL CODE,  
REGULATING SKATEBOARDING**

**WHEREAS**, Chapter 422 of the Cape May Municipal Code regulates skateboarding in the City; and

**WHEREAS**, Sections 422-4 and 422-5 of the Code permit a police officer to summarily confiscate a skateboard from an alleged violator and provide a process for an appeal of that summary confiscation; and

**WHEREAS**, those sections of the Code raise issues of substantive and procedural due process to which the City should not be subject; and

**WHEREAS**, the City Council of the City of Cape May deems it in the City's best interest to amend Chapter 422 to eliminate these due process concerns,

**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:

1. The averments of the preamble are incorporated into this Ordinance.
2. Section 422-4 of the Cape May Municipal Code is hereby amended to read as follows:

Anyone found to be in violation of this ordinance shall be subject to the penalties set forth in Chapter 1, Article III of the Municipal Code.

3. Section 422-5 of the Cape May Municipal Code is hereby repealed in its entirety.
4. This Ordinance shall supersede all other ordinances in conflict or inconsistent with it.

5. 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.

6. 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 318-2017 was introduced at a regular meeting of the City Council of the City of Cape May, held on May 2, 2017 and will be further considered for final passage during a meeting of the City Council, to be held at the Cape May City Hall Auditorium, 643 Washington Street, Cape May, New Jersey, on June 6, 2017 6:00 P.M. at which time a Public Hearing will be held.

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

Roll Call	Ayes	Nays	Absent	Abstain
Furlin				
Hendricks				
Meier				
Pessagno				
Lear				

Introduced: May 02, 2017  
First Publication: May 10, 2017  
2<sup>nd</sup> Reading & Adoption: June 06, 2017  
Final Publication: June 14, 2017  
Effective Date: July 04, 2017

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

**ORDINANCE NO. 319-2017**

**AN ORDINANCE OF THE CITY OF CAPE MAY  
AMENDING CHAPTER 194 OF THE CAPE MAY CITY  
CODE REGULATING PILING SYSTEMS**

**WHEREAS**, certain piling systems requiring pounding in or exposing tailings in order to complete the piling proceed;

**WHEREAS**, in the pile driving process there is potential for damage to occur to existing historic buildings due to the substantial vibration caused by the “pounding in” of wood pilings for deep foundations;

**WHEREAS**, it has been recommended by the Cape May City Historic Preservation Commission that the City of Cape May Code be amended such that only deep foundation piers, which do not require “pounding in”, be permitted in the historic district and at or near historic sites;

**WHEREAS**, the Mayor and City Council of the City of Cape May desire to adopt the position set forth by the Cape May Historic Preservation Commission to protect the historic district and historic structures within the City of Cape May.

**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:

1. Section 20.E of Chapter 194 of the Cape May City Code is hereby added as follows:

E. A construction permit shall only be issued for deep piling systems that do not require pounding in or exposing tailings in the historic district, at a historic site, or within 100 feet from the property line of historic site. An exception to this restriction shall only be granted if a certified engineer or architect is able to demonstrate to the satisfaction of the Construction Official that only traditional washing in and pounding in of wood pilings are appropriate for a specific property due to geological aberration.

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

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.

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

WITNESS:

THE CITY OF CAPE MAY

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

BY:

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

**NOTICE**

Ordinance 319-2017 was introduced at a regular meeting of the City Council of the City of Cape May, held on May 2, 2017 and will be further considered for final passage during a meeting of the City Council, to be held at the Cape May City Hall Auditorium, 643 Washington Street, Cape May, New Jersey, on June 6, 2017, 6:00 P.M. at which time a Public Hearing will be held.

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

Roll Call	Ayes	Nays	Absent	Abstain
Furlin				
Hendricks				
Meier				
Pessagno				
Lear				

Introduced: May 02, 2017  
First Publication: May 10, 2017  
2<sup>nd</sup> Reading & Adoption: June 06, 2017  
Final Publication: June 14, 2017  
Effective Date: July 04, 2017

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

**ORDINANCE NO. 321 - 2017**

**AN ORDINANCE AMENDING CHAPTER 134, SECTION  
5(A) OF THE CAPE MAY CITY MUNICIPAL CODE,  
REGULATING SUNDAY SALES  
OF ALCOHOLIC BEVERAGES**

WHEREAS, Chapter 134 of the Cape May Municipal Code regulates the licensing and sale of alcoholic beverages; and

WHEREAS, Section 134-5(A) of the Code regulates the sale of alcoholic beverages in the City on Sundays; and

WHEREAS, having carefully considered the matter, the Cape May City Council desires to amend Section 134-5(A) to alter the permissible hours of sale of alcoholic beverages for on-site consumption on Sundays, to better conform to changing dining habits in a resort community,

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 134-5(A) of the Cape May Municipal Code is hereby amended as follows:

**§ 134-5. Hours of sale.**

No alcoholic beverage shall be sold in the City between the following hours on the following days:

A. Sundays.

- (1) Friday preceding Memorial Day to September 30, inclusive: 3:00 a.m. to 12:00 noon.
- (2) Remainder of the year: 2:00 a.m. to 12:00 noon.
- (3) With respect to those premises offering on-site consumption under a plenary retail consumption license, the restriction on alcoholic beverage sales for on-site consumption shall be until 8:00 [10:00] a.m. This exception shall not apply to the sale of alcoholic beverages for off-site consumption. Additional package goods sales from premises operating under a plenary retail consumption license, and all premises operating under a plenary retail distribution license are not permitted until 12:00 noon, as required by § 134-5A(1) and (2) hereinabove.

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 321-2017 was introduced at a regular meeting of the City Council of the City of Cape May, held on May 2, 2017 and will be further considered for final passage during a meeting of the City Council, to be held at the Cape May City Hall Auditorium, 643 Washington Street, Cape May, New Jersey, on June 6, 2017, 6:00 P.M. at which time a Public Hearing will be held.

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

Roll Call	Ayes	Nays	Absent	Abstain
Furlin				
Hendricks				
Meier				
Pessagno				
Lear				

Introduced: May 02, 2017  
First Publication: May 10, 2017  
2<sup>nd</sup> Reading & Adoption: June 06, 2017  
Final Publication: June 14, 2017  
Effective Date: July 04, 2017



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

**ORDINANCE NO. 323 - 2017**

**AN ORDINANCE PROHIBITING THE RELEASE OF  
HELIUM-FILLED BALLOONS WITHIN THE CITY OF  
CAPE MAY**

WHEREAS, the ungoverned release of helium-filled balloons into the air poses substantial environmental risks, including most particularly risks to wildlife, as well as to the health, safety and welfare of persons and property; and

WHEREAS, the release of balloons inflated with lighter-than air gases pose a danger and nuisance to the environment, particularly to wildlife and marine animals so as to constitute a public nuisance, and may pose a threat to the safety of its inhabitants and their property; and

WHEREAS, the City Council of the City of Cape May believes it in the best interests of the City, its residents, its visitors, the surrounding area, and the environment as a whole to prohibit, except in limited circumstances, the release into the environment of balloons filled with helium and other lighter-than-air gases,

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. Prohibited Releases. It shall be unlawful for any person, firm or corporation to intentionally release, organize the release, or intentionally cause to be released balloons inflated with a gas that is lighter than air within the city limits of the City of Cape May, except for:

- (a) Balloon released by a person on behalf of a governmental agency or pursuant to a governmental contract for scientific or meteorological purposes.
- (b) Hot air balloons that are recovered after launching.
- (c) Balloons released indoors.

Section 3. Violation and Penalties. Any person found in violation is guilty of a non-criminal infraction punishable by a fine not to exceed the sum of \$500.00.

Section 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.

Section 5. All ordinances inconsistent with this Ordinance are hereby repealed.

Section 6 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 324-2017 was introduced at a regular meeting of the City Council of the City of Cape May, held on June 5, 2017 and will be further considered for final passage during a meeting of the City Council, to be held at the Cape May City Hall Auditorium, 643 Washington Street, Cape May, New Jersey, on July 3, 2017, 6:00 P.M. at which time a Public Hearing will be held.

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

**RESOLUTION NO. 144-06-2017**

**RESOLUTION FIXING RATE OF INTEREST ON DELINQUENT TAXES AND ASSESSMENTS AND FIXING A SIX (6%) PERCENT PENALTY ON DELINQUENT TAXES AND MUNICIPAL CHARGES - 2017**

**MOTION:**

**SECOND:**

**BE IT RESOLVED** by the City Council of the City of Cape May, in accordance with Chapter 75, New Jersey Laws of 1991, and N.J.S.A. 54:4-67, 54:5-32, 54:5-34, and 54:5-35, which authorizes the Governing Body, inter alia, to fix the rate of interest to be charged in the City of Cape may for the non-payment of taxes, assessments and municipal charges, said rate of interest shall be and is hereby fixed at eight (8%) percent per annum on the first \$1,500.00 of delinquency and eighteen (18%) percent, per annum on any amount in excess of \$1,500.00, to be calculated from the date when the taxes, assessments and charges become delinquent.

**BE IT FURTHER RESOLVED** by the City Council of the City of Cape May, in accordance with N.J.S.A. 54:4-67, Chapter 75, New Jersey Laws of 1991, and Chapter 32, New Jersey Laws of 1994, which permits a six (6%) percent penalty on taxes and municipal charges greater than \$10,000.00 as of the close of the fiscal year, that said end-of-year penalty shall be fixed for the year 2017.

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 June 5, 2017.

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

Roll Call	Ayes	Nays	Absent	Abstain
Furlin				
Hendricks				
Meier				
Pessagno				
Lear				

cc: CFO  
Tax Collector

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

**RESOLUTION NO. 145-06-2017**

**RESOLUTION APPROVING ALCOHOLIC BEVERAGE LICENSE RENEWAL  
FOR THE 2017-2018 LICENSE YEAR**

**MOTION:**

**SECOND:**

**WHEREAS**, the following Alcoholic Beverage Licensees have applied for the renewal of their respective licenses for the year 2017-2018 and their applications are complete in all respects:

<b>Cape Island Beach Operator, LLC t/a Rusty Nail</b>	<b>0502-36-009-003</b>
<b>Cape Management Company, LLC t/a Congress Hall</b>	<b>0502-36-030-001</b>
<b>Cape May Marlin &amp; Tuna Club, Inc.</b>	<b>0502-31-027-001</b>
<b>Chamberlain Hospitality Group, Inc. t/a Virginia Hotel</b>	<b>0502-33-014-007</b>
<b>Cherry Tree, Inc. t/a Washington Inn</b>	<b>0502-32-013-004</b>
<b>Colliers Liquor Store, LTD</b>	<b>0502-44-004-002</b>
<b>Corinthian Yacht Club of Cape May, Inc.</b>	<b>0502-31-023-001</b>
<b>GCSR Enterprises, Inc. t/a C-View</b>	<b>0502-33-008-006</b>
<b>Kiwanis Club of Cape May</b>	<b>0502-31-028-001</b>
<b>Marq, Inc. t/a Marque De Lafayette</b>	<b>0502-36-011-006</b>
<b>Montreal Promenade, Inc. t/a Harrys Ocean Bar</b>	<b>0502-32-015-003</b>
<b>Optime, Inc. t/a Sandbar Lounge</b>	<b>0502-36-018-010</b>
<b>Rose Garden Restaurant, Inc. t/a Oyster Bay</b>	<b>0502-33-019-002</b>
<b>Veterans Home Association, Inc.</b>	<b>0502-31-025-001</b>
<b>GCSR Enterprises, Inc.</b>	<b>0502-33-008-006</b>

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Cape May, that the liquor licenses listed above are renewed for the period July 1, 2017, through June 30, 2018, subject to the individual conditions for each licensee set forth on Schedule A, which is attached hereto and made a part hereof.

**BE IT FURTHER RESOLVED** that the City Clerk shall notify each licensee of the conditions aforesaid, shall supply a copy of this Resolution to the licensed establishment, and shall take all further steps necessary to effectuate this Resolution.

**BE IT FURTHER RESOLVED** that the City Clerk shall issue, to the person and premise(s) enumerated in Schedule A, the class of license listed, upon receipt of all necessary documents, fees and the licensee's signature therefore.

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 June 05, 2017.

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

**RESOLUTION NO. 146-06-2017**

**RESOLUTION TO APPOINT MEMBERS OF THE CAPE MAY CITY  
CREATIVE TEAM**

**MOTION:**

**SECOND:**

**WHEREAS**, a sustainable community seeks to optimize quality of life for its residents by ensuring that its environmental, economic and social objectives are balanced and mutually supportive; and

**WHEREAS**, the City of Cape May strives to save tax dollars, assure clean land, air and water, improve working and living environments; and

**WHEREAS**, the City of Cape May is participating in the Sustainable Jersey Program and is one of only 45 communities in the State to be Silver Certified; and

**WHEREAS**, the governing body adopted resolution 96-03-2017 to support the continued participation in the Sustainable Jersey Municipal Certification Program and to appoint Green Team members; and

**WHEREAS**, one of the Sustainable Jersey actions is to appoint a Creative Team, a Creative Team can be the catalyst for meaningful development by linking arts and culture directly to sustainability; and

**WHEREAS**, important outcomes of creative placemaking that the Creative Team can support include:

- Improving local business vitality, community spirit and public safety.
- Rejuvenating neighborhoods and stimulating job growth, within and beyond the arts and culture sector, contributing to overall economic development.
- Providing new reasons for others to visit, invest, or live in Cape May City.
- Building pride and commitment to place, including the physical environment and nature.
- Bringing diverse people together to celebrate, create, inspire and be inspired, improving quality of life and community wellbeing.

**NOW, THEREFORE, BE IT RESOLVED**, by the City Council of the City of Cape May that we hereby appoint the Cape May City Creative Team consisting of member 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 of appointment shall be through December 31, 2018.

**NOW, THEREFORE, BE IT RESOLVED**, that governing body of the City of Cape May, State of New Jersey, hereby appoints the following persons to the Cape May City Creative Team:

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 June 05, 2017.

- Chuck Lear - Mayor
- Rev. Jeff Elliot - Pastor, Cape May Lutheran Church ; Chair of the Green Team
- Sandy Sandmeyer-Bryant - Teacher/Librarian, Cape May Elementary
- Michael Zuckerman- Mid-Atlantic Center for the Arts & Humanities
- David Mackenzie - Center of Community Arts
- Joe Salvatore - Naval Air Station Wildwood Aviation Museum
- Veronica Scutaro - Cape May Film Society
- Gretchen Whitman - Nature Center of Cape May
- Roy Bennett Steinberg - Cape May Stage
- David Lapuma - Cape May Bird Observatory
- Gayle Stahlhuth - East Lynne Theater Company
- Michael Kline - Exit 0 Jazz Festival
- Kevin Maloney - Cape May Maritime Museum and Education Center
- Norris Clark - Cape May Forum
- Anne Salvatore - Historic Cold Spring Village
- Diane Muentz - Greater Cape May Historical Society
- Tracie Cicchitti – Cape May City Chamber of Commerce
- Jim Rutala - Rutala Associates
- Lisa Bender - Rutala Associates

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

Roll Call	Ayes	Nays	Absent	Abstain
Furlin				
Hendricks				
Meier				
Pessagno				
Lear				

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

**RESOLUTION NO. 147-06-2017**

**RESOLUTION OF MUNICIPAL SUPPORT FOR THE NEW JERSEY WILDLIFE  
ACTION PLAN**

**MOTION:**

**SECOND:**

Recognizing that animals are an integral and valuable part of all communities and believing that concern for the well-being of wild animals and wild species is a hallmark of a sustainable natural community, the City of Cape May pledges its support for the New Jersey Wildlife Action Plan as outlined:

**WHEREAS**, New Jersey is home to a rich diversity of wildlife and ecologically significant natural communities; and

**WHEREAS**, New Jersey's wildlife and wild places are under threat from development, fragmentation, invasive species and the impacts of people; and

**WHEREAS**, the populations of mammals, birds, invertebrates, fish, reptiles and amphibians that live in and migrate through New Jersey find themselves clinging to smaller and smaller pieces of wild clean lands and aquatic habitats; and

**WHEREAS**, it is more cost effective to prevent species from becoming imperiled than it is to recover them once their populations have declined; and

**WHEREAS**, a naturally functioning and healthy ecosystem represents a healthy environment for New Jersey wildlife and our citizens; and

**WHEREAS**, the New Jersey Division of Fish and Wildlife, other state and federal agencies, and many partners in conservation have worked together to develop a state Wildlife Action Plan for the benefit of biologists, wildlife experts, municipal leaders, land stewards, non-profit organizations, educators, planners, researchers, outdoor recreation enthusiasts, landowners and all the people who know the wild places of New Jersey State; and

**WHEREAS**, the New Jersey Wildlife Action Plan is a comprehensive action agenda for the conservation of native wildlife, the restoration of important lands and water, and public education targeting the needs of rare wildlife in New Jersey; and,

**WHEREAS**, the residents of, and visitors to, New Jersey also enjoy and benefit from New Jersey's wildlife and wild spaces,

**NOW, THEREFORE, BE IT RESOLVED** that the City of Cape May will take the following steps with regard to its municipal land-use decisions, with the intent of keeping Cape May City an ecologically sustainable community. The City intends to include these principles in its public lands management and its environmental resources inventory, and desires that they inform the next master plan revision and update its zoning accordingly.

- The City will identify imperiled species, critical habitat and unique ecosystems in its Environmental Resource Inventory.
- Acknowledging that it is more cost effective to protect species than recover species, the City we will protect populations of rare and imperiled species that live and breed in, and migrate through, the municipality and the habitats they depend upon.
- Because habitat integrity is critical to healthy biodiversity, the City will manage publicly owned lands in accordance with wildlife management actions laid out in the New Jersey Wildlife Action Plan and will promote the management of all protected lands to promote biodiversity.
- The City will protect wildlife habitats and maintain connectivity of habitat when formulating an open space acquisition strategy, open space stewardship plans and through the municipal master plan including planning and zoning ordinances.
- The City will seek to minimize disturbance of critical wildlife populations and their habitats from human activities, subsidized predators and invasive species.
- When possible and appropriate, the City will work with neighboring municipalities to implement the aforementioned principles across municipal boundaries.
- When possible and appropriate, the City will strive to monitor and implement appropriate management of municipal easements to ensure native vegetation and wildlife takes precedence over invasive and/or exotic species.

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 June 5, 2017.

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Patricia Harbora, City Clerk

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



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

**RESOLUTION NO. 148-06-2017**

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

**MOTION:**

**SECOND:**

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

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

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

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

<u>Bl/Lot</u>	<u>Address</u>	<u>Customer</u>	<u>Adjustment</u>
1126/8	1106 Vermont Ave	Duffy, Andrew & Christine	\$1,650.00

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

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

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

Roll Call	Ayes	Nays	Absent	Abstain
Lear				
Meier				
Hendricks				
Furlin				
Pessagno				

cc: Water/Sewer Department

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

**RESOLUTION NO. 149-06-2017**

**RESOLUTION APPROVING AGREEMENT BETWEEN CITY AND  
THE MID-ATLANTIC CENTER FOR THE ARTS AND HUMANITIES  
REGARDING RENOVATIONS AT THE PHYSICK ESTATE**

**MOTION:**

**SECOND:**

**WHEREAS**, Cape May is the owner and landlord, and MAC is the tenant, of property at 1048 Washington Street, commonly known as the Physick Estate; and

**WHEREAS**, the property is subject to a long-term lease between the City and MAC. That lease requires MAC to preserve the historic character of the Physick Estate. It also makes MAC responsible for maintenance and repair of the property, and requires MAC, at its expense, to make repairs necessary to ensure the property's compliance with all laws, regulations, and code requirements; and

**WHEREAS**, to comply with state fire safety code requirements, and to preserve main building's historic character, MAC has recently been required to move its executive offices from the third floor of the Physick Estate's main building to an accessory structure on the site; and

**WHEREAS**, that relocation has, in turn, required renovation of the accessory building, including installation of bathroom facilities; and

**WHEREAS**, given the unanticipated nature of this required relocation, and the expense involved in the renovation, the Cape May City Council believes it in the City's best interest to contribute the sum of \$6,500.00 to help defray the cost of the renovation,

**NOW, THEREFORE**, be it resolved by the City Council of the City of Cape May as follows:

1. The averments of the Preamble are hereby incorporated.
2. The City will contribute \$6,500.00 to help defray the cost of renovating the accessory building on the Physick Estate, both to preserve the historic character of the site, and to ensure full compliance with all construction code regulations.
3. City Council hereby approves that expenditure and authorizes the Mayor and other appropriate City officials to sign the attached agreement, the terms of which are incorporated into this resolution.
4. Except as provided in this Agreement, all provisions of the lease between the City and MAC shall remain in full force and effect, including the requirement that MAC be responsible for the maintenance, upkeep, and repair of the premises.
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 June 5, 2017.

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

Roll Call	Ayes	Nays	Absent	Abstain
Furlin				
Hendricks				
Meier				
Pessagno				
Lear				

cc: MAC  
Clerk's File  
CFO

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

**RESOLUTION NO. 150-06-2017**

**RESOLUTION CREATING A BICYCLE AND PEDESTRIAN  
ADVISORY COMMITTEE**

**MOTION:**

**SECOND:**

**WHEREAS**, the City of Cape May is nationally recognized as a premier seashore resort where locals and visitors enjoy social and recreational amenities; and

**WHEREAS**, the City places the highest priority on maintaining safe walkways and bike paths for use by pedestrians, sightseers, cyclists, and related low-speed vehicular traffic; and

**WHEREAS**, the City encourages residents and visitors to experience the social, health, and well-being benefits of walking, cycling and related modes of local mobility; and

**WHEREAS**, the current city administration wishes to ensure that Cape May's roads, walkways, mall, promenade, bike paths and beach access points are safe and user-friendly, by:

-Communicating with Federal legislators and representatives and State and County officials to seek continued support for resources to create safe streets, sidewalks and bike paths;

-Taking remedial action to repair sidewalks and related walkways and continuing access to bike paths throughout the City and with adjoining jurisdictions;

-Marshaling local support for educational programs for pedestrian safety, bicycle maintenance and safety, and the maintenance and safety of low-speed vehicles; and

**WHEREAS**, the Cape May City Council believes that, as an additional method of addressing pedestrian and bike safety issues, it is in the City's best interest to create and appoint members to a Bicycle and Pedestrian Advisory Committee to study and review relevant issues and to make recommendations to City Council concerning the same,

**NOW, THEREFORE, BE IT RESOLVED**, by 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 City Council hereby creates and establishes a "Bicycle and Pedestrian Advisory Committee," whose members and duties are described below.
3. The initial members of the Committee shall be:

William Murray      **Chairman**  
Hilary Pritchard  
Harry Back  
Jesse Lambert  
James Moffatt

Peter Hardy  
Gus Mosso  
Michelle Boyt

**Cape May City Council Liaison**  
Patricia Gray Hendricks

4. The Council may from time to time appoint additional committee members as appropriate.
5. The Committee shall be advisory in function.
6. The Committee shall meet periodically, and will report to the City Council on a regular basis or at the Council's request.
7. Committee members shall serve without compensation, but the Committee may request, and Council may allocate funds to defray the Committee's legitimate expenses.
8. The Committee shall be an advisory committee, and shall exist and perform its designated advisory functions until dissolved by resolution of City Council.
9. After the initial term expiration periods listed below, terms shall be for four years.

		Initial Term Expiration
William Murray	<b>Chairman</b>	12/31/2020
Hilary Pritchard		12/31/2020
Jesse Lambert		12/31/2019
Gus Mosso		12/31/2019
James Moffatt		12/31/2018
Harry Back		12/31/2018
Peter Hardy		12/31/2017
Michelle Boyt		12/31/2017

10. The Committee shall assist and advise the City Manager and City Council on such matters as:
  - A. Ways to encourage, facilitate and monitor multi-modal mobility options including skateboards, skates, bicycles, surreys, scooters, low-speed vehicles (LSV), walking and jogging as regular means of transportation or recreation;
  - B. The condition of City sidewalks and how to assess whether they are in need of repair;
  - C. The need for and location sites for beach walkways to assure those with mobility challenges can access the beach safely and conveniently;
  - D. The condition and scope of existing bike paths, their locations and design and whether any are in need of improvements or extensions;
  - E. Ways to promote pedestrian/runner, skateboard, skating, bicycle, surrey, scooter and low-speed vehicle safety;
  - F. Amendments to existing municipal ordinances or creation of new ordinances to address issues that may arise.

- G. The inclusion of Bike and Pedestrian plans in the City's Master Plan;
- H. Questions that might be considered as the Committee plans its agenda include:
  - 1. What are the priority areas for review?
  - 2. Is there grant money or other funding available to make improvements, refinements or extensions of existing programs?
  - 3. What are the existing local, state, and Federal laws that apply in any of the transportation modalities?
  - 4. Should water craft (sea-doo's, kayaks, canoes, sailboats, small boats, paddle boards, surf boards, etc. be part of the Committee's agenda and plans?
  - 5. What are the requirements and practices of local bike and low-speed vehicle rental companies?

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 June 5, 2017.

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Patricia Harbora, City Clerk

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

**RESOLUTION NO. 151-06-2017**

**PROVIDING FOR THE INSERTION OF A SPECIAL ITEM OF REVENUE  
IN THE BUDGET PURSUANT TO CHAPTER 159 PL 1948**

**MOTION:**

**SECOND:**

**WHEREAS**, N.J.S.A. 40A: 4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

**WHEREAS**, said Director may also approve the insertion of an item of appropriation for equal amount;

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Cape May, hereby requests the Director of the Division of Local Government Services to approve the insertion of the following items of revenue in the budget of the Year 2017, which are now available as a revenue and will be hereby appropriated as detailed below:

Revenue Title: State of New Jersey – DOT FY2017 Transportation Trust Fund  
Appropriation Title: Current Fund NJDOT FY2017 Transportation Trust Fund  
Amount: \$158,000.00

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

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

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

Roll Call	Ayes	Nays	Absent	Abstain
Furlin				
Hendricks				
Meier				
Pessagno				
Lear				

cc: City Treasurer

CITY OF CAPE MAY

RESOLUTION NO. 152-06-2017

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 June 1, 2017 for the amount of: \$1,533,098.99

Current Fund Appropriations	\$ 425,166.72
Water/Sewer Utility Operating Fund	\$ 682,334.61
Tourism Utility Fund	\$ 60,298.04
General Capital Improvements	\$ 263,514.98
Water/Sewer Capital Improvements	\$ 56,530.91
Escrow Special Account	\$ 3,383.75
Trust Fund	\$ -
Grant Fund	\$ 11,477.00
Beach Utility Fund Appropriations	\$ 28,726.73
Beach Utility Capital Improvements	\$ 1,666.25
	<u>\$ 1,533,098.99</u>

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Neil Young, CFO/Treasurer

Roll Call	Ayes	Nays	Absent	Abstain
Furlin				
Hendricks				
Meier				
Pessagno				
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 June 5, 2017.

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Patricia Harbora, City Clerk