

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

ORDINANCE NO. 357-2018

**AN ORDINANCE OF THE CITY OF CAPE MAY AMENDING THE REVISED
GENERAL ORDINANCES OF THE CITY OF CAPE MAY TO PROVIDE FOR A
RESTRICTED HANDICAPPED PARKING SPACE AT OR ADJACENT TO
22 CONGRESS STREET, OCCUPIED BY JOAN P. GREEN**

MOTION:

SECOND:

WHEREAS, Section 7-37.5 the Revised General Ordinances of the City of Cape May currently permits handicapped parking by specific individuals at certain designated parking spaces within the City of Cape May; and

WHEREAS, N.J.S.A. 39:4-197.6, *et seq.* allows a municipality to issue a permit to a handicapped property owner, allowing for restricted parking for one motor vehicle at a space designated for the sole benefit of such property owner at or adjacent to the property owner's residence; and

WHEREAS, N.J.S.A. 39:4-197.6, *et seq.* further requires that such designations be rescinded or removed when the handicapped person no longer resides at the property; and

WHEREAS, JOAN P. GREEN, the occupant of 22 Congress Street, has requested that the City Council designate a handicapped parking space in front of the residence; and

WHEREAS, Green has presented proof that she is a handicapped person, within the meaning of the statute, entitled to a designated, restricted parking space under its terms; and

WHEREAS, the Chief of Police has reviewed Green's application and has determined that the requested location does not conflict with any traffic patterns or pedestrian walkways and therefore designation as a restricted space would not interfere with the normal flow of traffic; and

WHEREAS, the City Council desires to amend the Revised General Ordinances of the City of Cape May to permit handicapped parking at all times at a designated parking space located at or near 22 Congress Street in accordance with the terms and conditions set forth herein.

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

1. Section 7-37.5 of the Revised General Ordinances of the City of Cape May is amended by adding the following designated handicapped parking space:

<u>NAME OF STREET</u>	<u>SIDES</u>	<u>LOCATION</u>	<u>NAME OF PERSON</u>
Congress Street Meter Space 11	West	24.7 feet from the NW corner of Congress Street and Congress Place then continues 20 feet North therefrom	JOAN P. GREEN

Such spaces are for use only by the person so designated provided such persons have been issued a special vehicle identification card or plates or placards by the New Jersey Division of Motor Vehicles, or a temporary placard issued by the Chief of Police. No other person shall be permitted to park in these spaces. In addition, such designated persons shall provide the City Clerk and Chief of Police a copy of the vehicle registration of the vehicle to be parked at the designated location and no other vehicle shall be permitted to park in the designated space. Each designated person shall also notify the City Clerk and Chief of Police of any change in the vehicle and shall provide a copy of the vehicle registration for any replacement vehicle. The designated person shall only be permitted to register one vehicle with the City for such purpose. Such designated parking place shall terminate automatically and without further ordinance either (i) upon the death of the designated person or (ii) at such time that the designated person no longer resides at the property adjacent to the designated location.

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.

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 357-2018 was introduced at a regular meeting of the City Council of the City of Cape May, held on July 17, 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 August 7, 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				

Introduction: July 17, 2018
First Publication: July 25, 2018
Second Reading & Adoption: August 7, 2018
Final Publication: August 15, 2018
Effective Date: September 4, 2018

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

ORDINANCE NO. 358-2018

AN ORDINANCE OF THE CITY OF CAPE MAY ADJUSTING THE WATER AND SEWER CHARGES FOR THE CAPE MAY HOUSING AUTHORITY

MOTION:

SECOND:

WHEREAS, Section 510-50 of the Revised General Ordinances of the City of Cape May, adopted in 2011 as Ordinance No. 239-2011, assessed water and sewer charges against the Cape May Housing Authority at a flat rate of \$80,000, with an annual increase of two percent per annum; and

WHEREAS, Section 510-50 was adopted at the CMHA's request to lessen the burden of water and sewer charges on its residents; and

WHEREAS, water and sewer consumption/usage at the CMHA has decreased to the point where it would be more economical, and more beneficial, for CMHA residents to be billed based on actual usage, as was the case before Section 510-50 was enacted; and

WHEREAS, the City Council of the City of Cape May, having considered the matter, has determined that it is in the best interest of the City, and of CMHA residents, that Section 510-50 be repealed and that, going forward, the CMHA be billed for water and sewer on a consumption or usage basis.

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

1. Section 510-50 of the Revised General Ordinances of the City of Cape May is hereby **REPEALED** in its entirety.

2. Beginning with the billing cycle that began on July 1, 2018, and thereafter until adjusted by ordinance, the Cape May Housing Authority will be billed for water and sewer on a consumption/usage basis.

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

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, and shall be retroactive to July 1, 2018.

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 357-2018 was introduced at a regular meeting of the City Council of the City of Cape May, held on July 17, 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 August 7, 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				

Introduction:	July 17, 2018
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CITY OF CAPE MAY, COUNTY OF CAPE MAY, STATE OF NEW JERSEY

RESOLUTION NO. 176-07-2018

RESOLUTION AUTHORIZING THE EXECUTION OF A SHARED SERVICES AGREEMENT WITH THE CITY OF CAPE MAY, NEW JERSEY AND THE BOROUGH OF WEST CAPE MAY, NEW JERSEY FOR UNIFORM CONSTRUCTION CODE SERVICES

MOTION:

SECOND:

WHEREAS, the Borough of West Cape May (hereinafter, "Borough") is required by law to provide for the enactment and enforcement of the Uniform Construction within the jurisdiction of the Borough; and

WHEREAS, the Borough has a vacancy in its office of the Construction Official; and

WHEREAS, the Borough has a need for Uniform Construction Code Services; and

WHEREAS, the City of Cape May (hereinafter, "City") has a qualified Construction Official with the ability to provide Uniform Construction Code Services for both Cape May and West Cape May; and

WHEREAS, Cape May and West Cape May agree that it is in the mutual interests of the City and Borough to maintain a cooperative relationship and assist each other when possible; and

WHEREAS, the Uniform Shared Services and Consolidation Act, N.J.S.A. 40A:65-1, *et seq.* permits local units to enter into an agreement to provide or receive any service that each local unit participating in the agreement is empowered to provide or receive within its own jurisdiction, and the City and the Borough desire to do same; and

WHEREAS, the City and the Borough has determined it would be in their best interest to enter into an agreement to provide Uniform Construction Code Services, and

WHEREAS, the City and the Borough desire to enter into joint services by written Shared Services Agreement for a term of four years between the two municipalities in a form substantially similar to the Agreement attached hereto.

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

1. West Cape May accepts and approves the Shared Services Agreement to be entered into with the City of Cape May by Resolution #132-18 dated July 11, 2018, which shall be in a form substantially similar to the Agreement attached hereto.
2. A true copy of the final, executed Shared Services Agreement will be on file at the office of the Clerk of Cape May and will be available for review by the public during normal business hours.

3. The Mayor, City Manager and City Clerk are hereby authorized to execute any and all necessary documents in order to implement this Resolution.

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 July 17, 2018.

Patricia Harbora, City Clerk

Roll Call	Ayes	Nays	Absent	Abstain
Pessagno				
Meier				
Hendricks				
Furlin				
Lear				

cc: Borough of West Cape May
Police Department

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

RESOLUTION NO. 177-07-2018

**RESOLUTION OF THE CITY OF CAPE MAY APPOINTING A MUNICIPAL
HUMANE LAW ENFORCEMENT OFFICER**

MOTION:

SECOND:

WHEREAS, the new animal cruelty enforcement Law, P.L. 2017 c.331 (the “New Law”) was signed into law on January 16, 2018; and

WHEREAS, the new Animal Cruelty Enforcement Law revises the enforcement of animal cruelty laws in the State of New Jersey by transferring the power of humane law enforcement from the New Jersey Society for the Prevention of Cruelty to Animals (NJSPCA) and county societies for the prevention of cruelty to animals to a county prosecutor animal cruelty task force in each county, and a municipal humane law enforcement officer in each municipality; and

WHEREAS, the new law requires the governing body of each municipality to appoint at least one municipal humane law enforcement officer, who is responsible for the animal welfare within the jurisdiction of the municipality, and who is to enforce and abide by the animal cruelty laws of the State of New Jersey and the ordinances of the City of Cape May; and

WHEREAS, City Council deems it prudent to appoint **Thomas Toland, Detective of the City of Cape May**, to serve as the Municipal Humane Law Enforcement Officer for the City of Cape May, Borough of Cape May Point and Borough of West Cape May.

NOW, THEREFORE, BE IT RESOLVED by the governing body of the City of Cape May, State of New Jersey, that **Police Detective Thomas Toland** is hereby appointed to the position of Municipal Law Enforcement Officer.

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 July 17, 2018.

Patricia Harbora, City Clerk

Roll Call	Ayes	Nays	Absent	Abstain
Pessagno				
Meier				
Hendricks				
Furlin				
Lear				

cc: Borough of Cape May Point
Borough of West Cape May
Police Department

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

RESOLUTION NO. 178-07-2018

**RESOLUTION REGARDING THE HEIGHT AND OTHER ASPECTS OF A
PROPOSED SEAWALL AT THE CORNER OF WILMINGTON AND BEACH
AVENUES IN THE CITY OF CAPE MAY**

MOTION:

SECOND:

WHEREAS, the corner of Wilmington and Beach Avenues in Cape May is known to be a principal entry point for floodwaters when the City is subject to coastal storms; and

WHEREAS, during coastal storms, floodwaters typically overtop the seawall at the point and flood the nearby neighborhoods, including the Poverty Beach and Frog Hollow sections of the City; and

WHEREAS, the Army Corps of Engineers has proposed a project that would strengthen and extend the seawall at that vulnerable intersection, including raising the seawall to a height that would prevent, or ameliorate, flooding caused by coastal storms; and

WHEREAS, representatives of the City, the State of New Jersey, and the Army Corps met on April 18, 2018, to preliminarily discuss the proposed seawall project, including the need to educate the public about it and to solicit public input; the cost and financing of the project; and the height and other dimensions of the proposed seawall; and

WHEREAS, it appears that the cost of the proposed seawall is estimated at \$3 million, of which the City's share absent state sponsorship would be 35 percent; and with state sponsorship, 8.75 percent; and

WHEREAS, it was the consensus of those at the April 18, 2018 meeting that the Army Corps of Engineers should make a detailed public presentation about the project; and

WHEREAS, it was the further consensus of the meeting attendees that the appropriate height of the sea proposed seawall should be 17 feet NAVD88, with a width of eight feet and a length of approximately 400 feet; and

WHEREAS, representatives of the Army Corps of Engineers appeared at the June 4, 2018, meeting of the Cape May City Council to present the plan to the public and to entertain and answer public questions and comments about the project; and

WHEREAS, having reviewed the matter, and having heard and considered the presentation of the Army Corps of Engineers and comments of the public, the members of the Cape May City Council believe that implementation of the Corps of Engineers' seawall proposal is in the best interest of the City of Cape May.

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 City Council hereby endorses continuing consideration of the proposed seawall at the corner of Wilmington and Beach Avenues, and specifically endorses a height of 17 feet NAVD88 for the 400-foot length of the proposed seawall.
3. The City Council will consider and take all steps necessary to obtain state sponsorship of the proposed seawall project.
4. This Resolution shall take effect immediately upon passage, 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 July 17, 2018.

Patricia Harbora, City Clerk

Roll Call	Ayes	Nays	Absent	Abstain
Pessagno				
Meier				
Hendricks				
Furlin				
Lear				

Cc: Engineer
Project File

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

RESOLUTION NO. 179-07-2018

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

MOTION:

SECOND:

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

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

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Cape May, hereby requests the Director of the Division of Local Government Services to approve the insertion of the following items of revenue in the budget of the Year 2018, which are now available as a revenue and will be hereby appropriated as detailed below:

Revenue Title: State of New Jersey – DEP Clean Communities Program
Appropriation Title: Current Fund NJDEP 2018 Clean Communities OE
Amount: \$18,135.15

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 July 17, 2018.

Patricia Harbora, City Clerk

Roll Call	Ayes	Nays	Absent	Abstain
Pessagno				
Meier				
Hendricks				
Furlin				
Lear				

cc: CFO