

**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 All ordinances inconsistent with this Ordinance are hereby repealed.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 323-2017 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 5, 2017, 1:00 P.M. at which time a Public Hearing will be held.

Roll Call	Ayes	Nays	Absent	Abstain
Furlin				
Hendricks				
Meier				
Pessagno				
Lear				

Introduced: June 05, 2017  
First Publication: June 07, 2017  
2<sup>nd</sup> Reading & Adoption: July 05, 2017  
Final Publication: July 12, 2017  
Effective Date: August 01, 2017

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

**RESOLUTION NO. 162-07-2017**

**CONTRACT TO RENEW THE CITY OF CAPE MAY MEMBERSHIP WITH THE  
ATLANTIC COUNTY MUNICIPAL JOINT INSURANCE FUND**

**MOTION:**

**SECOND:**

**WHEREAS**, the Atlantic County Municipal Joint Insurance Fund (hereinafter the "FUND") is a duly chartered Municipal Joint Insurance Fund as authorized by NJSA 40A:10-36 et seq.; and

**WHEREAS**, the MUNICIPALITY is currently a member of said FUND; and

**WHEREAS**, effective January 1, 2018, said membership in the FUND will expire unless earlier renewed; and

**WHEREAS**, the Governing Body of the MUNICIPALITY has authorized the entry into this Contract to renew said membership through the adoption of a Resolution 162-07-2017 which details the reasons for renewing said membership with the FUND; and

**WHEREAS**, the FUND has agreed to offer renewal of membership of the MUNICIPALITY in the FUND.

**NOW, THEREFORE**, it is hereby contracted and agreed between the FUND and the MUNICIPALITY as follows:

1. The MUNICIPALITY hereby renews its membership in the FUND for a three (3) year term commencing on January 1, 2018 and ending on January 1, 2021 as authorized by Resolution 162-07-2017
2. The MUNICIPALITY hereby ratifies and reaffirms the Indemnity and Trust Agreement, the By-Laws and other organizational and operating documents of the FUND as are from time to time amended and altered by the FUND and/or the Department of Banking and Insurance in accordance with the applicable statutes and administrative regulations as if each and every one of said documents were re-executed contemporaneously herewith.
3. The MUNICIPALITY shall be a participating member of the FUND for the three (3) year term of this Contract, and the MUNICIPALITY shall comply with all of the rules and regulations and obligations associated with said membership.
4. In consideration of the continuing membership of MUNICIPALITY in the FUND, the FUND has agreed to the continuing membership of the MUNICIPALITY

subject to the continuing approval of the Commissioner of Banking and Insurance, to accept the renewal application of the MUNICIPALITY.

This Contract was executed on this 5<sup>th</sup> day of July, 2017 as the lawful and binding act and deed of the MUNICIPALITY and the FUND, and the execution of this Contract has been duly authorized by Resolution 162-07-2017 of the governing body of the MUNICIPALITY.

CITY OF CAPE MAY

Attest: \_\_\_\_\_  
PATRICIA HARBORA, CITY CLERK

\_\_\_\_\_  
CLARENCE F. LEAR III, MAYOR

FUND

Attest: \_\_\_\_\_  
SECRETARY

\_\_\_\_\_  
CHAIRPERSON

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 July 5, 2017.

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

Roll Call	Ayes	Nays	Absent	Abstain
Furlin				
Hendricks				
Meier				
Pessagno				
Lear				

cc: Chief Financial Officer  
Construction/Planning/Zoning Board

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

**RESOLUTION NO. 163-07-2017**

**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.
- X   (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 -- Fire Department & Police Lieutenants
- \_\_\_\_\_ (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.

\_\_\_\_\_ (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

\_\_\_\_\_ (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 July 5, 2017, that an Executive Session closed to the public shall be held on this date beginning at 1:00 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 July 5, 2017.

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

Roll Call	Ayes	Nays	Absent	Abstain
Furlin				
Hendricks				
Meier				
Pessagno				
Lcar				

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

**RESOLUTION NO. 164-07-2017**

**RESOLUTION AUTHORIZING RELEASE OF PERFORMANCE GUARANTEE AND  
ESTABLISHMENT OF MAINTENANCE GUARANTEE FOR CCK EQUITIES, LLC  
“WEST END GARAGE & BAKERY” 482 & 484 WEST PERRY STREET  
BLOCK 1032, LOTS 8, 9, 13.02 & 14**

**MOTION:**

**SECOND:**

**WHEREAS**, CCK Equities, LLC. posted a Performance Guarantee with the City of Cape May (the “City”) in the amount of \$17,520.00 (the “Performance Guarantee”) for Block 1032, Lots 8, 9, 13.02 & 14, more commonly known as “West End Garage & Bakery” 482 & 484 West Perry Street; and

**WHEREAS**, Section 417-6I(1) of the General Ordinances of the City of Cape May provides for the furnishing of a performance guarantee in favor of the City in the amount equal to 120% of the cost of installation of the improvements; and

**WHEREAS**, the City Engineer has completed an inspection of the project and has recommended a release of the performance guarantee in the amount of \$17,520.00 and the furnishing of a maintenance guarantee in the amount of \$2,628.00; and

**WHEREAS**, the applicant seeks to reduce the amount of the original performance guarantee to the above-mentioned maintenance guarantee amount.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Cape May, the governing body thereof, that the Performance Guarantee for the above-mentioned property in the amount of 14,892.00 be released and a Maintenance Guarantee in the amount of \$2,628.00 be retained for a period not to exceed two years, be and is hereby approved.

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 July 5, 2017.

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

Roll Call	Ayes	Nays	Absent	Abstain
Furlin				
Hendricks				
Meier				
Pessagno				
Lear				

cc: Chief Financial Officer  
Planning/Zoning Board Assistant

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

**RESOLUTION NO. 166-07-2017**

**AWARD OF CONTRACT FOR THE SUPPLY OF  
ELECTRICAL MAINTENANCE SERVICE AND SUPPLIES**

**MOTION:**

**SECOND:**

**WHEREAS**, sealed bids were received on June 27, 2017, with proper advertisement for the supply of Electrical Maintenance Service and Supplies; and

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

Buck's Electrical Service, Inc.  
100 E. 7<sup>th</sup> Ave.  
North Wildwood, NJ 08204

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

**BE IT FURTHER RESOLVED** that the proper City Officials are authorized and directed to take steps necessary to execute the documents for the aforementioned services.

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

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Patricia Harbora, City Clerk

Roll Call	Ayes	Nays	Absent	Abstain
Furlin				
Pessagno				
Hendricks				
Meier				
Lear				

cc: CFO  
Purchasing Agent  
Public Works Department



CITY OF CAPE MAY

RESOLUTION NO. 167-07-2017

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 30, 2017 for the amount of: \$812,635.38

Current Fund Appropriations	\$ 412,918.98
Water/Sewer Utility Operating Fund	\$ 69,388.46
Tourism Utility Fund	\$ 29,643.13
General Capital Improvements	\$ 251,829.29
Water/Sewer Capital Improvements	\$ 11,856.00
Escrow Special Account	\$ 720.00
Trust Fund	\$ -
Grant Fund	\$ 500.00
Beach Utility Fund Appropriations	\$ 34,987.52
Beach Utility Capital Improvements	\$ 792.00
	<u>\$ 812,635.38</u>



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 July 05, 2017.

Patricia Harbora, City Clerk