

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

ORDINANCE NO. 359-2018

**AN ORDINANCE AMENDING THE CITY OF CAPE MAY'S
AFFORDABLE HOUSING ORDINANCE IN COMPLIANCE WITH
THE CITY'S COAH SETTLEMENT**

MOTION:

SECOND:

WHEREAS, as do all New Jersey municipalities, the City of Cape May has a state constitutional obligation to provide, through its land use ordinances, an opportunity for its "fair share" of affordable, low- and moderate-income housing, as set forth in the state Supreme Court's Mount Laurel decisions; and

WHEREAS, to fulfill that obligation, the City of Cape May commenced declaratory judgment litigation, captioned In the Matter of the Application of the City of Cape May, Docket No. CPM-L-307-15, which resulted in a May 16, 2018, Order of Fairness and Compliance, setting forth the steps the City must take to meet its Mt. Laurel obligation; and

WHEREAS, one of those steps requires the City to amend its Affordable Housing Ordinance to provide an appropriate process and standards for the provision of affordable housing in the City; and

WHEREAS, after consulting with its housing planner and housing liaison, as well as with the Fair Share Housing Center, an affordable housing advocate and intervenor in the underlying declaratory judgment litigation, the City has developed an amended Affordable Housing Ordinance that City Council believes satisfies both the requirements of the May 16 Compliance Order and the City's constitutional obligations.

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:

Section 1. Articles V, VI, and VII of Chapter 59 of the Cape May City Municipal Code (Sections 59-40 through 59-81), are hereby **repealed** and replaced with the attached amended sections, which are incorporated into this ordinance as if fully set forth. (Additions to the existing ordinance sections are underlined; deletions are.)

Section 2. Pursuant to N.J.S.A. 40:55D-26 and -62, after introduction this Ordinance shall be referred to the Cape May Planning board for a consistency review and report thereon to City Council.

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 All other ordinances in conflict or inconsistent with this Ordinance are hereby repealed to the extent of such conflict or inconsistency.

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. This Ordinance shall take effect 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 359-2018 was introduced at a regular meeting of the City Council of the City of Cape May, held on August 7, 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 September 4, 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: August 7, 2018
 First Publication: August 15, 2018
 Second Reading & Adoption: September 4, 2018
 Final Publication: September 12, 2018
 Effective Date: October 2, 2018

RESOLUTION NO. 08-28-2018: 1

**FINDINGS OF FACT AND CONCLUSIONS OF LAW OF THE
CITY OF CAPE MAY PLANNING BOARD**

WHEREAS, the City of Cape May Planning Board at its regular meeting on August 14, 2018 discussed and considered certain changes to the Affordable Housing Ordinance as set forth in Ordinance No. 359-2018 proposed by City Council; and

WHEREAS, the City of Cape May Planning Board did receive an extensive and detailed report from its Planner Craig Hurless regarding each of said proposed changes; and

WHEREAS, the City of Cape Planning Board was tasked pursuant to N.J.S.A 40:55D-26 and 62 to review said changes for consistency with the Affordable Housing Element and Master Plan, and report thereon,

NOW THEREFORE, BE IT RESOLVED, the City of Cape May Planning Board has determined to recommend adoption of said Ordinance and amendments for the reasons and in the form proposed, and with the comments set forth below:

1. The Board accepts and adopts the findings and recommendations of its Board Planner Craig Hurless as set forth on the record, and incorporates his comments by reference.
2. The Board further finds and believes the proposed changes, as set forth in the Ordinance, are consistent with the Affordable Housing Element and the Master Plan, both in its particulars and with regard to its overall objectives, and otherwise fulfills the City's commitments in a certain "settlement" reached before Judge Nelson Johnson, J.S.C on or about April 2, 2018.
3. The Board does however wish to express its concern that Ordinance Section 59-43(D)(2), under the current form of the Ordinance, contemplates affordable housing being built on site among market rate housing in the same development, and requires that the affordable housing be "architecturally similar" and "compatible" with the market rate housing. If the affordable housing may now be "off-site", it may be difficult to determine an appropriate standard by which to judge the comparability of the affordable and market rate housing in the context of geographically and architecturally different neighborhoods or developments. This is a concern and observation, but is not an indication that the amendments as proposed are inconsistent with the Affordable Housing Element or Master Plan

MOVED BY: Councilmember Hendricks

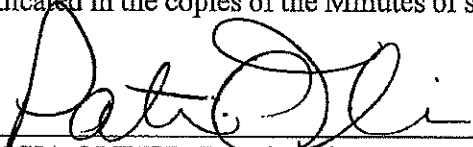
SECONDED BY: Dr. Maslow

THOSE IN FAVOR: Mr. Elwell, Mr. Macchiocchi, Councilmember Hendricks, Mr. Inderwies, Mr. Jones, Mayor Lear, Dr. Maslow, Mr. Shuler, Mr. Bezaire

THOSE OPPOSED: None

THOSE ABSTAINING: None

The foregoing is a true copy of a Resolution adopted by the Cape May City Planning Board at its regular monthly meeting on August 28, 2018 as indicated in the copies of the Minutes of said meeting.



TRACIA OLIVER, Board Assistant

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

ORDINANCE NO. 360-2018

**AN ORDINANCE AUTHORIZING THE PRIVATE SALE OF UNDERSIZED
PROPERTY OWNED BY THE CITY OF CAPE MAY, BLOCK 1104, LOT 49
A/K/A 1015 MARYLAND AVENUE IN CAPE MAY**

MOTION:

SECOND:

WHEREAS, the City of Cape May owns the property located at 1015 Maryland Avenue, Cape May, also known as Block 1104, Lot 49 of the Cape May Tax Map; and

WHEREAS, the subject property is a vacant, undersized lot, 30 feet by 125 feet, assessed at a value of \$90,000; and

WHEREAS, the Cape May City Council has determined that the subject property is not needed for public use and can be sold to a member of the public; and

WHEREAS, the Local Land and Buildings Law, N.J.S.A. 40A:12-13(b)(5) provides that the City may sell the property, at a private auction, to the highest bidder from among the owners of property contiguous to the subject property, for a price not less than the fair market value of that property; and

WHEREAS, having carefully considered the matter, the Cape May City Council has determined that it is in the City's best interest of the City of Cape May to sell the subject property in accordance with the provisions of N.J.S.A. 40A:12-13(b)(5),

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. The City hereby authorizes the sale of 1015 Maryland Avenue, a/k/a Block 1104, Lot 49 on the City Tax Map, by private auction to the highest bidder from among the owners of property contiguous to the subject property
3. The City Manager, with the assistance of the City Clerk and City Tax Assessor, shall determine the time and place of the private auction and shall notify the contiguous property owners at least two weeks before the scheduled auction time.
4. The minimum bid for the property will be \$90,000. As a down payment, the successful bidder will be required to pay a sum equal to 10% of the successful bid at the time of the sale. That amount will be held in escrow pending closing.
5. The City reserves the right to reject all bids.

6. The successful bidder shall be required to execute an Agreement of Sale in the form attached hereto.

7. The sale will be subject to the following conditions:

A. The sale will be "as is." The City makes no representations or warranties as to the quality of title. Buyer shall be solely responsible for obtaining title insurance and clearing any title problems or encroachments.

B. Prior to closing, the City will confirm the sale by Resolution.

C. At closing, the City will provide the successful buyer with a Bargain and Sale Deed with Covenant Against Grantor's Acts. The City Attorney will prepare the Deed. Buyer will pay the sum of \$150 for deed preparation, and will bear all other closing costs.

D. The balance of the sale price will be due at closing, in cash or by certified or bank check.

E. Closing shall take place within 60 days of the private auction.

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

9. 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.

10. 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 360-2018 was introduced at a regular meeting of the City Council of the City of Cape May, held on August 7, 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 September 4, 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: August 7, 2018
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Effective Date: October 2, 2018

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

ORDINANCE NO. 361-2018

AN ORDINANCE OF THE CITY OF CAPE MAY AMENDING THOSE PROVISIONS GOVERNING ANIMALS ON THE PROMENADE, BEACH AND MALL

MOTION:

SECOND:

WHEREAS, Sections 158-9 and 158-10 of the Revised General Ordinances of the City of Cape May govern activities on the Cape May beach, the Cape May Promenade and the Washington Street Mall; and

WHEREAS, based on the recommendations of the Pet Advisory Committee, the Cape May City Council deems it in the best interest of the City to amend these Sections to permit increased use of the beach, Promenade, and Mall by dog owners; and

WHEREAS, the Council further believes it appropriate to make additional amendments to these sections to ensure that they comply with state and federal law, and that they most efficiently and effectively regulate activity on the beach, Promenade and Mall,

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:

Section 1. Sections 158-9 and 158-10 of the Cape May Municipal Code are amended as follows (additions are underlined; deletions are [bracketed]):

§ 158-9. Prohibited acts at Boardwalk, promenade, beaches and environs.

A. Boardwalk, promenade and environs. No person shall, upon any boardwalk, promenade, steps or ramps adjacent thereto:

(1) Operate, drive or park any type of vehicle except emergency vehicles which are authorized by the City Manager, Chief of Police, [or] Superintendent of Public Works, or Beach Supervisor to be used for policing and cleaning.

(2) Start a fire or use any type of portable device used for cooking.

(3) Ride, park or take any bicycle from May 1 to October 31 except between the hours of 4:00 a.m. and 10:00 a.m.

(4) Take, allow, or permit any type of animal with or without a leash except as follows:

(a) Dogs shall be permitted [only] on the Promenade during the months of November, December, January, February, [and] March, and April.

(b) Dogs shall be kept on a leash at all times and be accompanied by their owner or caretaker.

(c) The owner or caretaker shall carry a dog waste disposal device. Any owner or caretaker of a dog who permits such dog to leave animal waste on the Boardwalk, Promenade, beach without disposing of same shall be subject to the penalties as set forth in Section 158-15.

- (5) Use or permit the use of roller devices which are securely connected to safety shoes, commonly called roller skates and in-line skates, from May 1 to October 31 except between the hours of 4:00 a.m. through 10:00 a.m. except for baby carriages and wheelchairs for persons with disabilities, roller devices which are not securely connected to safety shoes are prohibited at all times.
- (6) Park or stand, carry or transport any surfboard on the promenade or boardwalk, except to cross the promenade at such places and during such hours that surfing shall be permitted by the Beach Supervisor of Lifeguards.
- (7) Ignore any whistle, signal or order of any lifeguard or police officer of the City pertaining to the sport of fishing from the asphalt promenade or rock wall adjacent thereto or any jetty or groin.
- (8) Park vehicles, loiter, assemble, band or crowd together or otherwise act so as to interfere with the ingress and egress of others to the beach.
- (9) Engage in any type of rough athletics at any time.
- (10) Hawk or peddle any article, goods, wares or merchandise or place or paint signs, advertisements, notices, symbols or marks upon the boardwalk, asphalt promenade or any of the approaches thereto, except as permitted by the City Manager or where a license is required under the City Code by the City Council.
- (11) Consume or possess alcoholic beverages.

B. Beaches. No person shall, upon any beach, jetty, groin or waters adjacent thereto:

- (1) Throw, place, deposit or leave any bottles, glass, crockery, sharp or pointed articles or things, paper, refuse or debris of any kind on the beaches.
- (2) Permit any [dog or] animal on the beach [from the intersection of the midpoint of Madison Avenue and the Beach to Third Avenue], except that [.] D] dogs shall be permitted on the beach [from the intersection of the midpoint of Madison Avenue to and including Poverty Beach,] upon the following conditions:
 - (a) Dogs shall be permitted only during the months of November, December, January, February, [and] March, and April between 6 a.m. and 10 p.m. During the remainder of the year (May, June, July, August, September and October), dogs shall not be permitted on the beach.
 - (b) Dogs shall be kept on a leash at all times and be accompanied by their owner or caretaker,
 - (c) The owner or caretaker shall carry a dog waste disposal device. Any owner or caretaker of a dog who permits such dog to leave animal waste on the beach without disposing of same shall be subject to the penalties as set forth in § 158-15.
- (3) Consume or possess alcoholic beverages.
- (4) Change apparel, dress or undress, defecate or commit any other nuisance.
- (5) Act in an obscene [,] or indecent [or offensive] manner.
- (6) Make, continue or cause to be made any loud, unnecessary or unusual noise or revel, disport or behave in a noisy and boisterous manner or emit loud cries and other noises also as to inconvenience others, or otherwise disrupt and disturb the public peace and dignity.
- (7) Operate, drive, park or move any vehicle on the beach except for i) those permitted by City concession agreements; ii) emergency vehicles; or iii) those used

for cleaning or policing the beaches with the permission of the City Manager, Chief of Police, Beach Supervisor [Superintendent of Lifeguards] or Superintendent of Public Works.

(8) Start or maintain a fire for any purpose or start or maintain a portable device for cooking.

(9) Hawk or peddle any article, goods, wares, or merchandise, or place or paint any signs, advertisements, notices or symbols on the beach except as permitted by the City Manager or where a license is required under the City Code by the City Council.

(10) Bathe or swim from the beachfront or other designated area except from designated bathing beaches where lifeguards are provided.

(11) Engage in any type of fishing within 500 feet of where people are bathing during normal guarded beach hours except at the following locations:

(a) Along the beaches, groins and jetties east of Baltimore Avenue.

(b) Within an area 100 feet east and west of the Queen Street jetty and on the Queen Street jetty.

(12) Swim or bathe beyond a safe depth in the ocean, as indicated, determined or regulated by the beach patrol or any member thereof. No one shall dive or swim from any jetty, boardwalk or asphalt promenade, or any rock wall adjacent thereto.

(13) Ignore any whistle, signal or order from any lifeguard or police officer of the City pertaining to the use of any lifebelt, water wings, innertube or any floating or inflated object or device of any kind or description in the bathing area adjacent to the beach. No canoe, boat or life raft or any type of motorized boat, raft or canoe shall be used on any beach at any time with the following exceptions:

(a) Kayaks are permitted on unguarded beaches at any time.

(b) On guarded beaches, kayaks are permitted at any time other than between the hours of 9:30 a.m. and 5:30 p.m. during the guarded beach season and at any time during the unguarded season.

(c) A twenty-five-foot kayak launching and landing area to be used for the purpose of accessing water outside of the bathing or surf zone shall be established at a location on the far western end of the City-owned beach by the Beach Supervisor [of Lifeguards] as safety and other circumstances shall require.

(d) Kayak wave surfing is prohibited at all guarded beaches during guarded beach hours.

(e) Anyone operating, using or riding upon a kayak in any water within the control of the City of Cape May shall comply with all state and federal regulations.

(14) Engage in any type of rough athletics at any time.

(15) Climb or enter any of the equipment used by the lifeguards, without the permission of the lifeguards in charge, nor molest, bother or annoy the lifeguards in the performance of their duties.

(16) Hold or engage in any type of beach party on any beach within the City limits, except pursuant to a permit issued in accordance with § 368-4, Park use permits.

(17) Be present on any beach or waters adjacent thereto between the hours of 10:00 p.m. and 6:00 am. daily.

(18) Tamper with any public, quasi-public or private property left on the beach or beachfront, without first obtaining the permission from the owner or person who has lawful control of property, nor destroy, damage, or cause to be damaged any of the equipment or property.

(19) Use a lifebelt, water wings, innertube or any floating or inflated object or device of any kind or description in the bathing area adjacent to the beach, except in areas designated for such purpose by the City Manager.

(20) Ignore any whistle, signal or orders pertaining to conduct on the beaches of the City under the supervision of the Cape May lifeguards.

(21) Tamper with or handle the boats, lifeguard stands or any other equipment which is used by the beach patrol.

(22) Engage in the sport of surfing with surfboards or other similar devices, or use the same on any beach, or waters adjacent thereto, at any time except as permitted by and at locations as are designated by the Beach Superintendent of Lifeguards or his designated representative. The Beach Superintendent of Lifeguards shall designate permitted times and locations for surfing as safety and other circumstances shall require and shall notify the public and the proper City officials of same.

(23) Engage in any commercial, business or promotional activity without a resolution of the City Council specifically authorizing such activity in full compliance with all applicable federal, state and local laws.

§ 158-10. Prohibited acts at Washington Street Mall.

Certain acts are prohibited on the Washington Street Mall within the areas set forth in § 324-1 of Chapter 324, Article I, Washington Street Mall, extending from Ocean to Perry Streets. Specifically, no persons shall:

A. Use any public or quasi-public bench, seat or chair for sleeping or for the storage of baskets, bundles, clothing or other like objects, so as to prevent the reasonable use by others, or stand on the benches, or sit on the back-rest.

B. Operate, drive or park any type of vehicle, except emergency vehicles which are to be used for policing or cleaning as authorized by the City Manager, Chief of Police or Superintendent of Public Works.

C. Ride or take any bicycle or other vehicle on any part of the Mall, park or place any such bicycle or other vehicle on any part of the Mall, except at such locations and on such occasions as may be specifically provided by the City Manager for said purpose.

D. Except for properly documented and licensed service animals, t[T]ake, allow, permit, or cause any type of animal, with or without a leash, on any part of the Mall.

E. Use, take, or permit the use of roller skates, stilts, pogo sticks or other similar devices on the Mall, or engage in any type of rough athletics or ball playing.

F. Hawk or peddle any articles, goods, wares or merchandise on any part of the Mall without a license or permit duly issued in accordance with the City Code.

G. Paint anything upon the concrete surfaces, or start a fire or use any type of portable device used for cooking.

H. Consume or possess alcoholic beverages.

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

Section 3. Should any section, paragraph, sentence, clause or 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 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 361-2018 was introduced at a regular meeting of the City Council of the City of Cape May, held on August 7, 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 September 4, 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: August 7, 2018
 First Publication: August 15, 2018
 Second Reading & Adoption: September 4, 2018
 Final Publication: September 12, 2018
 Effective Date: October 2, 2018

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

ORDINANCE NO. 360-2018

**AN ORDINANCE AUTHORIZING THE PRIVATE SALE OF UNDERSIZED
PROPERTY OWNED BY THE CITY OF CAPE MAY, BLOCK 1104, LOT 49
A/K/A 1015 MARYLAND AVENUE IN CAPE MAY**

MOTION:

SECOND:

WHEREAS, the City of Cape May owns the property located at 1015 Maryland Avenue, Cape May, also known as Block 1104, Lot 49 of the Cape May Tax Map; and

WHEREAS, the subject property is a vacant, undersized lot, 30 feet by 125 feet, assessed at a value of \$90,000; and

WHEREAS, the Cape May City Council has determined that the subject property is not needed for public use and can be sold to a member of the public; and

WHEREAS, the Local Land and Buildings Law, N.J.S.A. 40A:12-13(b)(5) provides that the City may sell the property, at a private auction, to the highest bidder from among the owners of property contiguous to the subject property, for a price not less than the fair market value of that property; and

WHEREAS, having carefully considered the matter, the Cape May City Council has determined that it is in the City's best interest of the City of Cape May to sell the subject property in accordance with the provisions of N.J.S.A. 40A:12-13(b)(5),

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. The City hereby authorizes the sale of 1015 Maryland Avenue, a/k/a Block 1104, Lot 49 on the City Tax Map, by private auction to the highest bidder from among the owners of property contiguous to the subject property
3. The City Manager, with the assistance of the City Clerk and City Tax Assessor, shall determine the time and place of the private auction and shall notify the contiguous property owners at least two weeks before the scheduled auction time.
4. The minimum bid for the property will be \$90,000. As a down payment, the successful bidder will be required to pay a sum equal to 10% of the successful bid at the time of the sale. That amount will be held in escrow pending closing.
5. The City reserves the right to reject all bids.

6. The successful bidder shall be required to execute an Agreement of Sale in the form attached hereto.

7. The sale will be subject to the following conditions:

A. The sale will be "as is." The City makes no representations or warranties as to the quality of title. Buyer shall be solely responsible for obtaining title insurance and clearing any title problems or encroachments.

B. Prior to closing, the City will confirm the sale by Resolution.

C. At closing, the City will provide the successful buyer with a Bargain and Sale Deed with Covenant Against Grantor's Acts. The City Attorney will prepare the Deed. Buyer will pay the sum of \$150 for deed preparation, and will bear all other closing costs.

D. The balance of the sale price will be due at closing, in cash or by certified or bank check.

E. Closing shall take place within 60 days of the private auction.

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

9. 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.

10. 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 360-2018 was introduced at a regular meeting of the City Council of the City of Cape May, held on August 7, 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 September 4, 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				

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

RESOLUTION NO. 203-09-2018

RESOLUTION ACCEPTING A COPS IN SHOPS ENFORCEMENT PROGRAM GRANT FOR THE CITY OF CAPE MAY

MOTION:

SECOND:

WHEREAS, the City of Cape May received notice from the Office of the Attorney General of New Jersey of its eligibility to receive a Cops in Shops Enforcement Grant in the amount of \$3,080.00 for Federal Fiscal Year 2018 in addition to \$880.00 for Critical Date Funding; and

WHEREAS, the purpose of the award is to run undercover operations in liquor establishments to curtail and arrest underage drinkers.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Cape May, County of Cape May, State of New Jersey, that the City Council does hereby accepts the award of \$3,960.00 for running undercover operations in liquor establishments.

BE IT FURTHER RESOLVED, that the Mayor be and hereby is authorized to execute a Grant Agreement with the New Jersey Department of Law and Public Safety, Division of Alcoholic Beverage Control.

- a. Neil Young, City Manager/Chief Financial Officer
- b. Anthony Marino, Chief of Police
- c. Joseph Walker, Detective Sergeant
- d. State of New Jersey Department of Law and Public Safety

And upon execution of said agreement, the City of Cape May does accept the terms and conditions specified in the agreement in connection to this grant award.

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 September 4, 2018.

Patricia Harbora, City Clerk

Roll Call	Ayes	Nays	Absent	Abstain
Pessagno				
Meier				
Hendricks				
Furlin				
Lear				

cc: City Manager/CFO
Police Chief

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

RESOLUTION NO. 204-09-2018

RESOLUTION PROVIDING FOR THE INSERTION OF A SPECIAL ITEM OF REVENUE IN THE BUDGET PURSUANT TO CHAPTER 159 PL 1948 – COPS IN SHOPS COLLEGE SUMMER SHORE INITIATIVE 2018

MOTION:

SECOND:

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

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

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 revenue and will be hereby appropriated as detailed below:

Revenue Title: State of New Jersey – Division of Alcoholic Beverage Control – Cops in Shops College Summer Shore Initiative 2018
Appropriation Title: Current Fund NJ – ABC – Cops in Shops 2018
Amount: \$3,960.00

BE IT FURTHER RESOLVED that the City of Cape May hereby accepts grant number AL-18-45-05-01 for the Cops in Shops College Summer Shore Initiative 2018 for the assignment of officers to Cops in Shops details from May 23, 2018 to September 15, 2018.

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 September 4, 2018.

Patricia Harbora, City Clerk

Roll Call	Ayes	Nays	Absent	Abstain
Pessagno				
Meier				
Hendricks				
Furlin				
Lear				

cc: CFO/Treasurer
Police Chief

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

RESOLUTION NO. 205-09-2018

RESOLUTION APPROVING DONATION OF PERSONAL PROPERTY TO THE ARC

MOTION:

SECOND:

WHEREAS, the City of Cape May has in its possession certain unclaimed personal property including, without limitation, bicycles (the “Unclaimed Property”); and

WHEREAS, the City has attempted to locate the owners of the Unclaimed Property, but has been unable to do so; and

WHEREAS, the City has received a request from the Association for Retarded Citizens (ARC) Thrift Shop of Rio Grande, New Jersey; and during the 2018 year will donate the unclaimed property to the ARC Thrift Shop of Rio Grande, New Jersey; and

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

1. That the Unclaimed Property is hereby declared to be surplus and not needed for public purposes.

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 September 4, 2018.

Patricia Harbora, City Clerk

Roll Call	Ayes	Nays	Absent	Abstain
Pessagno				
Meier				
Hendricks				
Furlin				
Lear				

cc: City CFO/Treasurer
Police Chief
Dept. of Public Works

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

RESOLUTION NO. 206-09-2018

**RESOLUTION APPROVING CHANGE ORDER NO. 1 TO THE AGREEMENT
BETWEEN CHARLES MARANDINO, LLC. AND THE CITY OF CAPE MAY'S
CONTRACT FOR FY2017 NJDCA SMALL CITIES BLOCK GRANT PROGRAM
– E. LYLE LANE**

MOTION:

SECOND:

WHEREAS, the City of Cape May is currently under contract with Charles Marandino, LLC for the FY2017 NJDCA Small Cities Block Grant Program; and

WHEREAS, it is requested by the City to authorize Change Order No. 1 to reflect the following listed below:

1. A change in the trench restoration on Decatur Street due to an unforeseen concrete road below the existing paving.
2. A change in the type of Bollards used.

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

1. The City Mayor is authorized to execute and sign Change Order No. 1 to the contract with Charles Marandino, LLC in the amount of \$13,575.00. The original contract amount of \$244,074.00 is increased to \$257,649.00 for an overall increase of 5.56%.
2. The appropriate city officials are hereby authorized to execute all documents required to affect this modification.
3. A certified copy of this resolution, and the contract modification documents, shall be forwarded to the New Jersey Department of Community Affairs.
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 September 4, 2018.

Patricia Harbora, City Clerk

Roll Call	Ayes	Nays	Absent	Abstain
Pessagno				
Meier				
Hendricks				
Furlin				
Lear				

cc: NJDCA - Certified
Treasurer/CFO
RVE
Charles Marandino, LLC

TREASURER'S CERTIFICATION

The undersigned, Treasurer of the City of Cape May, does here by certify to the Mayor and Council that sufficient funds are appropriated in the _____
To satisfy any and all obligations resulting from the award of the referenced contract and further, that all expenses on account of the aforesaid contract shall be charged to -
_____ and shall be encumbered on same.

Neil Young, City Manager/CFO/Treasurer

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

RESOLUTION NO. 207-09-2018

A RESOLUTION APPROVING A “SPENDING PLAN” FOR AFFORDABLE HOUSING

MOTION:

SECOND:

WHEREAS, by Order dated May 16, 2018, the Superior Court of New Jersey approved a Settlement Agreement between the City of Cape May and the Fair Share Housing Center creating a process whereby the City of Cape May could comply with its state constitutional obligation to provide its “fair share” of affordable housing to low and moderate-income individuals under the Mount Laurel doctrine; and

WHEREAS, one condition of that Agreement was that the City adopt a “Spending Plan,” consistent with N.J.S.A. 52:27D-329.2 and -329.3, the provisions of state law that authorize municipalities to impose, collect and spend development fees from developers for the purpose of constructing low- and moderate-income units; and

WHEREAS, the City has developed such a spending plan, in the form attached hereto, and has secured the Fair Share Housing Center’s approval of that plan; and

WHEREAS, in order to satisfy one condition of the Settlement Agreement, and in the best interest of the City and its residents, the Cape May City Council wishes to formally adopt the attached spending plan,

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 Cape May City Council hereby adopts in its entirety the attached spending plan and directs the appropriate city employees and officials to put it into effect immediately.
3. This Resolution shall take effect immediately, according to law.

I, Patricia Harbora, City Clerk of the City of Cape May, County of Cape May, State of New Jersey, do hereby certify the foregoing is a correct and true original Resolution adopted by the City Council of the City of Cape May at a meeting held on September 4, 2018.

Patricia Harbora, City Clerk

Roll Call	Ayes	Nays	Absent	Abstain
Pessagno				
Meier				
Hendricks				
Furlin				
Lear				

cc: CFO
MHL
City Solicitor

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

RESOLUTION NO. 208-09-2018

**RESOLUTION APPOINTING MEMBERS TO THE HOUSING AUTHORITY OF THE
CITY OF CAPE MAY**

MOTION:

SECOND:

BE IT RESOLVED by the City Council of the City of Cape May, pursuant to New Jersey Statutes Annotated 40A:12A-17, that the following appointments be made:

HOUSING AUTHORITY

<u>Member</u>	<u>Term</u>	<u>Term Expires</u>
Carol Boyd (replacing Frank Acker)	5 years	09/16/2023
Victor Faison (replacing Thomas White)	5 years	09/16/2023
Christopher Traficante (replacing Patricia Swain)	5 years	09/16/2023

This Resolution shall take effect immediately, according to law.

I, Patricia Harbora, City Clerk of the City of Cape May, County of Cape May, State of New Jersey, do hereby certify the foregoing is a correct and true original Resolution adopted by the City Council of the City of Cape May at a meeting held on September 4, 2018.

Patricia Harbora, City Clerk

Roll Call	Ayes	Nays	Absent	Abstain
Pessagno				
Meier				
Hendricks				
Furlin				
Lear				

cc: City Manager/CFO
MHL
City Solicitor
Housing Authority
Members

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

RESOLUTION NO. 209-09-2018

**RESOLUTION AUTHORIZING THE PURCHASE OF A
2018 ELGIN WHIRLWIND STREET SWEEPER
UNDER NJPA CONTRACT NO. 022014-FSC (\$267,560.80)**

MOTION:

SECOND:

BE IT RESOLVED by the City Council of the City of Cape May that authorization is hereby given to purchase from GRANTURK EQUIPMENT CO. INC., a 2018 Elgin Whirlwind Street Sweeper, under NJPA Contract No. 022014-FSC.

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 September 4, 2018.

Patricia Harbora, City Clerk

Roll Call	Ayes	Nays	Absent	Abstain
Pessagno				
Meier				
Hendricks				
Furlin				
Lear				

TREASURER'S CERTIFICATION

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

Neil Young, City Manager/CFO/Treasure

cc: CFO
Finance/QPA
Public Works