

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

ORDINANCE NO. 377- 2019

**AN ORDINANCE AMENDING THE CAPE MAY CITY CODE
WITHRESPECT TO THE APPOINTMENTS
OF THE FIRE AND POLICE CHIEFS**

MOTION:

SECOND:

WHEREAS, Section 46-6(A) of the Cape May Municipal Code currently provides that the City Council shall appoint the Chief of the Fire Department; and

WHEREAS, Section 81-1(A) of the Cape May Municipal Code provides that the City Council shall appoint the Chief of the Police Department; and

WHEREAS, Cape May is organized under the Faulkner Act's Council-Manager form of government, pursuant to N.J.S.A. 40:69A-92 et seq; and

WHEREAS, under the Council-Manager form of government, pursuant to N.J.S.A. 40:69A-95(c), the City Manager is vested with the authority to appoint the heads of all departments in the City, including the chiefs of the fire and police departments; and

WHEREAS, the existing versions of Sections 46-6 and 81-1 of the Municipal Code predate the City's adoption of the Council-Manager form of government, but have never been amended to reflect that change; and

WHEREAS, having reviewed the matter, the City Council of the City of Cape May finds it appropriate to amend Sections 46-6 and 81-1 of the Municipal Code to conform them to the requirements of the Faulkner Act,

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

SECTION 1. Section 46-6(A) of the Cape May Municipal Code is hereby amended as follows (deletions in [brackets]; additions underlined):

Appointment. The Chief shall be appointed by [City Council] the City Manager.

SECTION 2. Section 81-1(A) of the Cape May Municipal Code is hereby amended as follows (deletions in [brackets]; additions underlined):

Established; appointments. There shall be a Police Department in and for the City of Cape May, the head of which shall be the Chief of Police, and which may consist of up to two Lieutenants; up to six Sergeants; up to one Captain; 15 full-time patrolmen; and such number of special police officers as may be required. [With the exception of the Chief of Police who shall be appointed by City Council, all] The Chief of Police shall be appointed by the City Manager.

All other members of the Police Department shall be appointed by the City Manager with due consideration to the recommendations of the Chief of Police.

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 phase 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 become effective 20 days after final passage and publication, according to 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 377-2019 was introduced at a regular meeting of the City Council of the City of Cape May, held on May 7, 2019 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 5, 2019, 4:00 P.M. at which time a Public Hearing will be held.

Patricia Harbora, City Clerk

Roll Call	Ayes	Nays	Absent	Abstain
Hendricks				
Meier				
Mullock				
Sheehan				
Lear				

Introduced: May 7, 2019
First Publication: May 15, 2019
2nd Reading & Adoption: June 5, 2019
Final Publication: June 24, 2019

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

RESOLUTION NO. 135-06-2019

**A RESOLUTION OF THE CITY OF CAPE MAY AUTHORIZING
THE ANNUAL 4TH OF JULY FIREWORKS DISPLAY**

MOTION:

SECOND:

WHEREAS, the City of Cape May (the "City") provides an annual firework display in celebration of the 4th of July for the residents and visitors of the City of Cape May; and

WHEREAS, the City Council of the City of Cape May (City Council) is authorized, pursuant to N.J.S.A. 21:3-3, to grant permission for the purchase, possession and public display of fireworks; and

WHEREAS, City Council desires to continue to provide a firework display in accordance with the applicable laws and regulations.

NOW, THEREFORE, BE IT RESOLVED, the City of Cape May, County of Cape May, State of New Jersey, hereby authorizes a permit to be granted for the **annual 4th of July fireworks display to be held on Thursday, July 4, 2019, with a rain date of Friday, July 5, 2019**, to S. Vitale Pyrotechnic Industries, Inc., dba Pyrotecnico, P.O. Box 149, New Castle, PA 16103 for a fireworks display on a barge off the beachfront of the City of Cape May, in the Atlantic Ocean, pursuant to the provisions of N.J.S.A. 21:3 et seq., and the State Fire Prevention Code for New Jersey, Chapter 31, Section F-3101 et seq. as adopted by N.J.A.C. 5:70-3.1.

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, 2019.

Patricia Harbora, City Clerk

Roll Call	Ayes	Nays	Absent	Abstain
Hendricks				
Meier				
Mullock				
Sheehan				
Lear				

Police Department
Fire Department/EMT
State-DCA
Beach Patrol
Congress Hall
Pyrotecnico

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

RESOLUTION NO. 136-06-2019

RESOLUTION REGARDING VIDEOTAPING OR LIVE-STREAMING ADVISORY COMMITTEE MEETINGS TO PROVIDE TRANSPARENCY

MOTION:

SECOND:

WHEREAS, Cape May's elected officials believe in open and transparent government;
and

WHEREAS, videotaping and live-streaming are efficient and inclusive ways to encourage citizen involvement,

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. The recital paragraphs are incorporated as fully set forth.
2. All advisory committee meetings shall be videotaped or live-streamed and thereafter placed on the city's website for viewing.
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 June 5, 2019.

Patricia Harbora, City Clerk

Roll Call	Ayes	Nays	Absent	Abstain
Hendricks				
Meier				
Mullock				
Sheehan				
Lear				

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

RESOLUTION NO. 138-06-2019

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 – UAW Lifeguard Contracts and GWU Middle Management

_____ (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 June 5, 2019, that an Executive Session closed to the public shall be held on this date beginning at approximately 4:00 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, 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 June 5, 2019.

Patricia Harbora, City Clerk

Roll Call	Ayes	Nays	Absent	Abstain
Hendricks				
Meier				
Mullock				
Sheehan				
Lear				