

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

ORDINANCE NO. 379-2019

**AN ORDINANCE ESTABLISHING A “NO PARKING” ZONE
ON CAKE STREET IN CAPE MAY**

WHEREAS, Chapter 7, Section 13 of the Cape May City Code prohibits parking on certain streets and portions of streets in the City of Cape May; and

WHEREAS, the Cape May City Council, having considered the matter, has determined that the public health, safety and welfare will be best served by prohibiting parking on Cake Street in the City of Cape May; and

WHEREAS, the City Engineer and City Public Works Superintendent have reviewed the parking situation on Cake Street and concur that a parking prohibition is in the best interest of the city, and further have determined that the prohibition, and the signs erected pursuant thereto, are consistent with the standards of the Manual on Uniform Traffic Control Devices for Streets and Highways,

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 7-13 of the Cape May City Code (the “City Code”) entitled “Parking Prohibited at All Times on Certain Streets” is hereby amended to add the following:

NAME OF STREET	SIDES	LOCATION
Cake Street	Both	From the intersection with Washington Street to a point 200 feet south.

2. Appropriate signage, stating “No Parking Anytime,” shall be erected on the street.

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 All ordinances in conflict or inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.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

5. This Ordinance shall take effect within twenty (20) days after 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

This Ordinance was introduced at a regular meeting of the City Council of the City of Cape May, held on August 20, 2019, and was considered for final passage and adopted at a meeting of the City Council held at the Cape May City Hall Auditorium, 643 Washington Street, Cape May, New Jersey, on September 17, 2019.

Patricia Harbora, City Clerk

Roll Call	Aye	Nay	Absent	Abstain
Hendricks				
Meier				
Mullock				
Sheehan				
Lear				

Introduced: August 20, 2019
 First Publication: August 28, 2019
 2nd Reading & Adoption: September 17, 2019
 Final Publication: September 25, 2019

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

ORDINANCE NO. 380-2019

**AN ORDINANCE AMENDING CHAPTER 482 OF THE CAPE MAY
CITY CODE, GOVERNING REMOVAL
AND PRESERVATION OF TREES**

WHEREAS, Chapter 482 of the Cape May Code regulates the care, maintenance and removal of trees and shrubs in the City of Cape May; and

WHEREAS, Section 482-10 of that Chapter governs the preservation of certain trees on private property in the City; and

WHEREAS, the Cape May City Council believes that this Section should be amended to provide additional protection to Cape May's trees, to prohibit certain practices that are harmful to or destructive of Cape May's trees, and to preserve Cape May's status as a "tree-friendly" municipality with a healthy and extensive mature tree canopy,

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:

Section 1. Section 482-10 of the Cape May City Code is amended as follows (additions are underlined; deletions are in [brackets]):

A. Purpose. The intent and purpose of this section is to establish standards for the City for the protection and preservation of certain trees defined herein growing in a natural state within this municipality.

B. Definitions.

ISSUING AUTHORITY — The Cape May City Shade Tree Commission [shall review and approve the issuance of all tree removal permits].

[NATURAL RESOURCE TREE — Any woody perennial plant, having a diameter of eight inches or greater measured at a point four feet above the ground.]

PRESERVATION EASEMENT — Agreement wherein the landowner agrees to take no action which will jeopardize the health of a protected tree and to grant to the City access to maintain such protected tree.

REMOVE OR REMOVAL — The cutting down or other permanent destruction of a tree, regardless of whether the trunk of root system is allowed to remain.

C. Applicability. This section shall apply to the removal of all trees, growing upon any land in the City unless such trees are permitted to be removed under the provisions included in Sections 482-1 through[-] 482-7 above;[,] are trees growing on a property as part of a nursery or

garden center;[,] or are otherwise regulated as part of the City's zoning regulations as set forth in Section 482-10F₂[.] below. Trees blown over and damaged beyond repair as approved by the Shade Tree Commission may be removed immediately without permit.

D. Permit; application; procedure; fee.

(1) No person shall remove or destroy any tree subject to the regulations contained in this section without first obtaining a tree removal permit from the City.

(2) Tree removal permits shall be reviewed and approved by the Issuing Authority and, once approved, issued by the Shade Tree Commission Office to the owner or his authorized contractor and shall contain the name and address of the owner of the lands upon which the tree or trees sought to be removed are located, and the type, size and location of tree or trees sought to be removed.

(3) The applicant shall file an application for a tree removal permit on forms made available in the Shade Tree Commission Office. At the time of filing the application, the applicant shall pay a fee of \$75 [25.] for each tree to be removed[, but not more than \$100. per application]. Fee is reimbursable if the tree is not removed[remains].

(4) The tree removal permit shall be valid for one year from the date of issuance. If, at the end of the term, the Issuing Authority is satisfied that the standards set by this section have been met and that no violations of this section have taken place, the permit shall be renewed, subject to any conditions as defined in Subsection E. below[of this Section 482-10].

E. Conditions and standards for grant or denial of permit. The Issuing Authority shall grant or deny such permit with reference to the standards contained in this subsection. In applying such standards, the Issuing Authority may condition the grant of the permit upon such reasonable conditions as may be deemed necessary to effectuate the purpose of this section.

(1) The Issuing Authority shall be satisfied that the removal of any particular tree that[which] is unique in age, size or type is required for the effective utilization of the lands in question.

(2) The Issuing Authority shall be satisfied that the proposed removal of trees [proposed] shall not impair the growth and development of the remaining trees on the lands where the proposed tree or trees are located [situate], as well as on other adjacent lands therefrom.

(3) The Issuing Authority shall be satisfied that adequate precautions shall be taken with respect to the removal of the tree or trees, that other trees will not be damaged by mechanical removal, that the roots of remaining trees will not be cut. If the Issuing Authority so determines, the root system of existing, remaining trees shall be protected by installation of a mesh barrier around those trees at one foot per inch of tree diameter. Wood may be cut to fireplace size and stacked at an appropriate location for owner's use.

F. Development, subdivision and site plan approval. The removal of trees as part of any development which is governed by the zoning and development regulations contained in Chapters 417, 445 and 525 shall not require a tree removal permit. Said removal shall conform

instead to the requirements of such regulations, and it shall be inferred that any tree removed from a property in conformance with the provisions of such regulations shall be permitted by this section.

G. No construction equipment, storage of building supplies, or compacting of soil shall be permitted in connection with the removal of any tree or trees.

H. Right to hearing. Any person aggrieved by a decision of the Issuing Authority shall be afforded a hearing with respect thereto before the City Manager and a representative of the shade Tree Commission, if a written request is filed within ten (10) days from the action of the Issuing Authority.

I[H]. Trees of special value.

(1) The City Council may designate, by ordinance, a certain tree or a certain species of tree as being of special value based on size, rarity or historical importance.

(2) Notwithstanding Subsection F. of this Section 482-10, if any tree or species of tree designated under this section is located on a site being considered for subdivision approval, the Planning Board may, as a condition of final approval, require the developer to grant a preservation easement to the City of Cape May.

(3) If any tree or species of tree designated under this section is located on private property not seeking subdivision approval, the City may acquire a preservation easement by gift or purchase.

(4) It shall be a violation of this section, punishable under Subsection I. of this Section 482-10, for any person, corporation or entity to remove a tree in order to avoid the provisions of this section.

J[I]. Violations and penalties.

(1) Any person, corporation or entity violating any provision of this section shall be punished as provided in Section 482-9A. of this chapter.

(2) The Code Enforcement Officer shall be responsible for enforcing of this chapter.

(3) Nothing herein shall be deemed to limit the remedies available to the City of Cape May or other person seeking to compel enforcement of this section, and the remedies of compelling replacement of a tree or trees by paying money damages shall be considered cumulative.

(4) Should the City choose reimbursement as a penalty for the violation of this Section, the rate of reimbursement shall be \$27.00 per basal inch of the tree, in accordance with the state-sanctioned reimbursement value. Should the state modify or amend that value, the reimbursement value to the City shall reflect that modification or amendment.

Section 2 Repealer.

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

Section 3. Severability.

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 4. Effective Date.

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 380-2019 was introduced at a regular meeting of the City Council of the City of Cape May, held on September 17, 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 October 15, 2019, 6:00 P.M. at which time a Public Hearing will be held.

Roll Call	Ayes	Nays	Absent	Abstain
Hendricks				
Meier				
Mullock				
Sheehan				
Lear				

Introduction: September 17, 2019
 First Publication: September 25, 2019
 Second Reading & Adoption: October 15, 2019
 Final Publication: October 23, 2019
 Effective Date: November 12, 2019

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

RESOLUTION NO. 192-9-2019

**A RESOLUTION AUTHORIZING THE RETENTION OF PAUL J. BALDINI,
ESQUIRE, AS CONFLICT SOLICITOR FOR THE CITY OF CAPE MAY**

MOTION:

SECOND:

WHEREAS, the City of Cape May anticipates that a legal issue may arise regarding the operation by the Mid-Atlantic Center for the Arts and Humanities of its restaurant at the Emlen Physick Estate, which MAC leases from the City on a long-term basis under the Local Lands and Buildings Law, N.J.S.A. 40A:12-1 et seq.; and

WHEREAS, because of a conflict of interest, no member of the firm Barry, Corrado, Grassi & Gillin-Schwartz, P.C., may advise the City in the negotiation of any shared-service agreement with the Borough of West Cape May; and

WHEREAS, the City therefore must appoint a conflict counsel to provide it with legal advice pertaining to this matter; and

WHEREAS, Paul J. Baldini, Esquire, of Sea Isle City, is an experienced municipal solicitor with expertise in municipal contracts; and

WHEREAS, the City Council has considered the matter and believes that Paul J. Baldini, Esquire, should be appointed as special conflict counsel for this matter

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

1. The averments of the preamble are incorporated by reference.
2. Paul J. Baldini, Esquire, of Wildwood, New Jersey, is hereby appointed special conflict solicitor for the City of Cape May, exclusively with respect to issues involving the lease of the Emlen Physick Estate by the City to the Mid-Atlantic Center for the Arts and Humanities.
3. Mr. Baldini shall be reimbursed at an hourly rate of \$225, which is the current hourly rate for the City Solicitor.
4. On behalf of the City, the mayor and clerk are authorized to enter into a contract with Mr. Baldini for his services in this matter, on the terms described above.
5. 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 17, 2019.

Patricia Harbora, City Clerk

Roll Call	Ayes	Nays	Absent	Abstain
Hendricks				
Meier				
Mullock				
Sheehan				
Lear				

cc: Paul J. Baldini, Esq
City Manager

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

RESOLUTION NO. 193-09-2019

**RESOLUTION AWARDING A CONTRACT FOR THE
CAPE MAY CONVENTION HALL ANNEX RENOVATIONS**

MOTION:

SECOND:

WHEREAS, on June 26, 2019, pursuant to the Local Public Contracts Law, the City of Cape May advertised for bids for proposed exterior improvements for the Cape May Convention Center Annex, 704 Beach Avenue, Cape May, NJ; and

WHEREAS, on July 31, 2019, the City received sealed bids in compliance with the contract specification; and

WHEREAS, city officials have reviewed those bids and the supporting documentation, and have determined that the lowest responsible bidder is Straga Brothers, Inc., 322 E. High Street, P.O. Box 216, Glassboro, NJ 08028, which submitted a bid in the amount of \$195,550.00; and

WHEREAS, based on that determination, the Cape May City Council has determined that it is in the best interest of the City of Cape May to award the Convention Hall Annex Renovation contract to Straga Brothers, Inc.,

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. Straga Brothers, Inc., of Glassboro, NJ, is hereby determined to be the lowest responsible bidder for this contract.
3. The contract for proposed exterior improvements for the Cape May Convention Center Annex is hereby awarded to Straga Brothers, Inc., in accordance with the terms and conditions of the contract specifications and the terms and conditions of the bid submitted by Straga Brothers, Inc., for the contract, both of which are incorporated herein.
4. The amount of the contract, as specified in Straga Brothers' successful bid, shall be \$195,550.00.
5. The mayor and other appropriate City officials are authorized to execute a contract with Straga Brothers in the form attached as Exhibit A to this Resolution.
6. The proper City Officials are further authorized and directed to take all other steps necessary to effectuate this contract award.
7. 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 17, 2019.

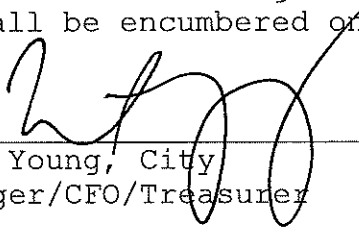
Patricia Harbora, City Clerk

Roll Call	Ayes	Nays	Absent	Abstain
Hendricks				
Meier				
Mullock				
Sheehan				
Lear				

cc: CFO
Purchasing Agent
Public Works Department

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 The Grant 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 6-02-40-644-201 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. 194-09-2019

RESOLUTION AUTHORIZING THE CITY CLERK TO ISSUE BINGO AND RAFFLE LICENSES THROUGHOUT THE YEAR TO A QUALIFIED ORGANIZATION

MOTION:

SECOND:

WHEREAS, the City Clerk receives applications throughout the year from various organizations to conduct bingo and/or raffle games within Cape May City; and

WHEREAS, the below listed applicant has obtained their State Registration from N.J. Legalized Games of Chance Control Commission; and

WHEREAS, there appears to be no reason to deny said license for 2019, providing all paperwork is completed and required fees have been paid.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Cape May, the Governing body thereof, that the City Clerk is authorized to issue a bingo/raffle license for 2019 to the following organization as applicable throughout the year:

**Cape May County Bar Foundation, Inc.
Cape May Court House, NJ 08210**

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 17, 2019.

Patricia Harbora, City Clerk

Roll Call	Ayes	Nays	Absent	Abstain
Hendricks				
Meier				
Mullock				
Sheehan				
Lear				

cc: LGCCC
File

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

RESOLUTION 195-9-2019

**RESOLUTION REQUIRING ADVISORY COMMITTEE MEETINGS TO SATISFY
OPEN PUBLIC MEETINGS ACT REQUIREMENTS.**

MOTION:

SECOND:

WHEREAS, pursuant to the Faulkner Act, the Cape May City Council has established certain Advisory Committees to inquire into to matters relating to the City's welfare, and to advise City Council about those matters; and

WHEREAS, Advisory Committees discuss issues of importance to the public; and

WHEREAS, the City of Cape May strives to provide transparency and openness in its public meetings; and

WHEREAS, it is in the interest of good government to keep Council and the public fully informed on the discussions and recommendations by all committees; and

WHEREAS, although the Open Public Meetings Act (also known as the Sunshine Law) does not require that Advisory Committee meetings comply with its provisions; the Cape May City Council nevertheless believes that principles of openness and governmental transparency are best served if Advisory Committee meetings comply with the OPMA's requirements,

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. All meetings of City Advisory Committees shall comply with the requirements of the New Jersey Open Public Meetings Act.
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 17, 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. 196-09-2019

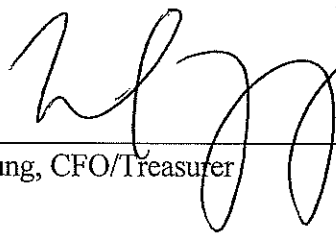
RESOLUTION FOR THE PAYMENT OF BILLS

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 September 11, 2019 for the amount of: \$1,401,322.62

Current Fund Appropriations	\$ 1,194,654.61
Water/Sewer Utility Operating Fund Appropriations	\$ 72,550.78
Tourism Utility Fund	\$ 15,073.30
General Capital Improvements	\$ 56,626.82
Water/Sewer Capital Improvements	\$ 5,000.00
Escrow Special Account	\$ 782.80
Trust Fund	\$ 38,737.80
Grant Fund	\$ 49.63
Beach Utility Fund Appropriations	\$ 15,487.39
Beach Utility Capital Improvements	\$ 2,359.49
	<u>\$ 1,401,322.62</u>



Neil Young, CFO/Treasurer

Roll Call	Ayes	Nays	Absent	Abstain
Hendricks				
Meier				
Mullock				
Sheehan				
Lear				

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 17, 2019.

Patricia Harbora, City Clerk