

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

**ORDINANCE NO. 553-2025**

**BOND ORDINANCE PROVIDING FOR VARIOUS IMPROVEMENTS TO CITY-  
OWNED BUILDINGS AND GROUNDS, BY AND IN THE CITY OF CAPE MAY, IN THE  
COUNTY OF CAPE MAY, STATE OF NEW JERSEY; APPROPRIATING \$2,200,000  
THEREFOR AND AUTHORIZING THE ISSUANCE OF \$2,095,238 BONDS OR NOTES  
OF THE CITY TO FINANCE PART OF THE COST THEREOF**

**WHEREAS**, the City of Cape May, County of Cape May, New Jersey (the "City") owns Block 1110, Lot 14 on the Official Tax Map of the City, commonly known as 1048 Washington Street and the Emlen Physick Estate (the "Property"), and leases said Property to the Mid-Atlantic Center for the Arts (the "MAC"), a multi-faceted, not-for-profit organization committed to promoting the preservation, interpretation and cultural enrichment of the Cape May region for its residents and visitors; and

**WHEREAS**, MAC was awarded several State and local grants for various capital improvements to the Property, all of which will promote and advance public access to and enjoyment of historical structures thereon; and

**WHEREAS**, certain of the grants require a monetary match from MAC (the "Local Match") to fund the entirety of the improvements set forth in Section 3 below; and

**WHEREAS**, MAC has requested and the City has agreed to fund the Local Match with proceeds of a bond and/or note issued by the City in accordance with the Local Bond Law, N.J.S.A. 40A:2-1 et seq. (the "Local Bond Law"), the repayment of which will occur pursuant to terms set forth in a loan agreement to be entered into by and between the City and MAC prior to the issuance of said bonds and/or notes.

**BE IT ORDAINED AND ENACTED BY THE CITY COUNCIL OF THE CITY OF CAPE MAY,  
IN THE COUNTY OF CAPE MAY, STATE OF NEW JERSEY** (not less than two-thirds of all the members  
thereof affirmatively concurring), **AS FOLLOWS:**

**SECTION 1.** The improvements or purposes described in Section 3 of this bond ordinance are hereby authorized as general improvements or purposes to be undertaken by the City. For the said improvements or purposes stated in Section 3, there is hereby appropriated the aggregate sum of \$2,200,000, said sum being inclusive of the sum of \$104,762 as the aggregate amount of down payments for said improvements or purposes required by the Local Bond Law. The down payments are now available by virtue of a provision or provisions in a previously adopted budget or budgets of the City for down payment or for capital improvement purposes.

**SECTION 2.** For the financing of said improvements or purposes described in Section 3 hereof and to meet the part of said \$2,200,000 appropriation not provided for by application hereunder of said down payments, negotiable bonds of the City are hereby authorized to be issued in the aggregate principal amount of \$2,095,238 pursuant to the Local Bond Law. In anticipation of the issuance of said bonds and to temporarily finance said improvements or purposes, negotiable notes

of the City in an aggregate principal amount not exceeding \$2,095,238 are hereby authorized to be issued pursuant to and within the limitations prescribed by said Local Bond Law.

**SECTION 3.** (a) The improvements hereby authorized and purposes for the financing of which said obligations are to be issued include various improvements to City-owned buildings and grounds located at Block 1110, Lot 14 on the Official Tax Map of the City, commonly known as 1048 Washington Street and the Emlen Physick Estate (the "Property"), including, but not limited to, installation of heating, ventilation and air conditioning systems and fire suppression systems, electrical rewiring and repairs and improvements to outbuildings and grounds.

(b) The above improvements or purposes set forth in Section 3(a) shall include, as applicable, all engineering, architectural or design work, construction planning, preparation of plans and specifications, permits, bid documents, inspection and contract administration; and all work, materials, equipment, labor and appurtenances necessary therefor or incidental thereto.

(c) The aggregate estimated maximum amount of bonds or notes to be issued for said purposes is \$2,095,238.

(d) The aggregate estimated cost of said purposes is \$2,200,000, the excess amount thereof over the said estimated maximum amount of bonds or notes to be issued therefor being the aggregate amount of \$104,762, and the Chief Financial Officer may reappropriate the amounts among the improvements or purposes set forth in Section 3(a).

**SECTION 4.** In the event the United States of America, the State of New Jersey, the County of Cape May and/or a private entity make a contribution or grant in aid to the City for the improvements and purposes authorized hereby and the same shall be received by the City prior to the issuance of the bonds or notes authorized in Section 2 hereof, then the amount of such bonds or notes to be issued shall be reduced by the amount so received from the United States of America, the State of New Jersey, the County of Cape May and/or a private entity. In the event, however, that any amount so contributed or granted by the United States of America, the State of New Jersey, the County of Cape May and/or a private entity shall be received by the City after the issuance of the bonds or notes authorized in Section 2 hereof, then such funds shall be applied to the payment of the bonds or notes so issued and shall be used for no other purpose.

**SECTION 5.** All bond anticipation notes issued hereunder shall mature at such times as may be determined by the Chief Financial Officer of the City (the "Chief Financial Officer"), provided that no note shall mature later than one (1) year from its date unless such bond anticipation notes are permitted to mature at such later date in accordance with applicable law. The notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer shall determine all matters in connection with the notes issued pursuant to this bond ordinance, and the signature of the Chief Financial Officer upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time in accordance with the provisions of N.J.S.A. 40A:2-8(a). The Chief Financial Officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchaser thereof upon receipt of payment of the purchase price and accrued interest thereon from their dates to the date of delivery thereof. The Chief Financial Officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this bond ordinance is made. Such report must include the principal amount, the description, the interest rate and the maturity schedule of the notes so sold, the price obtained and the name of the purchaser.

**SECTION 6.** The capital budget of the City is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith and a resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital programs as approved by the Director of the Division of Local Government Services, New Jersey Department of Community Affairs, is on file in the Office of the City Clerk and is available for public inspection.

**SECTION 7.** The following additional matters are hereby determined, declared, recited and stated:

(a) The improvements or purposes described in Section 3 of this bond ordinance are not current expenses and are improvements or purposes which the City may lawfully undertake as general improvements or purposes, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The average period of usefulness of said improvements or purposes within the limitations of said Local Bond Law, according to the reasonable life thereof computed from the date of the said bonds authorized by this bond ordinance, is 20.00 years.

(c) The supplemental debt statement required by the Local Bond Law has been duly made and filed in the Office of the City Clerk and a complete executed duplicate thereof has been filed in the Office of the Director of the Division of Local Government Services, New Jersey Department of Community Affairs, and such statement shows that the gross debt of the City as defined in the Local Bond Law is increased by the authorization of the bonds or notes provided for in this bond ordinance by \$2,095,238 and the said obligations authorized by this bond ordinance will be within all debt limitations prescribed by said Local Bond Law.

(d) An aggregate amount not exceeding \$450,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the improvements or purposes herein before described.

**SECTION 8.** The full faith and credit of the City are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the City, and the City shall be obligated to levy *ad valorem* taxes upon all the taxable property within the City for the payment of the obligations and the interest thereon without limitation as to rate or amount.

**SECTION 9.** The City hereby declares the intent of the City to issue the bonds or bond anticipation notes in the amount authorized in Section 2 of this bond ordinance and to use proceeds to pay or reimburse expenditures for the costs of the purposes described in Section 3 of this bond ordinance. This Section 9 is a declaration of intent within the meaning and for purposes of Treasury Regulations §1.150-2 or any successor provisions of federal income tax law.

**SECTION 10.** The City Chief Financial Officer is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the City and to execute such disclosure document on behalf of the City. The City Chief Financial Officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the City pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the "Rule") for the benefit of holders and beneficial owners of obligations of the City and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and

continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the City fails to comply with its undertaking, the City shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

**SECTION 11.** The City covenants to maintain the exclusion from gross income under section 103(a) of the Code, of the interest on all bonds and notes issued under this bond ordinance.

**SECTION 12.** This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption and approval by the Mayor, as provided by the Local Bond Law.

ATTEST:



Erin C. Burke, City Clerk

CITY OF CAPE MAY, a municipal corporation of  
the State of New Jersey

BY: 

Zachary M. Mullock, Mayor

#### NOTICE

Ordinance 552-2025 was introduced at a Regular meeting of the City Council of the City of Cape May, held on February 19, 2025 and was further considered for final passage during a Regular meeting of the City Council, held at the Cape May City Hall Auditorium, 643 Washington Street, Cape May, New Jersey, on March 18, 2025 at 5:00 P.M. at which time a Public Hearing was held.



Erin C. Burke, City Clerk

Roll Call	Ayes	Nays	Absent	Abstain	Motion	Second
Meier	X					
McDade	X				X	
Bodnar	X					
Baldwin	X					X
Mullock	X					

Introduced: February 19, 2025  
1<sup>st</sup> Publication: February 26, 2025  
2<sup>nd</sup> Reading & Adoption: March 18, 2025  
Final Publication: March 26, 2025  
Effective Date: April 15, 2025