

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

**ORDINANCE NO. 362-2018**

**AN ORDINANCE OF THE CITY OF CAPE MAY GOVERNING THE DISPLAY OF  
“OPEN” BANNERS IN THE BUSINESS IMPROVEMENT DISTRICT**

**MOTION:**

**SECOND:**

**WHEREAS**, Chapter 505 of the Revised General Ordinances of the City of Cape May establishes a Business Improvement District on the Washington Street Mall, as authorized by N.J.S.A. 40:56-65 et seq.; and

**WHEREAS**, many of the commercial establishments within the BID remain open on a year-round basis, and wish to make that fact known to residents and visitors to the City during the off-season; and

**WHEREAS**, the Cape May City Council therefore believes it appropriate to permit commercial establishments within the BID to display “OPEN” signs, uniform in appearance and character, at their locations during the off-season; and

**WHEREAS**, the regulation of signage in the City of Cape May, including on the BID, is governed by Section 525-48 of the Cape May City Zoning Code,

**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 525-48(H)(2)(e) of the Cape May Municipal Code is amended as follows (additions are underlined; deletions are [bracketed]):

(e) Banners shall comply with all of the following conditions:

[1] Only one banner will be allowed on the property at any time.

[2] The maximum total area of the banner shall be 12 feet.

[3] The banner shall be professionally prepared, and the name, address and phone number of the person or entity preparing the banner shall be provided to the Zoning Officer with the permit application.

[4] The use related to the banner is a permitted use.

[5] The banner will be allowed for a maximum of 14 consecutive days at any one time, and for not more than two times in any calendar year.

[6] A permit from the Zoning Officer shall be required for each time that the banner is used; however, no fee will be required. The application for the permit shall specify the exact dates on which the banner will be used.

[7] Notwithstanding any other provision of this Section, commercial establishments in the Business Improvement District, as delineated in Chapter 505 of the Cape May City Code, shall be permitted to display one red, white and blue "OPEN" banner sign, 2 feet by 3 feet in dimension, from November 15 through April 15.

**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.** Upon introduction and before final passage and adoption, this Ordinance shall be referred to the Cape May Planning Board for a consistency review pursuant to N.J.S.A. 40:55D-26.

**Section 5.** 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 362-2018 was introduced at a regular meeting of the City Council of the City of Cape May, held on September 18, 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 November 7, 2018 at 6:00 P.M. at which time a Public Hearing will be held.

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

<b>Roll Call</b>	<b>Ayes</b>	<b>Nays</b>	<b>Absent</b>	<b>Abstain</b>
<b>Pessagno</b>				
<b>Meier</b>				
<b>Hendricks</b>				
<b>Furlin</b>				
<b>Lear</b>				

cc: Zoning Official  
 Planning/Zoning Board Assistant

Introduction: September 18, 2018  
 First Publication: September 26, 2018  
 Second Reading & Adoption: November 7, 2018  
 Final Publication: November 14, 2018  
 Effective Date: November 27, 2018

**RESOLUTION NO. 10-23-2018: 2**

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

**WHEREAS**, the City of Cape May City Council is contemplating an Ordinance No. 362-2018 captioned "An Ordinance of the City of Cape May governing displays of "open" banners in the Business Improvement District".

**WHEREAS**, said Ordinance has been referred to the Planning Board for issuance of a report pursuant to N.J.S.A. 40:55d-64 and N.J.S.A. 40:55d-26A, and the Planning Board having reviewed said Ordinance and considered the matter in relation to the Zoning Ordinance and Master Plan,

**NOW THEREFORE**, it is hereby determined by the Planning Board of the City of Cape May, County of Cape May, in the State of New Jersey as follows:

**SECTION ONE**

1. The Planning Board has reviewed the above referenced Ordinance No. 362-2018 and has determined as a matter of fact that the Ordinance is not inconsistent with the Master Plan.
2. The Clerk of the Planning Board may report to the City Council, in the form of this Resolution, that the matter has in fact been reviewed by the Planning Board and no recommended changes are submitted for consideration.

MOVED BY: Mr. Shuler

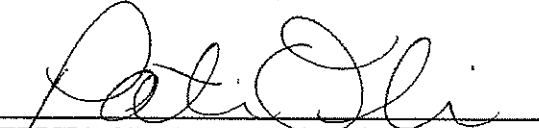
SECONDED BY: Dr. Wolf

THOSE IN FAVOR: Mr. Elwell, Mr. Macchiocchi, Councilmember Hendricks, Mr. Jones, Dr. Maslow, Dr. Wolf, Mr. Martz, 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 October 23, 2018 as indicated in the copies of the Minutes of said meeting.

  
TRICIA OLIVER, Board Assistant

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

**ORDINANCE NO. 363-2018**

**AN ORDINANCE AMENDING CHAPTER 7, SECTION 7-13 OF THE  
CAPE MAY CITY CODE REGARDING “NO PARKING ZONES”**

**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 Cape Hart Lane in the City of Cape May; and

**WHEREAS**, the City Engineer has reviewed the parking situation on Cape Hart Lane and concurs that a parking prohibition is in the best interest of the city, and further has 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:

<b>NAME OF STREET</b>	<b>SIDES</b>	<b>LOCATION</b>
Cape Hart Lane	Both	from Claghorne Place to street end

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

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 provision of this Ordinance are hereby declared to be severable.

4. 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**

Ordinance 363-2018 was introduced at a regular meeting of the City Council of the City of Cape May, held on October 16, 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 November 7, 2018 6:00 P.M. at which time a Public Hearing will be held.

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

<b>Roll Call</b>	<b>Ayes</b>	<b>Nays</b>	<b>Absent</b>	<b>Abstain</b>
<b>Pessagno</b>				
<b>Meier</b>				
<b>Hendricks</b>				
<b>Furlin</b>				
<b>Lear</b>				

Introduced:                    October 16, 2018  
 First Publication:            October 24, 2018  
 2nd Reading & Adoption:    November 7, 2018  
 Final Publication:            November 14, 2018

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

**RESOLUTION NO. 232-11-2018**

**RESOLUTION APPROVING CHANGE ORDER NO. 2 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. 2 - Final to reflect the following listed below:

1. Final as-built quantity adjustments.
2. Additional quantity for "Beach Walkway" item, per the request of the City.

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

1. The Mayor is authorized to execute and sign Change Order No. 2 - Final to the contract with Charles Marandino, LLC in the amount of \$12,278.20. The previous contract amount of \$257,649.00 is increased to \$269,927.20. The overall increase of this contract from the original contract amount is 10.59%, but it shall be noted that the final contract amount is within the FY2017 NJDCA grant amount of \$270,000.00.

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 November 7, 2018.

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Patricia Harbora, City Clerk

<b>Roll Call</b>	<b>Ayes</b>	<b>Nays</b>	<b>Absent</b>	<b>Abstain</b>
<b>Pessagno</b>				
<b>Meier</b>				
<b>Hendricks</b>				
<b>Furlin</b>				
<b>Lear</b>				

cc: RVE  
Treasurer/CFO  
Project File

TREASURER'S CERTIFICATION

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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 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 -  
G-02-41-865-919 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. 233-11-2018**

**RESOLUTION PROCLAIMING NOVEMBER AS  
ADVERSE CHILDHOOD EXPERIENCES AWARENESS MONTH  
IN CAPE MAY COUNTY**

**MOTION:**

**SECOND:**

**WHEREAS**, the Cape Regional Wellness Alliance believes that children are our county's most precious resource; and

**WHEREAS**, according to the 2017 NJ Kids Count report, for the 7<sup>th</sup> year in a row, Cape May County is ranked the highest of all 21 New Jersey counties in unemployment, child out-of-home placements, lowest in overall child wellness, and has the highest rate of reported and substantiated investigations of child abuse and/or neglect; and

**WHEREAS**, Adverse Childhood Experiences (ACEs) is a term to describe all types of abuse (emotional, physical, sexual), neglect (emotional, physical), and other traumatic experiences (mother treated violently, substance abuse, mental illness, separation/divorce, incarcerated household member) that occur to individuals under the age of 18; and

**WHEREAS**, Cape Regional Health System through a grant from the Robert Wood Johnson Foundation/NJ Health Initiatives (NJHI) has formed the Cape Regional Wellness Alliance for the goal of Building a Culture of Health in Cape May County; and

**WHEREAS**, by March 2019 the Cape Regional Wellness Alliance will have developed and implemented strategies to reduce the impact of Adverse Childhood Experiences (ACEs) in the communities of Lower Township, Middle Township, Wildwood and Woodbine; and

**WHEREAS**, 2016 Health rankings indicate Cape May County ranked 15<sup>th</sup> for overall health outcomes, Type II diabetes and obesity, infant and child mortality, as well as adult premature mortality outcomes above state rate with the second highest suicide rate and fourth highest drug abuse deaths; and

**WHEREAS**, neglected and traumatized children face challenges that no child deserves, and damage caused by ACEs often results in young people who develop long lasting harmful behaviors that affect themselves, their families, and their communities; and

**WHEREAS**, the Cape Regional Wellness Alliance expects that this pilot program of reducing the occurrences of ACEs in these four Cape May County communities will be used as a model for county-wide implementation; and

**WHEREAS**, the Cape Regional Wellness Alliance will work in partnership with the Cape Regional Health Needs Coalition and other invested community members to achieve this goal; and

**WHEREAS**, the Cape Regional Wellness Alliance will establish baseline data on the prevalence of ACEs in these four Cape May County communities; and

**WHEREAS**, the Cape Regional Wellness Alliance will develop and implement a community education program about ACEs and its impact on the Culture of Health in these four Cape May County communities; and

**NOW, THEREFORE, BE IT RESOLVED** that November be proclaimed Adverse Childhood Prevention Month in Cape May County,

**AND BE IT FURTHER RESOLVED** that the City of Cape May pledges to promote safe and healthy environments for all children encouraging parents, caregivers, educators, and neighbors to provide children with love, security, emotional support, and a strong connection to their extended families and communities,

**AND BE IT FURTHER RESOLVED** that all citizens, service agencies, organizations, medical facilities, schools, businesses, and government entities increase their participation efforts, to strengthen families and communities for the prevention of Adverse Childhood Experiences,

**NOW, THEREFORE BE IT RESOLVED** that the Cape May County Freeholders, School Boards and Town Councils be committed to raising awareness about ACEs and the need to emphasize the importance of providing protective factors and building resiliency among the population.

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 November 7, 2018.

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

<b>Roll Call</b>	<b>Ayes</b>	<b>Nays</b>	<b>Absent</b>	<b>Abstain</b>
<b>Pessagno</b>				
<b>Meier</b>				
<b>Hendricks</b>				
<b>Furlin</b>				
<b>Lear</b>				

cc: County Board of Freeholders

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

**RESOLUTION NO. 234-11-2018**

**RESOLUTION REFUNDING OVERPAID 2018 UTILITIES**

**MOTION:**

**SECOND:**

**WHEREAS**, the 4<sup>th</sup> quarter 2018 utility bill was paid by the Title Company and the home owner;

**WHEREAS**, the homeowner has requested a refund of overpaid utilities; and

**WHEREAS**, the Tax Collector of the City of Cape May has calculated the amount of the refunds as listed below; and

**WHEREAS**, the specific property and amount of the overpaid utilities are listed below:

<b>PROPERTY OWNER</b>	<b>ADDRESS/BLK-LT</b>	<b>ACCOUNT NO.</b>	<b>AMOUNT</b>
Christopher Carroll	925 Corgie St. 1093/12	1377-0	\$160.28

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Cape May, that it authorizes the appropriate officers and officials of the City of Cape May to refund the overpaid utilities as stated above.

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 November 7, 2018.

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

<b>Roll Call</b>	<b>Ayes</b>	<b>Nays</b>	<b>Absent</b>	<b>Abstain</b>
<b>Pessagno</b>				
<b>Meier</b>				
<b>Hendricks</b>				
<b>Furlin</b>				
<b>Lear</b>				

cc: Water/Sewer

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

**RESOLUTION NO. 235-11-2018**

**RESOLUTION AUTHORIZING THE APPLICATION FOR AND THE EXECUTION  
OF A SUBCONTRACT WITH THE COUNTY OF CAPE MAY FOR THE  
MUNICIPAL ALLIANCE PROGRAM**

**Grant Year: FY 2020 (July 1, 2019 to June 30, 2020)**

**MOTION:**

**SECOND:**

**WHEREAS**, the Governor's Council on Alcoholism and Drug Abuse established the Municipal Alliances for the Prevention of Alcoholism and Drug Abuse in 1989 to educate and engage residents, local government and law enforcement officials, schools, nonprofit organizations, the faith community, parents, youth and other allies in efforts to prevent alcoholism and drug abuse in communities throughout New Jersey; and

**WHEREAS**, The City Council of the City of Cape May, County of Cape May, State of New Jersey recognizes that the abuse of alcohol and drugs is a serious problem in our society amongst persons of all ages; and therefore, has an established Municipal Alliance Committee; and

**WHEREAS**, the City Council further recognizes that it is incumbent upon not only public officials but upon the entire community to take action to prevent such abuses in our community; and

**WHEREAS**, the City Council has applied for funding to the Governor's Council on Alcoholism and Drug Abuse through the County of Cape May.

**NOW, THEREFORE, BE IT RESOLVED** by the City of Cape May, County of Cape May, State of New Jersey hereby recognizes the following:

1. The City Council does hereby authorize submission of a strategic plan for the Lower Cape Municipal Alliance grant for fiscal year 2020 (July 1, 2019 to June 30, 2020) in the amount of:

DEDR	\$31,409
Cash Match	\$ 7,852
In-Kind	\$23,557

The City of Cape May Cash Match portion will be \$ 1,414

2. The City Council acknowledges the terms and conditions for administering the Municipal Alliance grant, including the administrative compliance and audit requirements.

**APPROVED:** \_\_\_\_\_  
Clarence F. Lear III, Mayor

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 November 7, 2018.

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

<b>Roll Call</b>	<b>Ayes</b>	<b>Nays</b>	<b>Absent</b>	<b>Abstain</b>
<b>Pessagno</b>				
<b>Meier</b>				
<b>Hendricks</b>				
<b>Furlin</b>				
<b>Lear</b>				

cc: Colleen Crippen, Township of Lower

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

**RESOLUTION NO. 236-11-2018**

**RESOLUTION OF THE CITY OF CAPE MAY AUTHORIZING CHANGE  
ORDER NO. 3 FOR THE CONTRACT WITH CARDINAL CONTRACTING COMPANY,  
LLC FOR LAFAYETTE STREET SANITARY SEWER EXTENSION  
CONTRACT NO. M-9**

**MOTION:**

**SECOND:**

**WHEREAS**, the City of Cape May is currently under contract with Cardinal Construction, LLC for the Lafayette Street Sanitary Sewer Extension Project; and

**WHEREAS**, the permanent trench item is being added back into this contract in order to provide a smooth finish trench repair for this project; and

**WHEREAS**, the project engineer has recommended approval, and has requested that City Council authorize Change Order No. 3 to reflect the following listed below; and

**WHEREAS**, having reviewed the matter, the City Council will accept the engineer's recommendation.

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

1. The Mayor is authorized to execute and sign Change Order No. 3 to the contract with Cardinal Construction, LLC. The net result of Change Order No. 3 is in the amount of \$9,135.00 more than the revised contract amount of \$164,933.95 for an amended contract price \$174,068.95.

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 November 7, 2018.

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

<b>Roll Call</b>	<b>Ayes</b>	<b>Nays</b>	<b>Absent</b>	<b>Abstain</b>
<b>Pessagno</b>				
<b>Meier</b>				
<b>Hendricks</b>				
<b>Furlin</b>				
<b>Lear</b>				

cc: Chief Financial Officer  
Mott MacDonald Engineers  
Project File

TREASURER'S CERTIFICATION

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The undersigned, Treasurer of the City of Cape May, does hereby certify to the Mayor and Council that sufficient funds are appropriated in

the Water / Sewer 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

U-06-55-916-201 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 237-11-2018**

**RESOLUTION CERTIFYING REVIEW OF THE LOCAL GOVERNMENT BEST PRACTICES CHECK LIST**

**MOTION:**

**SECOND:**

**WHEREAS**, the Department of Community Affairs requires the Chief Financial Officer of every municipality to have certified the Local Government Best Practices Checklist; and

**WHEREAS**, the Check List has been certified by the Manager/Chief Financial Officer and a copy thereof has been received by each member of the Governing Body; and

**WHEREAS**, the members of the Governing Body have personally reviewed the Local Government Best Practices Checklist; and

**WHEREAS**, such resolution of certification shall be adopted by the governing body; and

**NOW, THEREFORE, LET IT BE RESOLVED**, that the City of Cape May, County of Cape May, State of New Jersey hereby states that it has reviewed the checklist and ratifies the Chief Financial Officer's filing of the Best Practice Check List to the Department of Community Affairs.

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 November 7, 2018.

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

<b>Roll Call</b>	<b>Ayes</b>	<b>Nays</b>	<b>Absent</b>	<b>Abstain</b>
<b>Pessagno</b>				
<b>Meier</b>				
<b>Hendricks</b>				
<b>Furlin</b>				
<b>Lear</b>				

Cc: Manager/CFO