

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

ORDINANCE NO. 387- 2019

**AN ORDINANCE AMENDING PORTIONS OF CHAPTER 158 OF THE
CAPE MAY CITY CODE, GOVERNING BEACHES
AND INCLUDING THE ASSESSMENT AND REGULATION
OF BEACH FEES AND BEACH TAGS**

MOTION: SECOND:

WHEREAS, Chapter 158 of the Cape May Municipal Code governs beaches and boardwalks in the City of Cape May; and

WHEREAS, various Sections of that Chapter provide for the imposition and assessment of beach fees, the issuance of beach tags, and the regulation of the use of such beach tags; and

WHEREAS, it has become apparent that commercial entities that operate outside the Cape May City limits wish to purchase beach tags for their guests; and

WHEREAS, the City desires to hold these external commercial entities to the same beach tag regulations as Cape May City mercantile holders.

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 that following Sections of Chapter 158 of the Cape May Municipal Code be amended as hereinafter provided (additions are underlined):

Section 1. Amendment.

§ 158-2. Definitions.

As used in this article, the following term shall have the meaning indicated:

SEASONAL BEACH TAG — A beach tag to use the public beaches in the City of Cape May during a bathing season for personal use by the purchaser of such beach tag.

COMMERCIAL BEACH TAG – A seasonal beach tag that may be purchased by any entity or person(s) that rents or makes rooms or living space available to members of the public for a fee, and that is required to obtain a mercantile license from the City of Cape May or another municipality.

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All other ordinances in conflict or inconsistent with this Ordinance are hereby repealed, to the extent of such conflict or inconsistency.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

This Ordinance was introduced at a regular meeting of the City Council of the City of Cape May, held on December 17, 2019, and will be 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 January 21, 2019.

Patricia Harbora, City Clerk

Roll Call	Aye	Nay	Absent	Abstain
Hendricks				
Meier				
Mullock				
Sheehan				
Lear				

Introduced: December 17, 2019
First Publication: December 25, 2019
2nd Reading & Adoption: January 21, 2020
Final Publication: January 29, 2020
Effective Date: February 27, 2020

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

ORDINANCE NO. 386-2019

**AN ORDINANCE AMENDING SECTION 505-5 OF THE CAPE MAY
CITY CODE, GOVERNING ASSESSMENTS IN THE
WASHINGTON STREET MALL BUSINESS IMPROVEMENT DISTRICT**

MOTION:

SECOND:

WHEREAS, Chapter 505 of the Cape May Municipal Code governs the administration of the Business Improvement District (BID) in the Washington Street Mall in the City of Cape May; and

WHEREAS, Section 505-5 sets forth the standards for determining and collecting the annual assessment levied against properties in the BID for various expenses associated with the BID; and

WHEREAS, Section 505-5 currently provides that the assessment is payable in two equal installments, the first on or before April 1 of each year and the second on or before August 1 of each year; and

WHEREAS, BID members have recommended to the Cape May City Council that the assessment be levied in full in one annual installment; and

WHEREAS, having reviewed the matter and discussed it with the BID, the Council believes it to be in the best interest of the City to make the full assessment due on or before April 1 of each year,

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 that Section 505-5 of the Cape May Municipal Code be amended as follows (additions are underlined; deletions are [in brackets]):

Section 1. Amendment.

§ 505-5. Assessment amounts; dates payment due; failure to pay; billing and collection.

A. All costs of cleaning and maintenance, which shall include, without limitation, seasonal decorations, flowers and other plantings, and additional cleaning and maintenance beyond the general cleaning and maintenance ordinarily provided by the City of Cape May out of general funds, as well as other enhancements and promotional expenditures, shall be determined and approved pursuant to N.J.S.A. 40:56-80 or N.J.S.A. 40:56-85, as determined by the District

Management Corporation. Each property within the District that is not exempt shall be subject to a special assessment based on the following:

(1) Each property with a total amount of square footage of interior space plus, if applicable, patio space that is used and permitted by the City for outside seating of 800 square feet or less shall be assessed an annual fee of \$500.

(2) Each property with a total amount of square footage of interior space and, if applicable, patio space that is used and permitted by the City for outside seating of more than 800 square feet shall be assessed an annual fee of \$800.

B. The amount required under subsection A shall be paid by each business owner which owns and/or occupies the property within the District as of December 1 and the preassessment year. In the event a business owner of a property within the District changes during the assessment year, the new business owner shall assume any unpaid obligations of the prior business owner.

C. The foregoing assessment shall be collected by the City as a special assessment against the business owners within the District. [One-half of t]The assessment shall be payable in full on or before the April 1 of each year[, and the remaining 1/2 of the assessment shall be payable on or before August 1 of each year]. Failure by any business owner to pay the required amount due for the special assessment shall be cause for a revocation of any City-issued mercantile license in accordance with the procedures set forth in Chapter 310, Article I. No mercantile license will be issued if there are any unpaid special assessments in the present or any prior year.

D. The City shall only be responsible for the administration of the assessment and budgetary process required under this chapter and, in that capacity, shall be charged with the responsibility of billing and collecting the assessments and remitting to the District Management Corporation the amounts collected. The City shall not be liable to the District Management Corporation for any amounts not collected, which shall be the sole and exclusive responsibility of the District Management Corporation without any recourse to the City.

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 387-2019 was introduced at a regular meeting of the City Council of the City of Cape May, held on November 18, 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 December 17, 2019 6:00 P.M. at which time a Public Hearing will be held.

Patricia Harbora, City Clerk

Roll Call	Ayes	Nays	Absent	Abstain
Mullock				
Meier				
Hendricks				
Sheehan				
Lear				

Introduction: November 18, 2019
First Publication: November 27, 2019
Second Reading & Adoption: December 17, 2019
Final Publication: December 23, 2019
Effective Date: January 16, 2020

cc: WSMCC
Clerk's Office - Licensing

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

RESOLUTION NO. 233-12-2019

**RESOLUTION OF THE CITY OF CAPE MAY, COUNTY OF CAPE MAY
AND STATE OF NEW JERSEY AUTHORIZING THE EXTENSION OF A SHARED
SERVICE AGREEMENT FOR THE SERVICES OF A MUNICIPAL COURT
ADMINISTRATOR WITH THE BOROUGH OF WEST CAPE MAY**

MOTION:

SECOND:

WHEREAS, the Uniform Shared Services and Consolidation Act, N.J.S.A. 40A:65-1 *et seq.* authorizes municipalities to enter into agreements for the exchange and sharing of services; and

WHEREAS, N.J.S.A 2B:12-1(c) allows two or more municipalities, by ordinance or resolution, to agree to provide jointly for courtrooms, chambers, equipment, supplies, and employees for their municipal courts and to agree to appoint judges and administrators without establishing a joint municipal court; and

WHEREAS, The City of Cape May and the Borough of West Cape May have determined that it would be mutually beneficial to share a Municipal Court Administrator, in accordance with the provisions of 40A:65-1, *et. seq.*, as well as N.J.S.A. 2B:12-1(c), in order to conserve resources and to provide for a more efficient and economically sound municipal court system, while simultaneously allowing each jurisdiction to maintain its own municipal courtrooms and court offices and maintaining individual rights to appoint separate judges, prosecutors, and public defenders; and

WHEREAS, on May 15, 2018 the Council of the City of Cape May adopted Resolution 139-05-2018 authorizing and directing the Mayor and Municipal Clerk to execute any and all documents pertaining to the Shared Services Agreement between Cape May and the Borough of West Cape May for a Municipal Court Administrator who shall be an employee of the Borough of West Cape May; and

WHEREAS, the Council of the City of Cape May would like to extend the term of the Shared Services Agreement for the period of January 1, 2020 through December 31, 2020, which will provide the Municipal Court Administrator with an annual salary of \$71,267.40.

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

1. The Term of the Shared Services Agreement has been extended for the period of January 1, 2020 through December 31, 2020.
2. The Municipal Court Administrator's salary for the period of January 1, 2020 through December 31, 2020 will be \$71,267.40
3. This resolution shall take effect immediately, according to law.

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

RESOLUTION NO. 234-12-2019

**RESOLUTION ISSUING AN AMUSEMENT GAME LICENSE FOR
PETER TIBURZIO, JR. – 406 BEACH AVENUE**

MOTION:

SECOND:

WHEREAS, Peter Tiburzio, Jr., of 1260 Cape May Avenue, Cape May, New Jersey, has made application to hold, operate and conduct amusement games certified permissible for licensing under Certification No. 2 of the Regulations of the State of New Jersey Amusement Games Control Commission; and

WHEREAS, the City of Cape May is a seashore resort and the premises to be licensed are located in an amusement area, according to the customary understanding of such terms in the City of Cape May, and in accordance with Ordinance duly adopted.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Cape May, that a license to hold, operate and conduct games, as included in Permissible Amusement Games Certification No. 2, for the above-cited premises, be issued to Peter Tiburzio, Jr. trading as Cape May Arcades, Inc. for the Year 2020, as shown on application.

Fee Paid: \$500 to City of Cape May
Fee Paid: \$550 to NJ Legalized Games of Chance
MG-D

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 December 17, 2019.

Patricia Harbora, City Clerk

Roll Call	Ayes	Nays	Absent	Abstain
Hendricks				
Meier				
Mullock				
Sheehan				
Lear				

cc: Amusement Games Control Commission (1 certified copy)
Mr. Peter Tiburzio, Jr.

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

RESOLUTION NO. 235-12-2019

**RESOLUTION ISSUING AN AMUSEMENT GAME LICENSE FOR PETER TIBURZIO,
JR. – 732-736 BEACH AVENUE**

MOTION:

SECOND:

WHEREAS, Peter Tiburzio, Jr., of 1260 Cape May Avenue, Cape May, New Jersey, has made application to hold, operate and conduct amusement games certified permissible for licensing under Certification No. 2 of the Regulations of the State of New Jersey Amusement Games Control Commission; and

WHEREAS, the City of Cape May is a seashore resort and the premises to be licensed are located in an amusement area, according to the customary understanding of such terms in the City of Cape May, and in accordance with Ordinance duly adopted.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Cape May, that a license to hold, operate and conduct games, as included in Permissible Amusement Games Certification No. 2, for the above-cited premises, be issued to Peter Tiburzio, Jr., trading as Cape May Arcades, Inc. for the Year 2020, as shown on application.

Fee Paid: \$500 to City of Cape May
Fee Paid: \$650 to NJ Legalized Games of Chance
MG-D

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 December 17, 2019.

Patricia Harbora, City Clerk

Roll Call	Ayes	Nays	Absent	Abstain
Hendricks				
Meier				
Mullock				
Sheehan				
Lear				

cc: Amusement Games Control Commission (1 certified copy)
Mr. Peter Tiburzio, Jr.

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

RESOLUTION NO. 236-12-2019

**RESOLUTION FOR APPOINTMENT OF A MEMBER TO THE MUNICIPAL
BUILDINGS AND PROPERTIES ADVISORY COMMITTEE –
MARY NOTCH**

MOTION:

SECOND:

BE IT RESOLVED by the City Council of the City of Cape May that the following individual be appointed as a member of the Municipal Buildings and Properties Advisory Committee:

**Mary Notch
1115 Washington Street
Cape May, NJ 08204**

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 December 17, 2019.

Patricia Harbora, City Clerk

Roll Call	Ayes	Nays	Absent	Abstain
Hendricks				
Meier				
Mullock				
Sheehan				
Lear				

cc: Committee
Folder
Member

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

RESOLUTION NO. 237-12-2019

**RESOLUTION OF THE CITY OF CAPE MAY AUTHORIZING CHANGE ORDER
NUMBER 2 FOR THE RECONSTRUCTION OF PENNSYLVANIA AVENUE,
PHASE II, CONTRACT M-20**

MOTION:

SECOND:

WHEREAS, the City of Cape May is currently under contract with Charles Marandino, LLC; and

WHEREAS, it is requested that the City authorize Change Order No. 2 to reflect the changes as set forth below:

Change Order #2 – Quantity changes to adjust the original contract quantities to match the as-built contract quantities

WHEREAS, the project engineer has recommended approval, and has requested that City Council authorize Change Order No. 2; 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. 2 to the contract with Charles Marandino, LLC. The net result of Change Order No. 2 is in the amount of \$1,470.83 more than the amended contract amount of \$488,647.00 for an final contract price of \$490.117.83.

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 December 17, 2019.

Patricia Harbora, City Clerk

Roll Call	Ayes	Nays	Absent	Abstain
Hendricks				
Meier				
Mullock				
Sheehan				
Lear				

cc: CFO
City Engineer
Project File

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 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-64-SS-917-201 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. 238-12-2019

**RESOLUTION AUTHORIZING AN AGREEMENT
WITH THE FUND FOR CAPE MAY IN CONNECTION WITH THE
RECONSTRUCTION OF SOLDIERS AND SAILORS MEMORIAL PARK**

MOTION:

SECOND:

WHEREAS, the City of Cape May is currently involved in the reconstruction of the Soldiers and Sailors Park, at the intersection of Columbia and Gurney Avenues in Cape May, and is prepared to award a contract for that reconstruction work; and

WHEREAS, part of the mission of the Fund for Cape May is the beautification, preservation and enhancement of public spaces within the City.

WHEREAS, The Fund for Cape May has previously provided and funded improvements for public spaces in the City, including Rotary Park, and has currently committed, through pledges to providing amenities for the Soldiers and Sailors Park reconstruction.

WHEREAS, The Fund for Cape May now wishes to augment that effort by contributing funds to help defray the cost of the reconstruction project at the Soldiers and Sailors Park by making a contribution of \$100,000 to the City; and

WHEREAS, the Cape May City Council believes it in the best interest of the City to accept this contribution to the park reconstruction project; and

WHEREAS, the City and the Fund for Cape May both wish to enter into an Agreement, in the form attached hereto as Exhibit A, memorializing this contribution and setting forth the terms and conditions that will govern it,

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 City of Cape May is hereby authorized to enter an Agreement with the Fund for Cape May, in the form attached hereto as Exhibit A, accepting the Fund's \$100,000 contribution toward the cost of the reconstruction project at Soldiers and Sailors Park.
3. The mayor and other appropriate City officials are authorized to execute this Agreement on the City's behalf.
4. The proper City Officials are further authorized and directed to take all other steps necessary to effectuate this Agreement, including those steps necessary to insert a special item of revenue in the city budget, and to award the contract for the reconstruction project.

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 December 17, 2019.

Patricia Harbora, City Clerk

Roll Call	Ayes	Nays	Absent	Abstain
Hendricks				
Meier				
Mullock				
Sheehan				
Lear				

cc: CFO
Purchasing Agent
Public Works Department

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

RESOLUTION NO. 239-12-2019

A RESOLUTION PROVIDING FOR THE INSERTION OF A SPECIAL ITEM OF REVENUE IN THE BUDGET PURSUANT TO CHAPTER 159 PL 1948 FUND FOR CAPE MAY-SOLDIERS AND SAILORS PARK

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.

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 2019, which are now available as a revenue and will be hereby appropriated as detailed below:

Revenue Title: 2019 Fund for Cape May – Soldiers and Sailors Park
Appropriation Title: 2019 Fund for Cape May – Soldiers and Sailors Park Improvements
Amount: \$100,000.00

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 December 17, 2019.

Patricia Harbora, City Clerk

Roll Call	Ayes	Nays	Absent	Abstain
Hendricks				
Meier				
Mullock				
Sheehan				
Lear				

cc: CFO

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

RESOLUTION NO. 240-12-2019

**RESOLUTION AWARDING CONTRACT FOR THE RECONSTRUCTION
OF SOLDIERS AND SAILORS MEMORIAL PARK –
THINK PAVERS HARDSCAPING, LLC**

MOTION:

SECOND:

WHEREAS, on October 25, 2019, pursuant to the Local Public Contracts Law, the City of Cape May advertised for bids for the reconstruction of Soldiers and Sailors Memorial Park, at the intersection of Columbia and Gurney Avenues in the City of Cape May, NJ; and

WHEREAS, on November 21, 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 Think Pavers Hardscaping, LLC, 125 Kings Highway, Mount Royal, NJ 08061, which submitted a bid of \$499,185.00, consisting of a base bid of \$495,185.00, and a supplemental bid of \$4,000; 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 Reconstruction of Soldiers and Sailors Memorial Park contract to Think Pavers Hardscaping, LLC; and

WHEREAS, the City's Treasurer/CFO has certified the availability of funds for this contract,

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. Think Pavers Hardscaping, LLC, of Mount Royal NJ, is hereby determined to be the lowest responsible bidder for this contract.
3. The contract for proposed reconstruction of Soldiers and Sailors Memorial Park is hereby awarded to Think Pavers Hardscaping, LLC, in accordance with the terms and conditions of the contract specifications and the terms and conditions of the bid submitted by Think Pavers Hardscaping, for the contract, both of which are incorporated herein.
4. The amount of the contract, as specified in Think Pavers' successful bid, shall be \$499,185.00, consisting of a base bid of \$495,185.00 and a supplemental bid of \$4,000.00.
5. The mayor and other appropriate City officials are authorized to execute a contract with Think Pavers Hardscaping.

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 December 17, 2019.

Patricia Harbora, City Clerk

Roll Call	Ayes	Nays	Absent	Abstain
Hendricks				
Meier				
Mullock				
Sheehan				
Lear				

cc: CFO
Purchasing Agent
Public Works Department
Think Pavers Hardscaping, LLC

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

_____ 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. 241-12-2019

**RESOLUTION AWARDING A CONTRACT
FOR CONSTRUCTION PHASE ENGINEERING SERVICES
FOR IMPROVEMENTS TO SOLDIERS AND SAILORS PARK**

MOTION:

SECOND:

WHEREAS, the City of Cape May is currently in the process of reconstructing and improving Soldiers and Sailors Park at the intersection of Columbia and Gurney Avenues in Cape May; and

WHEREAS, the City expects to award a construction contract for that reconstruction and improvement at the December 17, 2019, meeting of the Cape May City Council; and

WHEREAS, the award of that contract will necessitate the provision of certain professional engineering services to ensure the contract's proper performance; and

WHEREAS, the engineering firm of Mott Macdonald, LLC, has submitted a proposal, dated November 27, 2019, to provide those necessary engineering services, in accordance with the scope of work described in that proposal, which is attached to this Resolution as Exhibit A and incorporated herein; and

WHEREAS, Mott Macdonald proposes to provide these services in two phases for a total estimated cost of \$64,000, broken down as follows: Task 1, construction phase engineering services, on a lump sum basis of \$58,000; Task 2, coordinate third parties, on a time and materials basis estimated at \$6,000; and

WHEREAS, having reviewed that proposal, the Cape May City Council deems it in the best interest of the City to accept the Mott Macdonald proposal and to award the contract for construction phase engineering services to Mott Macdonald in accordance with the terms contained in its November 27, 2019, proposal letter.

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

1. The Recital paragraphs are incorporated as if fully set forth.
2. The Cape May City Council hereby authorizes the award of a contract to Mott Macdonald, LLC, to provide construction phase engineering services in connection with the reconstruction and improvement of the Soldiers and Sailors Park for an estimated cost of \$64,000, consisting of engineering services for a lump sum of \$58,000, and coordination with third parties on a time and materials basis for an estimated cost of \$6,000, in full conformity with its proposal letter dated November 27, 2019, attached hereto.
3. The appropriate city officials are hereby authorized to execute all documents required to consummate this contract award.

4. The City Chief Financial Officer has certified the availability of adequate funds to pay this contract.

5. This contract is awarded as a professional services contract, without public bidding, pursuant to N.J.S.A. 40A:11-5(1)(a)(i).

6. 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 December 17, 2019.

Patricia Harbora, City Clerk

Roll Call	Ayes	Nays	Absent	Abstain
Hendricks				
Meier				
Mullock				
Sheehan				
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 _____
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

cc: CFO
Mott MacDonald, LLC
File

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

RESOLUTION NO. 242-12-2019

RESOLUTION FOR TRANSFERS OF APPROPRIATIONS – 2019 BUDGET

MOTION:

SECOND:

BE IT RESOLVED by the City Council of the City of Cape May, pursuant to N.J.S.A. 40A:4-58, that the following listed amounts be transferred from the appropriations deemed to be in excess, to such appropriations as are deemed to be insufficient:

FROM:	9-01-20-155-200	Legal Services – Other Expenses	\$ 75,000.00
	9-01-23-210-277	General Liability Insurance	75,000.00
	9-01-23-215-277	Workers Comp Insurance	25,000.00
	9-01-23-220-275	Employee Group Health	<u>95,000.00</u>
		Total:	\$ 270,000.00
	9-20-28-370-233	Tourism Utility – Other Expenses	\$ 15,000.00
TO:	9-01-25-241-100	Traffic Maintenance-S&W	\$ 4,000.00
	9-01-26-310-200	Buildings & Grounds- OE	10,000.00
	9-01-20-150-100	Tax Assessment-S&W	1,000.00
	9-01-36-475-305	PFRS of NJ	5,000.00
	9-01-44-710-701	Capital Improvement Fund	<u>250,000.00</u>
		Total:	\$270,000.00
	9-20-28-370-101	Tourism Utility – S&W	\$ 15,000.00

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 December 17, 2019.

Patricia Harbora, City Clerk

Roll Call	Ayes	Nays	Absent	Abstain
Hendricks				
Meier				
Mullock				
Sheehan				
Lear				

cc: CFO

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

RESOLUTION NO. 243-12-2019

RESOLUTION FOR THE CANCELLATION OF UNEXPENDED BALANCES OF APPROPRIATIONS IN THE WATER-SEWER UTILITY OPERATING FUND

MOTION:

SECOND:

WHEREAS, there remains an unexpended balance in certain appropriations of the 2019 Water-Sewer Utility Operating Budget that will not be needed for the purpose originally intended; and

WHEREAS, upon review of the Utility’s accounts, it has been determined that it would be more advantageous to cancel the unexpended balances rather than allow the balances to be automatically reserved in the Budget; and

WHEREAS, the cancellation of unexpended balances will help the Water-Sewer Utility to maintain a “self-liquidating” status;

BE IT RESOLVED by the City Council of the City of Cape May that the following unexpended balances be canceled upon adoption of this resolution:

9-09-55-100-200	Water Administration – O.E	\$ 25,000.00
9-09-55-310-200	Sewerage Treatment - OE	125,000.00
9-09-55-410-100	Wells/Supplies – S&W.	<u>50,000.00</u>
	Total	\$200,000.00

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 December 17, 2019.

Patricia Harbora, City Clerk

Roll Call	Ayes	Nays	Absent	Abstain
Hendricks				
Meier				
Mullock				
Sheehan				
Lear				

cc: CFO