

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

ORDINANCE NO. 389- 2020

AN ORDINANCE AMENDING A PORTION OF CHAPTER 211 OF THE
CAPE MAY CITY CODE, GOVERNING FEES FOR APPLICATIONS TO
THE HISTORIC PRESERVATION COMMISSION

WHEREAS, Chapter 211 of the Cape May Municipal Code govern development fees in the City of Cape May; and

WHEREAS, Section 211-1 of that Chapter provides for application and escrow fees for various development applications, including applications to the Historic Preservation Commission; and

WHEREAS, those fees are imposed to defray the cost of processing and reviewing applications before the various land use and development boards, including review by those boards' professionals; and

WHEREAS, the Cape May City Council has reviewed the fees for applications before the Historic Preservation Commission, and has concluded that those fees must be adjusted to accurately reflect the cost of processing and reviewing those applications; and

WHEREAS, the Cape May City Council believes it appropriate to adjust those fees as follows to provide adequate funds to efficiently review and process applications before the HPC,

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 211-1 of the Cape May Municipal Code be amended as hereinafter provided (additions are underlined; deletions are [in brackets]):

Section 1. Amendment.

§ 211-1. Application fees; escrow fees.

Historic District review

HPC Committee Review	\$ 2 75	\$ <u>100</u> [0] to \$500 at discretion of construction office]
Full HPC review of all applications other than demolition	\$[125] <u>300</u>	\$ <u>100</u> [0] to \$2,500 at discretion of the full Historic Preservation Commission

Roll Call	Ayes	Nays	Absent	Abstain
Sheehan				
Mullock				
Meier				
Hendricks				
Lear				

Introduction: January 21, 2020
 First Publication: January 29, 2020
 Second Reading & Adoption: February 18, 2020
 Final Publication: February 26, 2020
 Effective Date: March 17, 2020

cc: HPC Secretary

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

ORDINANCE NO. 393-2020

**AN ORDINANCE AMENDING CHAPTER 92 OF THE MUNICIPAL
CODE OF THE CITY OF CAPE MAY REGARDING FEES FOR
CERTAIN RECORDS**

WHEREAS, Chapter 92 of the Municipal Code of the City of Cape May governs the availability of certain records for inspection and copying and sets the fees to be charged for copies of such records; and

WHEREAS, Section 92-3(G) of the Code establishes the fees for certified copies of vital records; and

WHEREAS, the Cape May City Council wishes to amend Section 92-3(G) of the Code to conform the amount of those fees to the amount charged by the State of New Jersey,

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Cape May that Section 92-3(G) of the City Code is amended as follows (additions are underlined; deletions are [bracketed]):

Section 1. Amendment.

G. Fees for certified copies of vital records.

(1) Certified copy of birth, marriage, civil union or death record: [\$10 each] \$25 for the first copy; \$2 for each additional copy of the same record ordered at the same time.

(2) Corrected copy of birth, marriage, civil union or death record: \$25 [each] for the first copy; \$2 for each additional copy of the same record ordered at the same time.

Section 2. Severability.

Should any portion of this Ordinance be adjudged by a court of competent jurisdiction to be invalid, such judgment shall not affect, impair or repeal the remainder of this Ordinance.

Section 3. Effective Date.

This ordinance shall take effect 20 days after passage and publication, according to law.

Option 2

January 31, 2020

Neil Young
Chief Financial Officer
City of Cape May
643 Washington Street
Cape May, NJ 08204

Re: \$15,000,000/\$14,285,714 Bond Ordinance

Dear Neil:

In accordance with your request, I have prepared and enclose herewith a form of bond ordinance providing for construction of a new Public Safety Building. The bond ordinance should be adopted in accordance with the usual procedure set forth below for your convenience.

The electronic Supplemental Debt Statement should be prepared on the date of introduction of the bond ordinance and sent to the Clerk on that same date. The Supplemental Debt Statement should also be filed electronically with the Division of Local Government Services prior to final adoption of the bond ordinance. Please retain a copy of the electronic receipt sent to you by the Division of Local Government Services, as we will need a copy for our records. In order to comply with the capital budget regulations, the bond ordinance contains a provision amending the capital budget to the extent of any inconsistency with the bond ordinance and it should be sent to Trenton and filed along with the resolution of the governing body in the form required by the Local Finance Board showing the details of the amended capital budget. It will not be necessary to publish the resolution.

The bond ordinance may be introduced and read by title only and adopted by a majority of the members of the governing body present, assuming a quorum. After introduction, the Notice of Pending Bond Ordinance and Summary must be published in the local newspaper, a form of which I have enclosed for your use. Also, the bond ordinance should be posted on the bulletin board customarily used for notices, together with the Notice of Pending Bond Ordinance and Summary, and copies of the bond ordinance should be made available to anyone who requests them of the Clerk after introduction.

The bond ordinance can be considered for final adoption not less than ten days after introduction and not less than seven days after the publication of the Notice of Pending Bond Ordinance and Summary. If the bond ordinance has been posted and copies made available as indicated above, the bond ordinance can be read at the second hearing by title only. If the bond ordinance posting procedure has not been followed,

the bond ordinance must be read in full at the second hearing. After the bond ordinance is read for the second time, the governing body should hold a public hearing and should give all members of the public a chance to be heard on the bond ordinance. After the public hearing, the bond ordinance can be finally adopted by the affirmative vote of not less than two-thirds of the full membership of the governing body. After final adoption, the Bond Ordinance Statement and Summary must be published, a copy of which I have enclosed for your use. Note that if the approval of an officer is required to make the bond ordinance effective, the bond ordinance must be approved by that officer, or passed over veto, before it is published after final adoption.

After the bond ordinance is finally adopted, it will be necessary for us to establish a record of proceedings documenting the proper adoption of the bond ordinance. In order to do this, we will need one completely executed set of the documents enumerated on the attached checklist. By copy of this letter, I am sending the Clerk a copy of the checklist along with a copy of the bond ordinance. With the exception of the Affidavits of Publication, I am also sending the Clerk the necessary certificates to be completed, executed and returned to us along with the necessary attachments to provide us with this documentation. It should be noted that the Clerk's Certificate must be executed no sooner than 21 days following the final publication in order to attest that there has been no protest within the statutory twenty-day protest period.

If you or the Clerk have any questions about the form of the bond ordinance, the adoption procedure or the form of the certificates, please call me.

Thank you for this opportunity to have been of assistance.

Very truly yours,

Matthew D. Jessup

Enclosures

cc: Patricia Harbora, Clerk, w/encl.
Frank L. Corrado, Esq., w/encl.
Leon Costello, C.P.A., w/encl.

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

ORDINANCE NO. 392-2020

BOND ORDINANCE PROVIDING FOR THE CONSTRUCTION OF A NEW PUBLIC SAFETY BUILDING IN AND BY THE CITY OF CAPE MAY, IN THE COUNTY OF CAPE MAY, NEW JERSEY, APPROPRIATING \$15,000,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$14,285,714 BONDS OR NOTES OF THE CITY TO FINANCE PART OF THE COST THEREOF.

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

Section 1. The improvement described in Section 3(a) of this bond ordinance is hereby authorized to be undertaken by the City of Cape May, in the County of Cape May, New Jersey (the "City") as a general improvement. For the improvement or purpose described in Section 3(a), there is hereby appropriated the sum of \$15,000,000, including the sum of \$714,286 as the down payment required by the Local Bond Law. The down payment is now available by virtue of provision for down payment or for capital improvement purposes in one or more previously adopted budgets.

Section 2. In order to finance the cost of the improvement or purpose not covered by application of the down payment, negotiable bonds are hereby authorized to be issued in the principal amount of \$14,285,714 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. (a) The improvement hereby authorized and the purpose for the financing of which the bonds are to be issued is the construction of a new Public Safety Building, including all work and materials necessary therefor and incidental thereto and including all related costs and expenditures necessary therefor and incidental thereto.

(b) The estimated maximum amount of bonds or bond anticipation notes to be issued for the improvement or purpose is as stated in Section 2 hereof.

(c) The estimated cost of the improvement or purpose is equal to the amount of the appropriation herein made therefor.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer; provided that no bond anticipation note shall mature later than one year from its date, unless such bond anticipation notes are permitted to mature at such later date in accordance with applicable law. The bond anticipation 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 bond anticipation notes issued pursuant to this bond ordinance, and the chief financial officer's signature upon the bond anticipation notes shall be conclusive evidence as to all such determinations. All bond anticipation notes issued hereunder may be renewed from time to time subject to the provisions of the Local Bond Law or other applicable law. The chief financial officer is hereby authorized to sell part or all of the bond anticipation notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest 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 bond anticipation notes pursuant to this bond ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the bond anticipation notes sold, the price obtained and the name of the purchaser.

Section 5. The City hereby certifies that it has adopted a capital budget or a temporary capital budget, as applicable. The capital or temporary capital budget of the City is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. To the extent that the purposes authorized herein are inconsistent with the adopted capital or temporary capital budget, a revised capital or temporary capital budget has been filed with the Division of Local Government Services.

Section 6. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvement or purpose described in Section 3(a) of this bond ordinance is not a current expense. It is an improvement or purpose that the City may lawfully undertake as a general improvement, and no part of the cost thereof has been or shall be specially assessed on property specially benefitted thereby.

(b) The period of usefulness of the improvement or purpose within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the bonds authorized by this bond ordinance, is 30 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the

Department of Community Affairs of the State of New Jersey. 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 and notes provided in this bond ordinance by \$14,285,714, and the obligations authorized herein will be within all debt limitations prescribed by the Local Bond Law.

(d) An aggregate amount not exceeding \$2,500,00 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 purpose or improvement.

Section 7. The City hereby declares the intent of the City to issue bonds or bond anticipation notes in the amount authorized in Section 2 of this bond ordinance and to use the proceeds to pay or reimburse expenditures for the costs of the purposes described in Section 3(a) of this bond ordinance. This Section 7 is a declaration of intent within the meaning and for purposes of the Treasury Regulations.

Section 8. Any grant moneys received for the purpose described in Section 3(a) hereof shall be applied either to direct payment of the cost of the improvement or to payment of the obligations issued pursuant to this bond ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are so used.

Section 9. The chief financial officer of the City 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 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 10. 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 real property within the City for the payment of the obligations and the interest thereon without limitation of rate or amount.

Section 11. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

Re: CITY OF CAPE MAY
\$15,000,000/\$14,285,714 BOND ORDINANCE
CONSTRUCTION OF A NEW PUBLIC SAFETY BUILDING

- 1 Certified copy of the Supplemental Debt Statement prepared as of the date of introduction of the bond ordinance, together with the electronic confirmation of filing provided by the Division of Local Government Services and evidence of filing in the Clerk's Office.
- 2 Down Payment Certificate.
- 3 Certified copy of the minutes of the meeting of the City Council held on ___/___/___ showing introduction of the bond ordinance.
- 4 Affidavit of Publication in local newspaper following introduction of the bond ordinance.
- 5 Certified copy of the minutes of the meeting of the City Council held on ___/___/___ showing public hearing and final adoption of the bond ordinance.
- 6 Affidavit of Publication in local newspaper following final adoption of the bond ordinance.
- 7 Clerk's Certificate executed no sooner than 21 days following final publication of the bond ordinance.

BELOW FOR McMANIMON, SCOTLAND & BAUMANN, LLC USE ONLY

Posted: __/__/__

Useful Life: 30 years

Reviewed By: ____

Section 20 Costs: \$2,500,00

Mayor's Approval: __/__/__

Amends/Amended By: Ord. # _____ F/A: __/__/__

Amendment: _____

Supplements/Supplemented By: Ord. # _____ F/A: __/__/__

Original Appropriation/Authorization: \$ _____ / \$ _____

Authorization for CFO to Sell Notes: Yes No

Resolution Authorizing CFO to Sell Notes: F/A __/__/__

Grant Moneys Expected:

NOTES/BONDS ISSUED HEREUNDER						
AMOUNT	DATE	MATURITY	RATE	PAYDOWN	NEW/ RENEWAL	REMAINING AUTHOR- IZATION

DEBT STATEMENT CERTIFICATE

I, Patricia Harbora, Clerk of the City of Cape May, in the County of Cape May, New Jersey (herein called the "City"), HEREBY CERTIFY that annexed hereto is a true and complete copy of the Supplemental Debt Statement of the City that was prepared as of _____, 2020 by Neil Young, who was then chief financial officer of the City and filed in my office on _____, 2020, and that a complete, executed copy of such statement was filed in the office of the Director of the Division of Local Government Services of the State of New Jersey on _____, 2020.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the City this _____ day of _____, 2020.

Patricia Harbora, Clerk

(SEAL)

CERTIFICATE OF DOWN PAYMENT

I, Neil Young, Chief Financial Officer of the City of Cape May, in the County of Cape May, New Jersey (the "City") HEREBY CERTIFY that prior to the final adoption on _____, 2020 of a bond ordinance entitled:

BOND ORDINANCE PROVIDING FOR CONSTRUCTION OF A NEW PUBLIC SAFETY BUILDING IN AND BY THE CITY OF CAPE MAY, IN THE COUNTY OF CAPE MAY, NEW JERSEY, APPROPRIATING \$15,000,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$14,285,714 BONDS OR NOTES OF THE CITY TO FINANCE PART OF THE COST THEREOF,

there was available as a down payment for the purposes authorized by the bond ordinance the sum of \$714,286, which amount was appropriated as a down payment by the bond ordinance and was made available from the following sources (strike out inapplicable language):

- a. by provision in a previously adopted budget or budgets of the City for down payment or for capital improvement purposes;
- b. from moneys then actually held by the City and previously contributed for such purpose other than by the City; or
- c. by emergency appropriation.

IN WITNESS WHEREOF, I have hereunto set my hand this _____ day of _____, 2020.

Neil Young, Chief Financial Officer

EXTRACT from the minutes of a _____ meeting of the City Council of the City of Cape May, in the County of Cape May, New Jersey held at the _____ in the City on _____, 2020 at _____ o'clock ____m.

PRESENT:

ABSENT:

[Attach appropriate minutes hereto]

CERTIFICATE

I, Patricia Harbora, Clerk of the City of Cape May, in the County of Cape May, State of New Jersey, HEREBY CERTIFY that the foregoing annexed extract from the minutes of a meeting of the governing body of the City duly called and held on _____, 2020 has been compared by me with the original minutes as officially recorded in my office in the Minute Book of the governing body and is a true, complete and correct copy thereof and of the whole of the original minutes so far as they relate to the subject matters referred to in the extract.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the City this _____ day of _____, 2020.

Patricia Harbora, Clerk

(SEAL)

EXTRACT from the minutes of a _____ meeting of the City Council of the City of Cape May, in the County of Cape May, New Jersey held at the _____ in the City on _____, 2020 at _____ o'clock ____m.

PRESENT:

ABSENT:

[Attach appropriate minutes hereto]

CERTIFICATE

I, Patricia Harbora, Clerk of the City of Cape May, in the County of Cape May, State of New Jersey, HEREBY CERTIFY that the foregoing annexed extract from the minutes of a meeting of the governing body of the City duly called and held on _____, 2020 has been compared by me with the original minutes as officially recorded in my office in the Minute Book of the governing body and is a true, complete and correct copy thereof and of the whole of the original minutes so far as they relate to the subject matters referred to in the extract.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the City this _____ day of _____, 2020.

Patricia Harbora, Clerk

(SEAL)

CLERK'S CERTIFICATE

I, Patricia Harbora, Clerk of the City of Cape May, in the County of Cape May, State of New Jersey, HEREBY CERTIFY as follows:

1. I am the duly appointed Clerk of the City of Cape May, in the County of Cape May, State of New Jersey (herein called the "City"). In this capacity, I have the responsibility to maintain the minutes of the meetings of the governing body of the City and the records relative to all ordinances and resolutions of the City. The representations made herein are based upon the records of the City.

2. Attached hereto is a true and complete copy of a bond ordinance passed by the governing body of the City on _____, 2020 and finally adopted by the governing body on _____, 2020 and, where necessary, approved by the Mayor on _____, 2020.

3. On _____, 2020, a copy of the bond ordinance and a notice that copies of the bond ordinance would be made available to the members of the general public of the City who requested copies, up to and including the time of further consideration of the bond ordinance by the governing body, was posted in the principal municipal building of the City at the place where public notices are customarily posted. Copies of the bond ordinance were made available to all who requested them.

4. A certified copy of the bond ordinance and a copy of the amended capital budget form has been filed with the Director of the Division of Local Government Services.

5. After final passage, the bond ordinance, a copy of which is attached hereto, was duly published on _____, 2020. No protest signed by any person against making the improvement or incurring the indebtedness authorized therein, nor any petition requesting that a referendum vote be taken on the action proposed in the bond ordinance has been presented to the governing body or to me or filed in my office within 20 days after the publication or at any other time after the final passage thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the City this _____ day of _____, 2020.

Patricia Harbora, Clerk

[SEAL]

NOTICE OF PENDING BOND ORDINANCE AND SUMMARY

The bond ordinance, the summary terms of which are included herein, was introduced and passed upon first reading at a meeting of the governing body of the City of Cape May, in the County of Cape May, State of New Jersey, on _____, 2020. It will be further considered for final passage, after public hearing thereon, at a meeting of the governing body to be held at the _____, in the City on _____, 2020 at ____ o'clock __.m. During the week prior to and up to and including the date of such meeting, copies of the full bond ordinance will be available at no cost and during regular business hours at the Clerk's office for the members of the general public who shall request the same. The summary of the terms of such bond ordinance follows:

Title: BOND ORDINANCE PROVIDING FOR CONSTRUCTION OF A NEW PUBLIC SAFETY BUILDING IN AND BY THE CITY OF CAPE MAY, IN THE COUNTY OF CAPE MAY, NEW JERSEY, APPROPRIATING \$15,000,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$14,285,714 BONDS OR NOTES OF THE CITY TO FINANCE PART OF THE COST THEREOF

Purpose(s): Providing for the construction of a new Public Safety Building, including all work and materials necessary therefor and incidental thereto and including all related costs and expenditures necessary therefor and incidental thereto.

Appropriation: \$15,000,000

Bonds/Notes Authorized: \$14,285,714

Grants (if any) Appropriated: N/A

Section 20 Costs: \$2,500,00

Useful Life: 30 years

Patricia Harbora, Clerk

This Notice is published pursuant to N.J.S.A. 40A:2-17.

BOND ORDINANCE STATEMENT AND SUMMARY

The bond ordinance, the summary terms of which are included herein, has been finally adopted by the City of Cape May, in the County of Cape May, State of New Jersey on _____, 2020 and the 20 day period of limitation within which a suit, action or proceeding questioning the validity of such bond ordinance can be commenced, as provided in the Local Bond Law, has begun to run from the date of the first publication of this statement. Copies of the full bond ordinance are available at no cost and during regular business hours, at the Clerk's office for members of the general public who request the same. The summary of the terms of such bond ordinance follows:

Title: BOND ORDINANCE PROVIDING FOR CONSTRUCTION OF A NEW PUBLIC SAFETY BUILDING IN AND BY THE CITY OF CAPE MAY, IN THE COUNTY OF CAPE MAY, NEW JERSEY, APPROPRIATING \$15,000,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$14,285,714 BONDS OR NOTES OF THE CITY TO FINANCE PART OF THE COST THEREOF

Purpose(s): Providing for the construction of a new Public Safety Building, including all work and materials necessary therefor and incidental thereto and including all related costs and expenditures necessary therefor and incidental thereto.

Appropriation: \$15,000,000

Bonds/Notes Authorized: \$14,285,714

Grants (if any) Appropriated: N/A

Section 20 Costs: \$2,500,00

Useful Life: 30 years

Patricia Harbora, Clerk

This Ordinance shall take effect 20 days after final adoption and publication and in the manner 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 392-2020 was introduced at a regular meeting of the City Council of the City of Cape May, held on February 4, 2020 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 March 3, 2020 4:00 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: February 4, 2020
First Publication: February 12, 2020
Second Reading & Adoption: March 3, 2020
Final Publication: March 11, 2020
Effective Date: March 31, 2020

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

RESOLUTION NO. 79-02-2020

**RESOLUTION FOR RELEASE OF PERFORMANCE GUARANTEE FOR
286 WINDSOR AVENUE, BLOCK 1023/LOT 7 AND
288 WINDSOR AVENUE, BLOCK 1023/LOT 8**

MOTION:

SECOND:

WHEREAS, Anthony and Donna Caputo, 286 Windsor Avenue, Block 1023/Lot 7 and 288 Windsor Avenue, Block 1023/Lot 8, posted a Performance Guarantee with the City of Cape May in the amount of FIVE THOUSAND DOLLARS (\$5,000.00) via an Irrevocable Stand By Letter of Credit 8504-0002 from Magyar Bank, and;

WHEREAS, the Planning and Zoning Board Engineer Craig R. Hurless, PE, PP, CME has advised via a letter dated December 4, 2019 that the developer has completed all required improvements for this project and recommends release of the Performance Guarantee, and;

WHEREAS, in accordance with N.J.S.A. 40:55D53a.(2), it is recommended by the Board Engineer that the developer be required to post a maintenance guarantee for a period not to exceed two years after final acceptance of the project in an amount of 15% of the cost of the improvements (\$5,000) or \$750.00 for each aforementioned property, and;

WHEREAS, the developer has furnished the required maintenance guarantees in the form of two check payments totaling \$1,500.00.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Cape May, the governing body thereof, that the Performance Guarantee in the amount of FIVE THOUSAND DOLLARS (\$5,000.00) for the above-mentioned project be released.

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 February 18, 2020.

Patricia Harbora, City Clerk

Roll Call	Ayes	Nays	Absent	Abstain
Sheehan				
Mullock				
Meier				
Sheehan				
Lear				

cc: CFO
Planning/Zoning Board Secretary

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

RESOLUTION NO. 80-02-2020

RESOLUTION AWARDING A CONTRACT FOR PROFESSIONAL ADVERTISING SERVICES IN CONNECTION WITH THE 2020 SUMMER CONCERT SERIES – WISER LINK

MOTION:

SECOND:

WHEREAS, the City of Cape May has requested and received proposals for professional advertising services in connection with the City's 2020 Summer Concert Series; and

WHEREAS, the advertising firm of Wisier Link, PO Box 313, Egg Harbor City, NJ 08215 has submitted a proposal to perform those advertising services for a total cost of \$12,500; and

WHEREAS, the scope of those services is described in the attached Exhibit A to this resolution; and

WHEREAS, having reviewed that proposal, the Cape May City Council deems it in the best interest of the City to accept the Wisier Link proposal and to award the contract for advertising services to Wisier Link in accordance with the terms contained in Exhibit A.

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 for professional advertising services in connection with the City's 2020 Summer Concert Series to Wisier Link, in the contract amount of \$12,500 and in full conformity with the terms set forth in Exhibit A.
3. The appropriate city officials are hereby authorized to execute all documents required to consummate this contract award.
4. This contract is awarded as a professional services contract, N.J.S.A. 40A:11-5(1)(a)(i).
5. 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 February 18, 2020.

Patricia Harbora, City Clerk

Roll Call	Ayes	Nays	Absent	Abstain
Sheehan				
Mullock				
Meier				
Sheehan				
Lear				

cc: Wiser Link

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 Tourism Utility.

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 0-20-28-370-229 and shall be encumbered on same.

Neil Young, CFO/Treasurer

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

RESOLUTION NO. 81-02-2020

A RESOLUTION AUTHORIZING PHASE II OF A CONTRACT WITH MICHAEL CALAFATI ARCHITECT, LLC, IN CONNECTION WITH THE REDEVELOPMENT OF THE FRANKLIN STREET SCHOOL

MOTION:

SECOND:

WHEREAS, the City of Cape May, the County of Cape May, and the Cape May County Library Commission have entered into a Shared Services Agreement whose purpose is to redevelop the Historic Franklin Street School into a public library that will serve as the Cape May City branch of the Cape May County Library, as well as a community center for the City; and

WHEREAS, that Agreement commits the parties to share the cost of the Franklin Street School redevelopment project; and

WHEREAS, the parties previously approved Phase I of a contract with Michael Calafati Architect, LLC, to prepare a feasibility study for the project, including a schematic design, scope of work and preliminary construction cost estimate; and

WHEREAS, Phase II of Calafati's contract contemplated that, upon successful completion of the Phase I feasibility study, Calafati would submit for the parties' approval a proposal to complete design development of the project, develop and prepare all construction documents, assist with bidding, and provide construction phase services; and

WHEREAS, Calafati has submitted a proposal for Phase II services, with a not-to-exceed cost of \$453,300, which proposal, dated January 15, 2020, is attached to this Resolution as Exhibit A.; and

WHEREAS, the Shared Services Agreement provides that the Library Commission will complete Phase II of the Project, and will be reimbursed by the City and the County for their respective shares of the cost; and

WHEREAS, the Library Commission has approved that proposal and, pursuant to the Shared Services Agreement, has undertaken implementation of Phase II of the Calafati contract; and

WHEREAS, the County Board of Freeholders, pursuant to the Shared Services Agreement, endorsed and approved the Calafati proposal at its January 29, 2020, meeting; and

WHEREAS, having reviewed that proposal, the City Council of the City of Cape May, pursuant to its obligations under the Shared Services Agreement, also wishes to endorse and approve the Phase II Calafati proposal,

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 Cape May City Council hereby endorses and approves the proposal by Michael Calafati Architect, LLC, dated January 15, 2020, and attached to this Resolution as Exhibit A, for Phase II design and construction services for the Franklin Street School in an amount not to exceed \$453,500.

2. The appropriate City officials are hereby authorized and directed to take all steps necessary to ensure that the City satisfies its obligations with respect to this Phase II contract, pursuant to the terms of the Shared Services Agreement between the City, the County and the Library Commission.

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 February 18, 2020.

Patricia Harbora, City Clerk

Roll Call	Ayes	Nays	Absent	Abstain
Hendricks				
Meier				
Mullock				
Sheehan				
Lear				

cc: Michael Calafati Architect, LLC
City Manager
CFO
CMC Library Commission

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

RESOLUTION NO. 82-02-2020

**RESOLUTION ESTABLISHING A MUNICIPAL TAXATION AND REVENUE STUDY
COMMITTEE IN THE CITY OF CAPE MAY**

MOTION:

SECOND:

WHEREAS, City Council should continuously review its budgeting and revenue-raising practices, to investigate alternative sources of revenue, and to consider new and innovative ways to finance the provision of municipal services, to maintain a stable tax and ratable base, and to maintain the City's property taxes at the minimum level necessary to provide those necessary services; and

WHEREAS, City Council may from time to time by resolution create, appoint to and establish the duties of commissions, committees and other bodies with advisory powers; and

WHEREAS, City Council believes that the creation of such an advisory committee, to assist City Council in achieving its goal of providing an appropriate level of municipal services at a minimum cost to taxpayers, would be in the best interest of the City, its residents, property owners, businesses, and visitors,

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. There is hereby created a Municipal Taxation and Revenue Study Advisory Committee.
3. The Committee's duties shall include:
 - Conduct a comprehensive analysis of the City's current budgeting practices, and of the community it serves,
 - Consult with any and all sources of expertise,
 - Conduct public hearings,
 - Identify models of revenue sources and resource allocation,
 - Make recommendations to City Council toward a goal of implementing a fair and equitable revenue plan for the property owners, residents and visitors of the City of Cape May;
4. The committee shall contain a broad-based membership of shareholders and shall consist of one representative from each of the following groups, as selected and designated by such groups but subject to the approval of the City Council:

Chamber of Commerce of Greater Cape May
 Cottagers Association
 Kiwanis Club of Cape May, NJ
 Rotary Club of Cape May, NJ
 Taxpayers Association of Cape May
 Village Greene Civic Association
 Washington Street Mall Management Company, Inc. (BID).

The committee shall also include two residents of the City of Cape May appointed by the City Council.

6. The committee shall select a chairperson from among its members.

7. The Chief Financial Officer of the City of Cape May shall serve as an ex officio member without vote. City Council shall also appoint on an annual basis a member of City Council at its annual reorganization meeting to serve as a liaison to the committee.

8. The committee shall meet on a calendar established by the chairperson and shall report to the City Council as often as necessary to provide timely and informative findings and recommendations.

9. The committee shall be afforded any appropriate resources of the City and shall consult with any appropriate sources of expertise.

10. The committee shall act in an advisory capacity only and shall make recommendations to the City Council with respect to its charge.

11. The committee meetings shall be open to the public.

12. 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 February 18, 2020.

 Patricia Harbora, City Clerk

Roll Call	Ayes	Nays	Absent	Abstain
Sheehan				
Mullock				
Meier				
Sheehan				
Lear				

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

RESOLUTION NO. 83-02-2020

**RESOLUTION OF THE CITY OF CAPE MAY AUTHORIZING CHANGE ORDERS 1,
2, & 3 FOR THE CAPE MAY CONVENTION HALL ANNEX EXTERIOR
IMPROVEMENTS**

MOTION:

SECOND:

WHEREAS, the City of Cape May is currently under contract with Joseph Poretta Builders, Inc.; and

WHEREAS, it is requested that the City authorize the change orders to reflect the changes as set forth below:

Change Order #1 – Remove and dispose of existing rotted wall and remove windows and replace with plywood, studs and paint – \$9,797.20; and

Change Order #2 – Replace old lights in overhang – \$2,233.90; and

Change Order #3 – Asbestos removal and disposal of up to 230 SF of exterior transite siding from front and left side of building - \$5,371.00.

WHEREAS, the project Contractor has recommended approval, and has requested that City Council authorize Change Order No. #1, #2 and #3; and

WHEREAS, having reviewed the matter, the City Council will accept the Contractor'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. 1, No. 2 & No. 3 to the contract with Joseph Poretta Builders, Inc.. The net result of Change Order No.'s 1, 2 & 3 is in the amount of \$17,402.10 more than the original contract amount of \$248,000.00 for an amended contract price of \$265,402.10.

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 February 18, 2020.

Patricia Harbora, City Clerk

Roll Call	Ayes	Nays	Absent	Abstain
Sheehan				
Mullock				
Meier				
Hendricks				
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 _____.

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. 84-02-2020

A RESOLUTION AUTHORIZING THE CITY OF CAPE MAY TO ADVERTISE FOR REQUESTS FOR QUALIFICATIONS/PROPOSALS FOR A NEW FIRE STATION

MOTION:

SECOND:

WHEREAS, the City of Cape May is currently contemplating construction of a new fire station for the City; and

WHEREAS, the Cape May City Fire Department commissioned a study by Conley Associates to evaluate and assess facility needs; and

WHEREAS, that study concluded that "It is our recommendation that the Fire Department should consider building a new Firehouse on the existing site that will meet their current and projected future needs; and

WHEREAS, that study found that a new 12,866-square-foot facility should be built; and

WHEREAS, the total preliminary project cost estimate was \$4,262,979; and

WHEREAS, the City's firefighters live in the fire station and are occupying temporary bunking facilities,

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 by reference.
2. Council hereby authorizes the appropriate City officials to take all steps necessary to issue a Request for Qualifications/Proposals for professional architectural and engineering services for a fire station, based on the recommendation of the Conley assessment of facility needs, and with a budget of \$5 million
3. The City Clerk is hereby authorized to prepare and have published a notice of the Request for Qualifications/Proposals in conformance with the terms of the Local Public Contracts Law, N.J.S.A. 40A:11-1 *et seq.*, and to take any other appropriate steps to ensure that the Request obtains the widest possible circulation to qualified firms.
4. 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 February 18, 2020.

Patricia Harbora, City Clerk

Roll Call	Ayes	Nays	Absent	Abstain
Sheehan				
Mullock				
Meier				
Sheehan				
Lear				

cc: City Manager
CFO
Fire Department

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

RESOLUTION NO. 85-02-2020

**RESOLUTION FOR RELEASE OF PERFORMANCE GUARANTEE FOR
810 LAFAYETTE STREET, BLOCK 1092/LOT 4**

MOTION:

SECOND:

WHEREAS, 810 Lafayette Street, Inc., 810 Lafayette Street, Block 1092/Lot4 posted a Performance Guarantee with the City of Cape May in the amount of FIVE THOUSAND DOLLARS (\$5,000.00) which was received in the form of a check, and;

WHEREAS, the Planning and Zoning Board Engineer Craig R. Hurless, PE, PP, CME has advised via a letter dated January 23, 2020 that the developer has completed all required improvements for this project and recommends release of the Performance Guarantee, and;

WHEREAS, in accordance with N.J.S.A. 40:55D53a.(2), it was recommended by the Board Engineer that the developer be required to post a maintenance guarantee for a period not to exceed two years after final acceptance of the project in an amount of 15% of the cost of the improvements (\$5,000) or \$750.00 for each aforementioned property, and;

WHEREAS, the developer has furnished the required maintenance guarantees in the form of a check payments totaling \$5,000.00.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Cape May, the governing body thereof, that the Performance Guarantee in the amount of FIVE THOUSAND DOLLARS (\$5,000.00) for the above-mentioned project be released.

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 February 18, 2020.

Patricia Harbora, City Clerk

Roll Call	Ayes	Nays	Absent	Abstain
Sheehan				
Mullock				
Meier				
Sheehan				
Lear				

cc: CFO
Planning/Zoning Board Secretary

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

RESOLUTION NO. 86-02-2020

**A RESOLUTION RELEASING AND ACCEPTING CERTAIN GUARANTEES
FOR 286 Windsor Avenue, Block 1023/Lot 7 and 288 Windsor Avenue, Block 1023/Lot 8**

MOTION:

SECOND:

WHEREAS, Anthony and Donna Caputo, developer of 286 Windsor Avenue, Block 1023/Lot 7 and 288 Windsor Avenue, Block 1023/Lot 8 posted a Performance Guarantee for the minor subdivision project with the City of Cape May by a Letter of Credit from The Magyar Bank, in the amount of \$5,000.00, and;

WHEREAS, Craig R. Hurless, the Cape May Planning Board Engineer, has advised the City via a letter dated December 4, 2019 that the developer has completed bulk of the required improvements for this project, and has recommended that the original Performance Guarantee be released and replaced with two Maintenance Guarantees in the amount of \$750.00 each, and;

WHEREAS, the City Council of the City of Cape May has considered the recommendations of Mr. Hurless and the request of Anthony and Donna Caputo for release of performance guarantee, and acceptance of maintenance guarantees, and has determined that acceptance of both is in the best interest of the City and its residents,

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

1. The Recital Paragraphs above are incorporated herein.
2. The City Council hereby approves the release of the original Letter of Credit issued by The Magyar Bank, and the payments by Anthony and Donna Caputo of two checks at \$750.00 each for a total of \$1,500.00 to serve as Maintenance Guarantees for the project; and
3. The original Letter of Credit, #8504-00002, issued by The Magyar Bank and dated August 21, 2018, shall be returned to The Magyar Bank,
4. 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 February 18, 2020.

Patricia Harbora, City Clerk

Roll Call	Ayes	Nays	Absent	Abstain
Sheehan				
Mullock				
Meier				
Hendricks				
Lear				

cc: Chief Financial Officer
Planning Board Secretary

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

RESOLUTION NO. 87-02-2020

RESOLUTION FOR EMERGENCY TEMPORARY APPROPRIATION

Motion:

Second:

WHEREAS, an emergent condition has arisen with respect to the City of Cape May's 2020 budget which has yet to be adopted and no adequate provision has been made for the aforesaid purpose in the Temporary Budget, and N.J.S.A. 40A:4-20 provides for the creation of an Emergency Temporary Appropriation for the above mentioned, and

WHEREAS, the total Emergency Temporary Appropriations adopted in the year 2020 pursuant to the provisions of Chapter 96, P.L. 1951 (N.J.S.A. 40A:4-20) including this resolution total **\$4,985,502.90**.

NOW, THEREFORE BE IT RESOLVED, (not less than two-thirds of all members thereof affirmatively concurring) that in accordance with the provisions of N.J.S.A. 40A:4-20:

1. A Temporary Emergency Appropriation be and the same is hereby made for:

Appropriations excluded from "CAPS"

CAPITAL IMPROVEMENT FUND	\$500,000.00
Total Appropriations	\$500,000.00

2. The said Emergency Temporary Appropriations will be provided for in the 2020 Municipal Budget under the appropriate account.

BE IT FURTHER RESOLVED, that a copy of this resolution be filed with the following:

1. Director, Division of Local Government Services
PO Box 803, Trenton NJ 08625-0803

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 February 4, 2020.

Patricia Harbora, City Clerk

Roll Call	Ayes	Nays	Absent	Abstain
Sheehan				
Mullock				
Meier				
Sheehan				
Lear				

cc: Director, DLGS - Certified

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

RESOLUTION NO. 88-02-2020

**RESOLUTION TO APPOINT A MEMBER TO THE
BEACH SAFETY ADVISORY COMMITTEE OF THE CITY OF CAPE MAY**

MOTION:

SECOND:

BE IT RESOLVED, by the City Council of the City of Cape May that the following appointment be made to the Beach Safety Advisory Committee:

**RICHARD DEMERS
Cape May, NJ 08204**

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 February 18, 2020.

Patricia Harbora, City Clerk

Roll Call	Ayes	Nays	Absent	Abstain
Sheehan				
Mullock				
Meier				
Hendricks				
Lear				

cc: Beach Safety Advisory Committee
Boards & Commissions Book

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

RESOLUTION NO. 89-02-2020

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 February 14, 2020 for the amount of: \$1,291,480.51

Current Fund Appropriations	\$ 1,093,879.84
Water/Sewer Utility Operating Fund	\$ 46,267.89
Tourism Utility Fund	\$ 2,290.26
General Capital Improvements	\$ 68,195.81
Water/Sewer Capital Improvements	\$ 10,984.00
Escrow Special Account	\$ 397.50
Trust Fund	\$ 125.40
Grant Fund	\$ 28,936.68
Beach Utility Fund Appropriations	\$ 4,886.13
Beach Utility Capital Improvements	\$ 35,517.00
	<u>\$ 1,291,480.51</u>



Neil Young, CFO/Treasurer

Roll Call	Ayes	Nays	Absent	Abstain
Sheehan				
Mullock				
Meier				
Hendricks				
Lear				

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 February 18, 2020.

Patricia Harbora, City Clerk