

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

ORDINANCE NO. 339-2018

**AN ORDINANCE TO AMEND THE CODE OF THE CITY OF CAPE MAY,
CHAPTERS 10 AND 310-3, TO INCLUDE THE CITY ZONING OFFICIAL IN THE
LICENSING PROCESS WHERE APPROPRIATE**

WHEREAS, the City Council of the City of Cape May believes it in the City's best interest that the City Zoning Official be included, as appropriate, in the process of investigating and approving applications for licenses in the City of Cape May.

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 as follows:

SECTION 1. Section 10-63 of the Code of the City of Cape May is hereby amended as follows [additions underlined]:

§ 10-63. Zoning Officer Appointment; duties.

The Zoning Officer shall be appointed by the City Manager and perform all of the duties of the Office of Zoning as prescribed under the New Jersey Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq.; and Chapter 59, Land Use Procedures; Chapter 310, Licenses and Permits; Chapter 417, Site Plan Review; Chapter 445, Subdivision of Land; and Chapter 525, Zoning, of this Code.

SECTION 2. Section 310-3 of the Code of the City of Cape May is hereby amended as follows [additions underlined]:

§ 310-3. Investigation of applicant; issuance or denial of license; appeals.

Applications may be referred to the Chief of Police and, where appropriate or where specifically authorized, to the Fire Department, Construction Official, Zoning Official, or Health Officer. Each officer shall immediately institute whatever investigation of the applicant's business responsibility, moral character and ability to properly conduct the licensed activity, compliance with regulations, codes, and ordinances necessary for the protection of the public. Findings shall be communicated in writing to the City Clerk within a reasonable time after the application has been filed. If any investigator decides that the applicant's character, ability or business responsibility is unsatisfactory, or the products, services or activity are not free from fraud or there is lack of compliance with all applicable codes, regulations and ordinances, he shall disapprove the application and the Clerk shall refuse to issue the license and shall so notify the applicant. Otherwise, the Clerk shall issue the license immediately, provided the required license fees have been paid, except in cases where approval of the Council is required. In the event of the refusal of the issuance of a license, the applicant may

appeal to the City Council for hearing. The appeal must be filed, in writing, with the City Clerk within 14 days after notification of the refusal. The Council shall hold its hearing within 10 days thereafter, and its decision shall be final.

SECTION 3. All other ordinances in conflict or inconsistent with this Ordinance are hereby repealed, to the extent of such conflict or inconsistency.

SECTION 4. 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 5. 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 339-2018 was introduced at a regular meeting of the City Council of the City of Cape May, held on February 6, 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 March 6, 2018, 6:00 P.M. at which time a Public Hearing will be held.

Roll Call	Ayes	Nays	Absent	Abstain
Pessagno				
Meier				
Hendricks				
Furlin				
Lear				

Introduction: February 6, 2018
 First Publication: February 14, 2018
 Second Reading & Adoption: March 6, 2018
 Final Publication: March 14, 2018
 Effective Date: April 3, 2018

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

ORDINANCE NO. 340-2018

**AN ORDINANCE AMENDING ORDINANCE 326-2017, ESTABLISHING
A BUREAU OF FIRE PREVENTION IN THE CITY OF CAPE MAY**

WHEREAS, on July 18, 2017, the City Council of the City of Cape May adopted Ordinance 326-2017, which established a local Bureau of Fire Protection and provided for local administration and enforcement of the Uniform Fire Safety Code; and

WHEREAS, the Ordinance took effect, August 15, 2017, and the Bureau became operational as of January 1, 2018; and

WHEREAS, having received the input of the local fire official, the Cape May City Council believes that certain amendments to the Ordinance should be made to make the Bureau's operations more efficient and effective,

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 as follows:

SECTION 1. Article II, Section 1(A) of Ordinance 326-2017 is amended in its entirety as follows:

Beginning in 2018, and continuing for each year thereafter, all properties shall be inspected upon the sale of property and rental properties upon the change of tenant for yearly rentals no later than May 15 with necessary adjustments made for the May 1 deadline for mercantile licenses. All rental properties shall be registered with and inspected by the Bureau of Fire Prevention prior to tenant occupancy. The seasonal rental period shall be from May 15 through December 31 of any given year. There shall be a penalty of not less than \$250 and not more than \$1,200 for any rental property occupied but not registered and inspected as required.

SECTION 2. The fee schedule in Article II, Section 2(A) of Ordinance 326-2017 is deleted in its entirety and replaced with the following:

FEE SCHEDULE

Retail/ Mercantile / Business/ Eating establishments & other uses not classified as a LHU

0-499 "kiosk"	\$50
500-2,500	\$125
2,501-7,500	\$250
7,501-12,000	\$375

Hotel/Motel/ Multi-family dwellings not classified as a LHU

Up to 6 units	\$125
7 to 11 units	\$150
12 to 30 units	\$225
30 to 100 units	\$300

Permits

Type 1	\$60
Type 2	\$200
Type 3	\$425
Type 4	\$600

Residential Rentals not classified as Hotel/Motel/Multifamily and/or LHUs

1 or 2 family dwellings, townhouse, condo unit	\$110
Condo Association w/ Common Area and/or Common Fire Detection/ Suppression Systems	\$125

Sale of Property

1 or 2 family dwellings, townhouse, condo unit	\$110
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SECTION 3. Article II, Section 2(E) of Ordinance 326-2017 shall be deleted in its entirety.

SECTION 4. Article IV, Section 3(B) of Ordinance 326-2017 is amended as follows (deletions [in brackets]):

Any structure owner who violates any provisions of this Article, upon conviction thereof, shall be subject to a fine of up to \$1,250 plus costs [and/or 90 days in the county jail] for each offense or violation. Each day that a violation continues after the ten-day notification period expires shall constitute a separate violation.

SECTION 5. All other ordinances in conflict or inconsistent with this Ordinance are hereby repealed, to the extent of such conflict or inconsistency.

SECTION 6. 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 7. 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 340-2018 was introduced at a regular meeting of the City Council of the City of Cape May, held on February 6, 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 March 6, 2018, 6:00 P.M. at which time a Public Hearing will be held.

Roll Call	Ayes	Nays	Absent	Abstain
Pessagno				
Meier				
Hendricks				
Furlin				
Lear				

Introduction: February 6, 2018
First Publication: February 14, 2018
Second Reading & Adoption: March 6, 2018
Final Publication: March 14, 2018
Effective Date: April 3, 2018

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

RESOLUTION NO. 58-02-2018

**RESOLUTION DECLARING CERTAIN SURPLUS ITEMS
AS SURPLUS PROPERTY AND AUTHORIZING SALE OF SAME**

MOTION:

SECOND:

WHEREAS, the City of Cape May has certain items which are no longer needed for City use; and

WHEREAS, miscellaneous equipment, computers, printers, fax machines, cell phones, City Vehicles (SEE ATTACHMENT) and other miscellaneous items will be auctioned on GOVDEALS; and

WHEREAS, the sale of these items may be accomplished without Public advertising in keeping with NJSA 40A:11-36(2) and NJSA 40A:23-13(b)(1).

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Cape May that the items set forth, but not limited to, are hereby declared surplus property.

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 6, 2018.

Patricia Harbora, City Clerk

Roll Call	Ayes	Nays	Absent	Abstain
Pessagno				
Meier				
Hendricks				
Furlin				
Lear				

cc: CFO
Superintendent, Dept. of Public Works
Purchasing Agent

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

RESOLUTION NO. 59-02-2018

RESOLUTION FOR AN APPOINTMENT TO THE CAPE MAY CITY FIRE POLICE

MOTION:

SECOND:

WHEREAS, pursuant to N.J.S.A. 15:8-4, the City of Cape May (“City”) has recognized the establishment of a fire police unit (“Fire Police”) from among members of the Cape May Volunteer Fire Company (the “Fire Company”);

WHEREAS, the Bylaws of the Fire Company, as approved by the City Council, further provide that the City Council may appoint members to perform certain police duties and responsibilities at fires and drills, for a term of office not exceeding five (5) years from the date of the appointment in accordance with N.J.S.A. 15:8-4;

WHEREAS, the Fire Company has submitted to the City Council a list of individuals for appointment or reappointment to the Fire Police; and

WHEREAS, based upon the recommendations of the Fire Company and the City’s Fire Chief, the City Council desires to appoint said individuals to the Fire Police for a term which will begin on the date hereof and expire on the date of the City’s reorganization meeting to be held in January, 2023.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Cape May, that the following appointment commencing February 6, 2018 and ending on the date of the Cape May reorganization meeting to be held in January, 2023 be made to the Cape May City Fire Police:

Michael David Jones

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 6, 2018.

Patricia Harbora, City Clerk

Roll Call	Ayes	Nays	Absent	Abstain
Pessagno				
Meier				
Hendricks				
Furlin				
Lear				

cc: Fire Police
Fire Department
File

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

RESOLUTION NO. 60-02-2018

RESOLUTION OPPOSING OFFSHORE OIL AND GAS ACTIVITIES

MOTION:

SECOND:

WHEREAS, the federal Bureau of Ocean Energy Management (BOEM) recently announced its Draft Proposed Program (DPP) for the 2019-2024 Outer Continental Shelf Oil and Gas Leasing Program and is requesting public comment; and

WHEREAS, this new plan includes the entire Atlantic Ocean from Maine to Florida, including the waters off New Jersey within 3 miles of beaches; and

WHEREAS, the City of Cape May is an integral part of New Jersey's beautiful ocean coastline, back-bays, estuaries, and other waterways connected to the Atlantic Ocean; and

WHEREAS, the coastline, back-bays, estuaries and related waterways are essential to the health of our City and its environmental and economic well-being; and

WHEREAS, the physical, hydrodynamic, and biological characteristics of the ocean off the New Jersey coast are unique in the world, including countless species of fish, birds, sea turtles, and marine mammals, some of which are already endangered and could be further perilously harmed; and

WHEREAS, Cape May's economy is integrally tied to the Atlantic shoreline and coastal waters with its bounty of natural resources and intrinsic values for thousands of people through tourism, given the local population growth from an estimated 3000 to 40,000-50,000 in season; and

WHEREAS, recreational and commercial fisheries in NJ provide enormous economic benefits, including revenue derived from food production, dining, lodging, retail sales and recreational and social activities; and

WHEREAS, the harmful consequences of offshore oil and gas exploration and development are serious and threaten the environmental and economic assets of Cape May City and indeed the entire New Jersey coast; and

WHEREAS, prior oil and gas disasters provide clear evidence of dangers associated with offshore drilling; and

WHEREAS, within days of the release of the DPP the State of Florida was exempted from further consideration for drilling due to the importance of coastal tourism to that state, and New Jersey reflects this same economic dependence on tourism and clean ocean economies; and

WHEREAS, the City of Cape May and similar coastal municipalities have a profound interest in maintaining strong federal protections for our nation’s coastal environment, as well as the economic and social benefits it supports.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City Cape May, New Jersey, opposes offshore oil and gas exploration and drilling activities affecting the coast of New Jersey and calls upon the U.S. Department of the Interior to withdraw New Jersey and the entire Atlantic Ocean from any consideration of offshore oil and gas exploration, development, or drilling.

BE IT FURTHER RESOLVED, that City Council urges all coastal communities to stand in solidarity against any plans to carry out off-shore drilling, seismic blasting or oil and gas exploration; and appeals to their elected officials to adopt similar resolutions; and

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to New Jersey Governor Phil Murphy, Congressman Frank LoBiondo, Senator Bob Menezes, and Senator Cory Booker.

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 6, 2018.

Patricia Harbora, City Clerk

Roll Call	Ayes	Nays	Absent	Abstain
Pessagno				
Meier				
Hendricks				
Furlin				
Lear				

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

RESOLUTION NO. 61-02-2018

RESOLUTION REFUNDING OVERPAID WATER/SEWER PAYMENT

MOTION:

SECOND:

WHEREAS, the 4th quarter 2017 water/sewer outstanding balance was overpaid by the property owner on January 17, 2018, and

WHEREAS, the property owner, Dorothy Platt, is entitled to a refund of the overpaid utilities, and

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

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

PROPERTY OWNER	ADDRESS	ACCOUNT NO.	AMOUNT
Dorothy Platt	659 Lafayette St	739-0	\$146.01

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 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 6, 2018.

Patricia Harbora, City Clerk

Roll Call	Ayes	Nays	Absent	Abstain
Pessagno				
Meier				
Hendricks				
Furlin				
Lear				

cc: Tax Office
Water/Sewer

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

RESOLUTION NO. 62-02-2018

**RESOLUTION OF THE CITY OF CAPE MAY AUTHORIZING
CHANGE ORDER NO.1, FOR CONTRACT WITH APPLIED CONTROLS INC.
VFD REPLACEMENT**

MOTION:

SECOND:

WHEREAS, the City of Cape May is currently under contract with Applied Controls, Inc. for the VFD Replacement Project; and

WHEREAS, it is requested by the City to authorize Change Order No. 1, to reflect the following listed below:

The City of Cape May to authorize Applied Controls, Inc. to increase the contract amount by \$10,177.78 for SEA Service/Support for the VFD replacement project.

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 to the contract with Applied Controls, Inc. for a total change order amount of \$10,177.78.

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 6, 2018.

Patricia Harbora, City Clerk

Roll Call	Ayes	Nays	Absent	Abstain
Pessagno				
Meier				
Hendricks				
Furlin				
Lear				

cc: Chief Financial Officer
Applied Controls
Project File

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

RESOLUTION NO. 63-02-2018

**RESOLUTION URGING THE COUNTY OF CAPE MAY TO LOWER THE SPEED
LIMIT ON PITTSBURGH AVENUE FROM 35 TO 25 MILES PER HOUR, AND TO
MAKE OTHER SAFETY IMPROVEMENTS**

MOTION:

SECOND:

WHEREAS, Pittsburgh Avenue in the City of Cape May is a Cape May County Road, designated County Route 622, which runs from Texas Avenue to Beach Drive, a distance of approximately 0.8 miles; and

WHEREAS, Pittsburgh Avenue is a heavily traveled street that runs through a highly populated residential area, which includes both Village Greene and housing for United States Coast Guard families; and

WHEREAS, Pittsburgh Avenue is crossed daily by many pedestrians, including senior citizens and children from Coast Guard families; and

WHEREAS, the current signage and laneage on Pittsburgh Avenue, for both pedestrians and bicyclists, is inadequate and in poor physical condition, making it difficult for cyclists and pedestrians to travel and cross the roadway; and

WHEREAS, because of its location, condition, and the intensity of its use, Pittsburgh Avenue poses traffic safety concerns; and

WHEREAS, in 2012, in an attempt to address those concerns, Cape May County lowered the speed limit on Pittsburgh Avenue from 40 to 35 miles per hour; and

WHEREAS, in the opinion of the Cape May City Council, that reduction has not resolved the traffic safety concerns on Pittsburgh Avenue; and

WHEREAS, City Council believes that a further reduction of the Pittsburgh Avenue speed limit to 25 miles per hour – the speed limit for all other residential streets in Cape May – would render the street safer, would better address the traffic concerns on the street, and would be in the best interest of Cape May and its residents; and

WHEREAS, City Council further believes that improvements in the signage and laneage on Pittsburgh Avenue would also reduce the traffic safety problems on the street, and be in the best interest of Cape May and its residents.

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 City Council hereby urges the County of Cape May to reduce the speed limit on Pittsburgh Avenue (County Route 622) from 35 miles per hour to 25 miles per hour.

3. The City Council further urges the County of Cape May to take the following steps to increase traffic safety on Pittsburgh Avenue, particularly for pedestrians and cyclists:

- Repaint the bike lanes on both sides of Pittsburgh Avenue in their entirety, between Beach Avenue and Texas Avenue.

- Adequately mark each of the 12 pedestrian crosswalks on Pittsburgh Avenue between the blocks of Beach Avenue and Texas Avenue.

- Provide a safer means for pedestrians to cross Pittsburgh Avenue at its intersections with Pennsylvania and Delaware Avenues.

- Properly mark with signage the beginning and end of the bike lanes on each side of Pittsburgh Avenue, between the Beach Avenue and Texas Avenue.

4. The Cape May City Clerk is directed to transmit a certified copy of this Resolution to the Cape May County Board of Freeholders and the Cape May County Engineer.

5. This Resolution shall take effect immediately upon passage, according to law.

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 6, 2018.

Patricia Harbora, City Clerk

Roll Call	Ayes	Nays	Absent	Abstain
Pessagno				
Meier				
Hendricks				
Furlin				
Lear				

cc: Engineer
Certified Copy: CMC Board of Freeholders
Certified Copy: CMC Engineer

CITY OF CAPE MAY

RESOLUTION NO. 64-02-2018

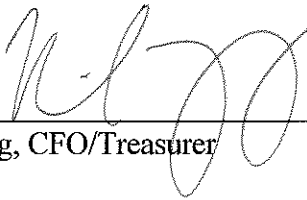
RESOLUTION FOR THE PAYMENT OF BILLS

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 2, 2018 for the amount of: \$2,925,068.44

Current Fund Appropriations	\$ 2,378,542.46
Water/Sewer Utility Operating Fund	\$ 78,824.67
Tourism Utility Fund	\$ 28,350.78
General Capital Improvements	\$ 68,274.94
Water/Sewer Capital Improvements	\$ 248,979.37
Escrow Special Account	\$ 7,700.45
Trust Fund	\$ 4,995.00
Grant Fund	\$ -
Beach Utility Fund Appropriations	\$ 11,252.37
Beach Utility Capital Improvements	\$ 98,148.40
	<u>\$ 2,925,068.44</u>



Neil Young, CFO/Treasurer

Roll Call	Ayes	Nays	Absent	Abstain
Pessagno				
Meier				
Hendricks				
Furlin				
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 6, 2018.

Patricia Harbora, City Clerk

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

RESOLUTION NO. 65-02-2018

**RESOLUTION AWARDING THE CONTRACT FOR RECONSTRUCTION OF
PENNSYLVANIA AVENUE, CONTRACT NO. M-15,
CITY OF CAPE MAY, CAPEMAY COUNTY, NEW JERSEY**

MOTION:

SECOND:

WHEREAS, after due notification and advertisement pursuant to the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq., the City of Cape May received and opened sealed bids for the above-referenced project on January 30, 2018; and

WHEREAS, of the bids received for this project, the lowest bid was submitted by **Landberg Construction, LLC**, of Marmora, New Jersey, in the amount of \$558,951.55; and

WHEREAS, the City Engineer has reviewed that bid and has determined that it appears to be competitive and advantageous and within the engineer's estimate for the project; and

WHEREAS, both the City Engineer and the City Solicitor have reviewed the bid and have determined that it complies in all respects with the bid specifications and the requirements of the Local Public Contracts Law; and

WHEREAS, it accordingly appears that Landberg Construction, LLC, is the lowest responsible bidder on the project, in the amount of \$558,951.55, and that award of the contract to Landberg Construction, LLC, is in the best interest of the City of Cape May; and

WHEREAS, the City's Chief Financial Officer has certified the availability of funds to pay the contract amount.

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 City Council hereby authorizes the award of Contract No. M-15, for the reconstruction of Pennsylvania Avenue, to Landberg Construction, LLC, in the amount of \$558,951.55.
3. The Mayor, City Manager and other appropriate City officials are authorized to take all steps necessary to consummate and effectual that contract, in accordance with the bid specifications and the requirements of the Local Public Contracts Law.
4. This Resolution shall take effect immediately upon passage, according to law.

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 6, 2018.

Patricia Harbora, City Clerk

Roll Call	Ayes	Nays	Absent	Abstain
Pessagno				
Meier				
Hendricks				
Furlin				
Lear				

Cc: Engineer
Project File

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

RESOLUTION NO. 66-02-2018

**RESOLUTION APPROVING CHANGE ORDER NO. 6 TO THE AGREEMENT
BETWEEN TKT CONSTRUCTION COMPANY, INC. AND THE CITY OF CAPE MAY'S
CONTRACT FOR CAPE MAY CITY WELL NUMBER 8**

MOTION:

SECOND:

WHEREAS, the City of Cape May (the "City") and TKT Construction Company, Inc. ("TKT Construction") are parties to a certain agreement (the "Agreement") for the New Jersey Environmental Infrastructure Financing Program Clean Water Application for Financial Assistance for Well No. 8 (the "Services") located at Block 759, Lot 402 in Lower Township; and

WHEREAS, the City has requested a no cost time extension from the TKT Construction because of time required for the well testing and analysis as required by the N.J.D.E.P., and

WHEREAS, TKT Construction has agreed to a no cost time extension to February 28, 2018; and

WHEREAS, this contract modification can be made without any additional cost to the City,

NOW, THEREFORE, LET IT BE 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 approves Change Order Number 6 to the contract for the installation of City Well Number 8, extending the time for completion of the project to February 28, 2018.
3. The appropriate city officials are hereby authorized to execute all documents required to effect this modification.
4. A certified copy of this resolution, and the contract modification documents, shall be forwarded to the New Jersey Department of Environmental Protection.
5. This Resolution shall take effect immediately upon passage, according to law.

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 6, 2018.

Patricia Harbora, City Clerk

Roll Call	Ayes	Nays	Absent	Abstain
Pessagno				
Meier				
Hendricks				
Furlin				
Lear				

cc: Water/Sewer
Remington Vernick & Walberg
Township of Lower
NJ Department of Environmental Protection

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

RESOLUTION NO. 67-02-2018

RESOLUTION APPROVING ATLANTIC-CAPE MULTI-JURISDICTIONAL PROGRAM FOR PUBLIC INFORMATION

MOTION:

SECOND:

WHEREAS, as an active participant in FEMA's Community Rating System (CRS) program, the City of Cape May has determined that it is necessary to participate in the Atlantic-Cape Coastal Coalition's Public Information Group, consisting of municipal officials and community stakeholders, to assist in evaluating existing public information disseminated by the City, other Municipalities and regional stakeholders regarding floodplain management, and to develop new public information needs; and

WHEREAS, the Atlantic-Cape Multi-Jurisdictional Program for Public Information (PPI) will coordinate all of the flood-related public information in the community and the surrounding areas, both public and private; and

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

The allegations of the preamble are incorporated herein by this reference.

1. The City of Cape May appoints Louis M. Belasco and alternate Jason Dilworth, as Public Members of the PPI, and Todd DeSatnick and alternate James Cheney as Private Members of the PPI.
2. The City of Cape May hereby formally supports participation in the Atlantic-Cape Multi-Jurisdictional PPI to meet the goals of the National Flood Insurance Program's Community Rating System.
3. The City of Cape May hereby formally adopts the Atlantic-Cape Multi-Jurisdictional PPI, dated December 2017 prepared by the Atlantic-Cape Coastal Coalition.
4. All City officials, officers and employees are empowered to take such action as may be necessary or advisable in order to carry out the intent and purpose of this Resolution.

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 6, 2018.

Patricia Harbora, City Clerk

Roll Call	Ayes	Nays	Absent	Abstain
Pessagno				
Meier				
Hendricks				
Furlin				
Lear				

cc: Tax Assessor
James Cheney
Todd DeSatnick

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

RESOLUTION NO. 68-02-2018

A RESOLUTION PROVIDING FOR A MEETING NOT OPEN TO THE PUBLIC IN ACCORDANCE WITH THE PROVISIONS OF THE NEW JERSEY OPEN PUBLIC MEETINGS ACT, N.J.S.A. 10:4-12

MOTION:

SECOND:

WHEREAS, the City Council of the City of Cape May is subject to certain requirements of the Open Public Meetings Act, N.J.S.A 10:4-6, et seq., and

WHEREAS, the Open Public Meetings Act, N.J.S.A. 10:4-12, provides that an Executive Session, not open to the public, may be held for certain specified purposes when authorized by Resolution, and

WHEREAS, it is necessary for the City Council of the City to discuss in a session not open to the public certain matters relating to the item or items authorized by N.J.S.A. 10:4-12b and designated below:

_____ (1) Matters Required by Law to be Confidential: Any matter which, by express provision of Federal law or State statute or rule of court shall be rendered confidential or excluded from the provisions of the Open Public Meetings Act.

_____ (2) Matters Where the Release of Information Would Impair the Right to Receive Funds: Any matter in which the release of information would impair a right to receive funds from the Government of the United States.

_____ (3) Matters Involving Individual Privacy: Any material the disclosure of which constitutes an unwarranted invasion of individual privacy such as any records, data, reports, recommendations, or other personal material of any educational, training, social service, medical, health, custodial, child protection, rehabilitation, legal defense, welfare, housing, relocation, insurance and similar program or institution operated by a public body pertaining to any specific individual admitted to or served by such institution or program, including but not limited to information, relative to the individual's personal and family circumstances, and any material pertaining to admission, discharge, treatment, progress or condition of any individual, unless the individual concerned (or, in the case of a minor or incompetent, his guardian) shall request in writing that the same be disclosed publicly.

_____ (4) Matters Relating to Collective Bargaining Agreement: Any collective bargaining agreement, or the terms and conditions which are proposed for inclusion in any collective bargaining agreement, including the negotiation of the terms and conditions thereof with employees or representatives of employees of the public body.

_____ (5) Matters Relating to the Purchase, Lease or Acquisition of Real Property or the Investment of Public Funds: Any matter involving the purchase, lease or acquisition of real property with public funds, the setting of banking rates or investment of public funds, where it could adversely affect the public interest if discussion of such matters were disclosed.

_____ (6) Matters relating to Public Safety and Property: Any tactics and techniques utilized in protecting the safety and property of the public, provided that their disclosure could impair such protection. Any investigations of violations or possible violations of the law.

__X__ (7) Matters Relating to Litigation, Negotiations and the Attorney-Client Privilege: any pending or anticipated litigation or contract negotiation in which the public body is, or may become a party. Any matters falling within the attorney-client privilege, to the extent that confidentiality is required in order for the attorney to exercise his ethical duties as a lawyer – Captain Robert Sheehan vs. City of Cape May

_____ (8) Matters Relating to the Employment Relationship: Any matter involving the employment, appointment, termination of employment, terms and conditions of employment, evaluation of the performance or promotion or disciplining of any specific prospective public officer or employee or current public officer or employee employed or appointed by the public body, unless all the individual employees or appointees whose rights could be adversely affected request in writing that such matter or matters be discussed at a public meeting

_____ (9) Matters Relating to the Potential Imposition of a Penalty: Any deliberations of a public body occurring after a public hearing that may result in the imposition of a specific civil penalty upon the responding party or the suspension or loss of a license or permit belonging to the responding party bears responsibility.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Cape May, assembled in public session on February 6, 2018, that an Executive Session closed to the public shall be held on this date beginning at 6:00 P.M. in the City Hall Building of the City of Cape May, 643 Washington Street, Cape May for the discussion of matters relating to the specific items designated above.

It is anticipated that the deliberations conducted in closed session may be disclosed to the public upon the determination of the City Council that the public interest will no longer be served by such confidentiality.

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 6, 2018.

Patricia Harbora, City Clerk

Roll Call	Ayes	Nays	Absent	Abstain
Pessagno				
Meier				
Hendricks				
Furlin				
Lear				

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

RESOLUTION NO. 69-02-2018

RESOLUTION AWARDING A CONTRACT FOR PROFESSIONAL ENVIRONMENTAL INVESTIGATION SERVICES IN CONNECTION WITH A DISCHARGE AT THE CITY OF CAPE MAY'S CANNING HOUSE LANE FACILITY

WHEREAS, on July 13, 2017, a discharge was discovered during construction of a concrete pad for the new above-ground storage tank at the City of Cape May's Public Works Facility, located at 833 Canning House Lane; and

WHEREAS, the NJDEP was notified of the discharge and Case No. 17-07-13-1502 opened as a result; and

WHEREAS, remediation at the site will require the provision of certain environmental investigation services, including the installation of monitoring wells to assess the extent of any groundwater contamination resulting from the discharge; and

WHEREAS, the engineering firm of **Mott Macdonald, LLC**, has submitted a proposal, dated February 1, 2018, to perform certain of those environmental service, including installation of monitoring wells, soil sampling and groundwater sampling, for a total cost of \$19,2000; 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 to Mott Macdonald in accordance with the terms contained in its February 1, 2018, proposal letter, which is attached to this Resolution and incorporated therein.

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 perform professional environmental investigation services in connection with remediation of a discharge at the City's Public Works Facility on Canning House Lane, in the contract amount of \$19,200 and in full conformity with its proposal letter dated February 1, 2018.
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 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 6, 2018.

Patricia Harbora, City Clerk

Roll Call	Ayes	Nays	Absent	Abstain
Pessagno				
Meier				
Hendricks				
Furlin				
Lear				

Cc: Mott Macdonald