

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

ORDINANCE NO. 303-2016

AN ORDINANCE AMENDING CHAPTER 356 OF THE  
CITY ADMINISTRATIVE CODE-OPEN SPACE AND  
RECREATION LAND ACQUISITION

WHEREAS, the City of Cape May has established an open space appropriation as codified in Chapter 356 of the Cape May City Code;

WHEREAS, said appropriation has enabled the City of Cape May to double its award of grants from the New Jersey Department of Environmental Protection, Green Acres Program, for open space land acquisition; and

WHEREAS, the City Council desires to amend Chapter 356 to expand the purposes for which the annual appropriation may be used to include development and maintenance of lands acquired for recreation and conservation purposes.

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

1. Chapter 356 of the Cape May City Code is hereby retitled "Open Space and Recreation Land Acquisition, Development, and Maintenance.
2. Chapter 356 of the Cape May City Code is hereby revised as follows (deleted language is ~~stricken~~ and new language is underscored):

**356-1. Purpose.**

The purpose of this chapter is to establish a minimum annual appropriation for open space and recreation land acquisition and associated costs, which shall include, without limitation, legal, appraisal, survey, engineering and preservation acquisition debt servicing in order to provide a guaranteed source of funds to match Green Acres funding and for the development and maintenance of open space and recreation land.

**§ 356-2. Line item appropriation.**

The ~~minimum~~ amount of the annual appropriation for the purposes set forth in § 356-1 shall be no more than \$0.01 for each \$100 of assessed property value, and shall be reflected as a line item in the City's annual budgets.

**§ 356-3. Duration.**

This chapter shall take effect for the budget year beginning January 1, 2003, and shall continue until the budget year ending December 31, 2022, unless extended by the City Council by ordinance.

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 All other ordinances in conflict or inconsistent with this Ordinance are hereby repealed to the extent of such conflict or inconsistency.

4. Should any section, paragraph, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid for any reason, the remaining portions of this Ordinance shall not be affected thereby and shall remain in full force and effect, and to this end the provisions of this Ordinance are hereby declared to be severable.

5. This Ordinance shall take effect within twenty (20) days of final passage and publication as provided by law.

ATTEST:

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

\_\_\_\_\_  
Louise Cummiskey, City Clerk

BY: \_\_\_\_\_  
Dr. Edward J. Mahaney, Jr., Mayor

**NOTICE**

Ordinance 303-2016 was introduced at a regular meeting of the City Council of the City of Cape May, held on April 5, 2016 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 May 3, 2016, 1:00 P.M. at which time a Public Hearing will be held.

Louise Cummiskey, City Clerk

Roll Call	Ayes	Nays	Absent	Abstain
Dr. Mahaney				
Mr. Furlin				
Mr. Meier				
Ms. Pessagno				
Ms. Swain				

Introduced: April 5, 2016  
First Publication: April 13, 2016  
2nd Reading & Adoption: May 3, 2016  
Final Publication: May 11, 2016

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

**RESOLUTION NO. 104-05-2016**

**RESOLUTION REGARDING CITY OF CAPE MAY  
CITY-WIDE BI-ANNUAL SIDEWALK SALE**

**MOTION:**

**SECOND:**

**WHEREAS**, the merchants in the City of Cape May hold a bi-annual city-wide sidewalk sale; and

**WHEREAS**, the City Council of the City of Cape May desires to set the dates and times for the bi-annual, sidewalk sale.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Cape May, that the dates and times for the 2016 sidewalk sale shall be May 19<sup>th</sup> through May 22<sup>nd</sup> between the hours of 9:00 A.M. to 7:00 P.M.

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 May 3, 2016

\_\_\_\_\_  
Louise Cummiskey, City Clerk

Roll Call	Ayes	Nays	Absent	Abstain
Furlin				
Meier				
Swain				
Pessagno				
Mahaney				

cc: All Departments  
Bulletin Board  
WSM Management Co., Inc.  
Mall Merchants Association  
Cape May Chamber of Commerce

Files/annual tickler files/May/sidewalk sale resolution

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

**RESOLUTION NO. 105-05-2016**

**RESOLUTION SUPPORTING PARTICIPATION IN THE MULTI-JURISDICTIONAL PROGRAM FOR PUBLIC INFORMATION TO MEET THE GOALS OF THE NATIONAL FLOOD INSURANCE PROGRAM'S COMMUNITY RATING SYSTEM**

**MOTION:**

**SECOND:**

**WHEREAS**, the National Flood Insurance Program's (NFIP) Community Rating System (CRS) is a voluntary incentive program that recognizes and encourages community floodplain management activities that exceed the minimum NFIP requirements; and

**WHEREAS**, flood insurance premium rates are discounted to reflect the reduced flood risk resulting from the community actions meeting the three goals of the CRS:

1. Reduce flood damage to insurable property.
2. Strengthen and support the insurance aspects of the NFIP.
3. Encourage a comprehensive approach to floodplain management.

**WHEREAS**, the Community Rating System credits local initiatives to advise people about flood hazards, flood insurance, the natural functions of floodplains and flood loss reduction measures;

**WHEREAS**, in order to implement a Program for Public Information (PPI) for the municipalities in our region a Multi-Jurisdictional Program for Public Information is being formed; and

**WHEREAS**, the PPI will coordinate all of the flood-related public information in the community, both public and private; and

**WHEREAS**, the City of Cape May City floodplain managers will be actively involved in the PPI planning and implementation process and attend required meetings;

**WHEREAS**, this actions will result in CRS credits that will result in lower flood insurance premiums for the residents and business of the City of Cape May City.

**NOW, THEREFORE, BE IT RESOLVED** that City Council of the City of Cape May City formally supports Participation in the Multi-Jurisdictional Program for Public Information to Meet the Goals of the National Flood Insurance Program's Community Rating System.

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 May 3, 2016

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Louise Cummiskey, City Clerk

<b>Roll Call</b>	<b>Ayes</b>	<b>Nays</b>	<b>Absent</b>	<b>Abstain</b>
<b>Furlin</b>				
<b>Meier</b>				
<b>Swain</b>				
<b>Pessagno</b>				
<b>Mahaney</b>				

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

**RESOLUTION NO. 106-05-2016**

**RESOLUTION OF THE CITY OF CAPE MAY AUTHORIZING CHANGE ORDER NO. 1 FOR CONTRACT WITH MATHIS CONSTRUCTION CO., INC. FOR HUGHES STREET AND STOCKTON PLACE WATER AND SEWER REPLACEMENT PROJECT**

**MOTION:**

**SECOND:**

**WHEREAS**, the City of Cape May is currently under contract with Mathis Construction Co., Inc. for the Hughes Street and Stockton Placed Water and Sewer Replacement Project; and

**WHEREAS**, it is requested that the City authorize Change Order No. 1 to reflect the changes as set forth below:

Additional work and materials to connect to existing water main on Ocean Street due to discovered deficiencies of existing water main stub extending into Hughes Street.

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

1. The Mayor is authorized to execute and sign Change Order No. 1 to the contract with Mathis Construction Co., Inc. in the amount of \$11,388.00. The original contract amount of \$535,634.00 is increased to \$547,022.00, or a 2% increase.

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 May 3, 2016.

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Louise Cummiskey, City Clerk

Roll Call	Ayes	Nays	Absent	Abstain
Mahaney				
Swain				
Pessagno				
Furlin				
Meier				

cc: Chief Financial Officer  
Supt. of Public Works  
Mott, MacDonald  
Project File

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

**RESOLUTION NO. 107-05-2016**

**RESOLUTION APPROVING AGREEMENT BETWEEN  
CITY OF CAPE MAY AND ACIR PROFESSIONAL**

**MOTION:**

**SECOND:**

WHEREAS, the City of Cape May (the "City") desires to enter into an agreement with ACIR Professional ("ACIR"), in the form attached hereto as EXHIBIT A ("Agreement"), to provide lighting and sound equipment for the 2016 Summer Concert Series Program (the "Services");

WHEREAS, the City has also reviewed the credentials and experience of ACIR, and because of the highly specialized and qualitative nature of the services and the expertise, extensive training and proven reputation that ACIR has in the performance of the Services, the City desires to enter into the Agreement as a contract for an extraordinary unspecifiable service contract in accordance with N.J.S.A. 40A:11-5(1)(a)(i);

WHEREAS, ACIR has completed and submitted a Business Entity Disclosure Certification which certifies that ACIR has not made any reportable contributions to a political or candidate committee in the City of Cape May in the previous one year, and that the contract will prohibit ACIR from making any reportable contributions through the term of the Agreement.

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

1. The Agreement between ACIR and the City of Cape May, in the form attached hereto as EXHIBIT A, is hereby approved.
2. That the Mayor and Clerk are hereby authorized and directed to execute the Agreement on behalf of the City of Cape May, and to take any and all other actions necessary to effectuate the purposes thereof.
3. That the Agreement has been reviewed and approved by the City Solicitor as to form, content and legal procedure.
4. This resolution is contingent upon the Agreement for Extraordinary Unspecifiable Services being executed by the Mayor and City Clerk within thirty (30) days from the date of this resolution.
5. A Notice of Award of an Agreement for Extraordinary Unspecifiable Services for the above services shall be published in the *Cape May County Herald*.



6. The Business Disclosure Entity Certification shall be placed on file with 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 May 3, 2016.

\_\_\_\_\_  
Louise Cummiskey, City Clerk

Roll Call	Ayes	Nays	Absent	Abstain
Mahaney				
Swain				
Pessagno				
Furlin				
Meier				

CITY OF CAPE MAY

RESOLUTION NO. 108-05-2016A

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 April 29, 2016 for payments excluding those related to Swain's Ace Hardware Inc. Total Bill List: \$3,593,231.33.

Current Fund Appropriations	\$ 2,755,350.22
Water/Sewer Utility Operating Fund	\$ 82,826.85
Tourism Utility Fund	\$ 58,701.91
General Capital Improvements	\$ 61,142.62
Water/Sewer Capital Improvements	\$ 459,141.55
Escrow Special Account	\$ 1,610.00
Trust Fund	\$ -
Grant Fund	\$ 148,923.07
Beach Utility Fund Appropriations	\$ 23,140.98
Beach Utility Capital Improvements	\$ -
	<u>\$ 3,590,837.20</u>

Neil Young, CFO/Treasurer

Roll Call	Ayes	Nays	Absent	Abstain
Mahaney				
Swain				
Meier				
Pessagno				
Furlin				

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 May 03, 2016.

Louise Cummiskey, City Clerk

CITY OF CAPE MAY

RESOLUTION NO. 108-05-2016B

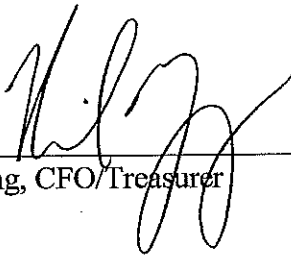
RESOLUTION FOR THE PAYMENT OF BILLS

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 April 29, 2016 for payments related to Swain's Ace Hardware Inc:  
Total Bill List: \$3,593,231.33.

Current Fund Appropriations	\$	1,573.25
Utility Operating Fund Appropriations	\$	-
General Capital Improvements	\$	-
Water/Sewer Capital Improvements	\$	-
Escrow Special Account	\$	-
Trust Fund	\$	-
Tourism Utility	\$	59.97
Grant Fund	\$	-
Beach Utility Fund Appropriations	\$	760.91
Beach Utility Capital Improvements	\$	-
	<u>\$</u>	<u>2,394.13</u>

  
 \_\_\_\_\_  
 Neil Young, CFO/Treasurer

Roll Call	Ayes	Nays	Absent	Abstain
Mahaney				
Swain				
Meier				
Pessagno				
Furlin				

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 May 03, 2016.

\_\_\_\_\_  
Louise Cummiskey, City Clerk

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

**RESOLUTION NO. 109- 05-2016**

**RESOLUTION APPROVING PROFESSIONAL SERVICES AGREEMENT  
BETWEEN MOTT MACDONALD AND THE CITY OF CAPE MAY  
FOR SANITARY SEWER SYSTEM IMPROVEMENTS – LAFAYETTE STREET**

**MOTION:**

**SECOND:**

WHEREAS, the City of Cape May (the “City”) desires to enter into a Professional Services Agreement with Hatch Mott MacDonald (the “Professional Services Agreement”), in the form attached hereto as EXHIBIT A, for the design of improvements to the City’s sanitary sewer collection system on Lafayette Street (the “Services”);

WHEREAS, the Professional Services Agreement is awarded pursuant to the Local Public Contracts Law, N.J.S.A. 40A:11-1, et seq., which provides for the award of a Professional Services Agreement without competitive bids, and further provides that the resolution authorizing the award and the Professional Services Agreement itself is available for public inspection; and

WHEREAS, Hatch Mott MacDonald has completed and submitted a Business Entity Disclosure Certification which certifies that Hatch Mott MacDonald has not made any reportable contributions to a political or candidate committee in the City of Cape May in the previous one year, and that the contract will prohibit Hatch Mott MacDonald from making any reportable contributions through the term of the contract.

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

1. The Professional Services Agreement between Hatch Mott MacDonald, located at 833 Rt. 9 North, PO Box 373, Cape May Court House, New Jersey 08210, and the City of Cape May, in the form attached hereto as EXHIBIT A, in an estimated amount of THIRTY-SIX THOUSAND (\$36,000.00) DOLLARS, is hereby approved.

2. That the Mayor and Clerk are hereby authorized and directed to execute the Professional Services Agreement on behalf of the City of Cape May, and the City Manager and other City officials are also authorized and directed to take any and all other actions necessary to effectuate the purposes thereof.

3. That the Professional Services Agreement has been reviewed and approved by the City Solicitor as to form, content and legal procedure.

4. This resolution is contingent upon the Professional Services Agreement being executed by the Mayor and City Clerk within thirty (30) days from the date of this resolution.

5. A Notice of Award of Professional Services Agreement for the above services shall be published in the *Cape May County Herald Times/Cape May County Herald*.

6. The Business Disclosure Entity Certification shall be placed on file with 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 May 3, 2016.

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Louise Cummiskey, City Clerk

Roll Call	Ayes	Nays	Absent	Abstain
Dr. Mahaney				
Mr. Meier				
Ms. Pessagno				
Ms. Swain				
Mr. Wichterman				

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

**RESOLUTION NO. 110-05-2016**

**RESOLUTION SUPPORTING SENATE BILL S-2085 PENDING  
BEFORE THE NEW JERSEY STATE SENATE**

**MOTION:**

**SECOND:**

WHEREAS, the City of Cape May (the "City"), in accordance with New Jersey law, is required to provide a pension to lifeguards employed with the City; and

WHEREAS, Senate Bill S-2085 (the "Proposed Legislation") has been introduced in the New Jersey State Senate to amend current statutes which provide for the establishment of a pension fund for members of the lifeguard force of cities of the fourth class, which include seaside and summer resort cities bordering on the Atlantic Ocean; and

WHEREAS, the current law is discriminatory in that it requires cities of the fourth class to maintain a pension system for lifeguards but does not require municipalities under a different form of government, such as Borough or Township, to provide same; and

WHEREAS, the current law is unfair in that it requires all lifeguards to pay into a pension system, but results in a forfeiture of all contributions in the event they do not work the required years of service to vest in their right to receive benefits; and

WHEREAS, the current law is unreasonably burdensome for a municipality with a workforce the size of that which exists in the City to be required to maintain a pension system for lifeguards; and

WHEREAS, the Proposed Legislation provides that a governing body of a municipality that has established a pension fund for lifeguards, pursuant to N.J.S.A. 43:13-23 through 43:13-20, may adopt an ordinance directing that those provisions of the law will not apply to any person becoming a member of the lifeguard force subsequent to the passage of such ordinance; and

WHEREAS, the Proposed Legislation provides that a governing body of a municipality that has established a pension fund for lifeguards, pursuant to the above referenced statutes, may also adopt an ordinance terminating the pension fund for lifeguards altogether; and

WHEREAS, the Proposed Legislation provides that upon termination of a pension fund for lifeguards, the rights of all members of the fund to benefits accrued to the date of the termination or discontinuance, to the extent they are funded, are non-forfeitable, and the form and timing of all distributions from the fund will conform to the required distribution provisions of the federal Internal Revenue Code.

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 City Council does hereby support the Proposed Legislation.
2. The City Council urges and encourages the New Jersey Senate and Assembly to pass the Proposed Legislation.
3. The City Council also urges and encourages Governor Chris Christie to approve the Proposed Legislation.
4. That a copy of this resolution be forwarded to all Cape May County municipalities, Assemblymen Bob Andrzejczak and R. Bruce Land, Senator Jeff Van Drew and Governor Chris Christie.

I hereby certify the foregoing to be a true copy of a Resolution adopted by the City Council at a meeting held on May 3, 2016.

\_\_\_\_\_  
Louise Cummiskey, City Clerk

Roll Call	Ayes	Nays	Absent	Abstain
Furlin				
Meier				
Swain				
Pessagno				
Mahaney				