

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

ORDINANCE NO. 364 - 2018

**AN ORDINANCE AMENDING CHAPTER 247 OF THE CAPE MAY CITY
MUNICIPAL CODE, GOVERNING FIRE PREVENTION**

MOTION:

SECOND:

WHEREAS, Chapter 247 of the Cape May Municipal Code governs the operation of the Fire Prevention Bureau in the City of Cape May; and

WHEREAS, after review by the City Administration and the City Solicitor, the Cape May City Council believes that Chapter 247 should be revised to eliminate duplication, clarify certain ambiguities, and update the fee schedule.

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. Chapter 247 of the Cape May City Code is hereby amended to read as follows [additions are underlined; deletions are struck through]:

Article I General Provisions

§ 247-1. Local enforcement.

Pursuant to Section 11 of the Uniform Fire Safety Act, the New Jersey Uniform Fire Code shall be locally enforced in the City of Cape May.

§ 247-2. Agency designation.

The Local Enforcing Agency (LEA) shall be the Bureau of Fire Prevention, hereby established. Enforcement shall be undertaken by the local Fire Official, who shall be appointed by, and shall be answerable to, the City Manager.

§ 247-3. Duties.

The local Fire Official shall enforce the Uniform Fire Safety Act and the codes and regulations adopted under it in all buildings, structures and premises within the City, other than 1) solely owner-occupied one- and two-family dwellings used exclusively for dwelling purposes; and 2) buildings, structures and premises operated by the Federal Government, Interstate Agencies, or the State. Owner-occupied one- or two-family dwellings in which a portion is rented are subject to enforcement under this section. The local Fire Official shall faithfully comply with the requirements of the Uniform Fire Safety Act and the Uniform Fire Safety Code.

§ 247-4. Life hazard uses.

The LEA shall carry out the periodic inspection of life hazard uses required by the Uniform Fire Safety Code on behalf of the Commissioner of the New Jersey Department of Community Affairs.

§ 247-5. Term; Inspectors.

The Fire Official shall be appointed by the City Manager for an indefinite term. The Fire Official shall be certified by the State Bureau of Fire Safety. The Fire Official shall recommend appointment of inspectors to the City Manager, as may be necessary. Inspectors shall be under the supervision and control of the Fire Official.

§ 247-6. Removal.

The Fire Official, Inspectors, and other LEA employees shall be subject to removal by the City Manager for inefficiency or misconduct.

§ 247-7. Board of Appeals.

Pursuant to Sections 15 and 17 of the Uniform Fire Safety Act, any person aggrieved by an order of the LEA shall have to right of appeal to the Construction Board of Appeals of Cape May County.

Article II Sales, and Rental Properties; ~~Non-Hazard Life Uses~~ Non-Life Hazard Uses; Fees

§ 247-8. ~~Sale and rental properties.~~ Sales of 1 & 2 Family Dwellings (Certificate of Smoke Alarm, Carbon Monoxide Alarm and Portable Fire Extinguisher Compliance, CSACMAPFEC.)

- A. ~~Beginning in 2018, and continuing for each year thereafter, all properties 1 & 2 Family Dwellings shall be inspected upon prior to 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. [Amended 3-6-2018 by Ord. No. 340-2018]~~
- B. ~~For the sale of property or rental property inspections, the fee shall be \$110 dollars. This fee shall include only the sale of property or rental property inspection application if received in the Fire Bureau office more than 10 working days from the settlement or tenant occupancy date. For all sale of property or rental property inspection applications received in the Fire Bureau office within less than 10 business days to settlement or tenant occupancy, the fee shall be \$220 dollars.~~
- C. ~~Certificates of smoke detector and carbon monoxide compliance~~ Certificates of Smoke Alarm, Carbon Monoxide Alarm and Portable Fire Extinguisher Compliance (CSACMAPFEC), issued by the Bureau of Fire Prevention, are valid for 180 days from the time of inspection and are not transferrable.

§ 247-9. Residential Rentals & Non-life-hazard Uses.

- A. In addition to the registration required by the Uniform Fire Code, the following Residential Rentals Non-life-hazard uses shall register with the Bureau of Fire Prevention. These uses shall be inspected once per year. and These uses shall register, pay their applicable fee, and schedule their inspection by the May 1st deadline. The fee schedule is as follows: shall pay an annual fee as set forth below:

FEE SCHEDULE [Amended 3-6-2018 by Ord. No. 340-2018]	
Retail/Mercantile/Business/Eating establishments and other uses not classified as a LHU	
0-499 "kiosk"	\$50
500-2,500 sq. ft.	\$125
2,501-7,500 12,000 sq. ft.	\$250
7,501-12,000	\$375
Hotel/Motel/Multi-family dwellings not classified as a LHU	
Hotel or Motels not classified as LHUs	
Up to 6 units <u>Up to 9 units</u>	\$125 per bldg.
7 to 11 units	\$150
12 to 30 units <u>10 and/or more units</u>	\$225-\$250 per bldg.
30 to 100 units	\$300
Permits	
Type 1	\$60-\$75
Type 2	\$200
Type 3	\$425
Type 4	\$600
Residential Rentals not classified as Hotel/Motel/Multifamily and/or LHUs	
One or two family dwellings, townhouse, condo unit <u>Single Dwelling Unit</u>	\$110
<u>Multiple Dwelling Units</u>	\$110 for the first unit +\$35 each additional unit
Miscellaneous	
Condo Association w/ Common Area and/or Common Fire Detection/Suppression Systems	\$125
<u>Certificate of Fire Code Status</u>	\$25
<u>Sale of Property</u>	-
One or two family dwellings, townhouse, condo unit	\$110

- B. Uses not classified above that are subject to the Uniform Fire Code will be classified as retail stores.
- C. Uses required to register with the state as life-hazard uses shall not be required to register under this section.

- D. In the discretion of the Fire Official, vacant buildings will be charged and inspected according to the previous use of the building.
- E. 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. [Amended 3-6-2018 by Ord. No. 340-2018]
- F. Certificates expire 12/31 each year and are non-transferrable.

**Article III ~~Permits and Certificates; Smoke Detectors and Fire Extinguishers;~~
Enforcement; Violations and Penalties**

~~§ 247-10. Permits and certificate of fire code status.~~

- A. ~~The application fees for the permits listed in N.J.A.C. 5:70-2.9(e) are as provided therein.~~
- B. ~~The cost for the issuance of a certificate of fire code status shall be \$25.~~

~~§ 247-11. Smoke detectors and fire extinguishers.~~

- A. ~~The Bureau of Fire Prevention shall, upon the sale of a property and occupancy of a rental property including one and two family dwellings, conduct a fire inspection prior to settlement and/or occupancy for the purpose of:~~
 - (1) ~~Establishing that the occupancy has not been changed unless the structure has been upgraded to the new use as required under the New Jersey Administrative Code 5:23-2: 6 (b), change of use group;~~
 - (2) ~~Ensuring that the property is in compliance with the New Jersey Uniform Fire Code N.J.A.C. He 5:70-4.19 and other fire safety requirements;~~
 - (3) ~~Ensuring that the required fire extinguisher is properly located within the property and is maintained as per National Fire Prevention Association Standard No.10;~~
 - (4) ~~Ensuring that any fossil-fuel heat source is inspected and certified safe by a professional prior to the Fire Prevention Bureau inspection;~~
 - (5) ~~Ensuring that hood protection is being provided under combustible cabinets that are installed directly over cooking appliances.~~
- B. ~~Whenever it becomes necessary for the Bureau of Fire Prevention to perform a re-inspection of a sale property or a rental property for a violation two or more times, there shall be an additional re-inspection fee of \$50.00 per re-inspection commencing with the third re-inspection and each subsequent re-inspection.~~
- C. ~~The owner of any structure requesting issuance of a certificate of smoke detector and carbon monoxide alarm compliance (CSDCMAC) pursuant to the provisions of N.J.A.C. 5:70-2.3 shall pay an inspection fee in accordance with the schedule of fees that is set forth in N.J.A.C. 5:70-2.9(d) prior to the issuance of a CSDCMAC.~~

§ 247-10. Enforcement; violations and penalties.

- A. Enforcement and violations and penalties shall be managed in conformity with the Uniform Fire Safety Act, the Uniform Fire Code and all other laws of the State of New Jersey.

Article IV Key Boxes, Compliance, Violations and Penalties

§ 247-11. Requirements.

Key box requirements are referenced in the City Code §130-10.

§ 247-12. Time for compliance.

- A. All existing structures for which a certificate of occupancy has been issued shall be brought into compliance by the structure owner within six months of the effective date of this article and, thereafter, shall remain at all times in compliance with this article.
- B. All structures that have not been issued a certificate of occupancy shall be brought into compliance with this article by the structure owner as a condition for issuance of a certificate of occupancy and, upon issuance of a certificate of occupancy, shall remain in compliance with this article at all times.

§ 247-15. Violations and penalties.

- ~~A. Notice of violation. No structure owner shall be charged with a violation of this article unless written notice of a violation personally is delivered to the structure owner or is sent by regular first class mail and simultaneously by certified mail, return receipt requested, to the structure owner at the structure owner's address as it appears on the tax records of the City of Cape May and the structure owner then is afforded 10 calendar days (weekends and legal holidays included) from the date of the personal delivery of the notice of violation to the structure owner or from the date of the mailing of the notice of violation to the structure owner, as the case may be, to bring the subject structure into compliance.~~
- ~~B. Penalties. 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 for each offense or violation. Each day that a violation continues after the ten-day notification period expires shall constitute a separate violation. [Amended 3-6-2018 by Ord. No. 340-2018]~~

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

SECTION 3. Should any section, paragraph, sentence, clause or phase of this Ordinance be declared unconstitutional or invalid for any reason, the remaining portions of this Ordinance shall not be affected thereby and shall remain in full force and effect, and to this end the provisions of this Ordinance are hereby declared to be severable.

SECTION 4. 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 364-2018 was introduced at a regular meeting of the City Council of the City of Cape May, held on November 20, 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 December 18, 2018 6:00 P.M. at which time a Public Hearing will be held.

Patricia Harbora, City Clerk

Roll Call	Ayes	Nays	Absent	Abstain
Pessagno				
Meier				
Hendricks				
Furlin				
Lear				

Introduced: November 20, 2018
First Publication: November 28, 2018
2nd Reading & Adoption: December 18, 2018
Final Publication: December 26, 2018
Effective Date: January 15, 2019

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

ORDINANCE NO. 365-2018

**AN ORDINANCE OF THE CITY OF CAPE MAY REPEALING CERTAIN
INSPECTION REQUIREMENTS FOR BED-AND-BREAKFAST ESTABLISHMENTS
IN THE CITY OF CAPE MAY**

MOTION:

SECOND:

WHEREAS, Section 284-6 of the Revised General Ordinances of the City of Cape May currently authorizes the Cape May County Department of Health to conduct inspections of certain bed-and-breakfast establishments for compliance with applicable health regulations; and

WHEREAS, that code section is unnecessary and redundant, in that the City currently inspects bed-and-breakfast establishments and can notify the County Health Department about any health-related matters discovered during the City's regular inspections; and

WHEREAS, the code section imposes an unnecessary expense on those bed-and-breakfast establishments that are currently subject to it; and

WHEREAS, having reviewed the matter, the Cape May City Council has concluded that Section 284-6 of the Cape May City Code is superfluous and should be repealed.

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

Section 1. Section 284-6 of the Cape May City Code is hereby **REPEALED** in its entirety.

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

Section 3. Should any section, paragraph, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid for any reason, the remaining portions of this Ordinance shall not be affected thereby and shall remain in full force and effect, and to this end the provisions of this Ordinance are hereby declared to be severable.

Section 4 This Ordinance shall take effect within twenty (20) days of final passage and publication, as provided by law.

ATTEST:

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

Patricia Harbora, City Clerk

BY: _____
Clarence F. Lear III, Mayor

NOTICE

Ordinance 365-2018 was introduced at a regular meeting of the City Council of the City of Cape May, held on November 20, 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 December 18, 2018 6:00 P.M. at which time a Public Hearing will be held.

Patricia Harbora, City Clerk

Roll Call	Ayes	Nays	Absent	Abstain
Pessagno				
Meier				
Hendricks				
Furlin				
Lear				

Introduced: November 20, 2018
First Publication: November 28, 2018
2nd Reading & Adoption: December 18, 2018
Final Publication: December 26, 2018
Effective Date: January 15, 2019

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

RESOLUTION NO. 255-12-2018

**RESOLUTION ADOPTING THE WASHINGTON STREET MALL MANAGEMENT CO.,
INC., BUSINESS IMPROVEMENT DISTRICT 2019 ANNUAL BUDGET**

MOTION:

SECOND:

WHEREAS, the Washington Street Mall Management Company, Inc., a New Jersey Nonprofit Corporation, is legally empowered to manage the administrative and business affairs as the District Management Corporation of the Washington Street Mall Business Improvement District; and

WHEREAS, as required by N.J.S.A. 40:56-84, the District Management Corporation submitted a detailed annual budget for the adoption by resolution of the governing body in the amount of \$73,700.00; and

WHEREAS, the public hearing was held on December 18, 2018, after proper notice was given by public advertising and posting in public places regarding the time, place and the date of public hearing on the Washington Street Mall Business Improvement District 2019 Budget.

NOW THEREFORE BE IT RESOLVED, that the attached statement of revenues and appropriations shall constitute the Washington Street Mall Business Improvement District 2019 Budget.

I, Patricia Harbora, City Clerk of the City of Cape May, County of Cape May, State of New Jersey, do hereby certify the foregoing is a correct and true original Resolution adopted by the City Council of the City of Cape May at a meeting held on December 18, 2018.

Patricia Harbora, City Clerk

Roll Call	Ayes	Nays	Absent	Abstain
Pessagno				
Meier				
Hendricks				
Furlin				
Lear				

Washington Street Mall Management Company		
Proposed Budget 2019		
REVENUE		
Assessments (2019)		\$57,200
Surplus to be used in 2019		\$16,500
		\$73,700
Administrative & Professional	10.85%	\$8,000
PO Box, Stationary, Bank Fees, Stamps		
Insurance, Bookkeeper, Audit & Legal Fees		
Memberships	1.36%	\$1,000
MAC, CM Chamber		
Mall Enhancement Projects	7.15%	\$5,268
Décor & Maintenance	40.00%	\$29,480
Spring, Summer, Fall & Holiday décor in planter boxes and baskets		
Advertising & Events	25.80%	\$19,015
Maps, print ads, WCM Parade band sponsorships		
Social Media	8.00%	\$5,896
Web administration, social media promotions		
Provision for uncollected	4.88%	\$3,600
Miscellaneous	1.95%	\$1,440

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

RESOLUTION NO. 256-12-2018

**RESOLUTION APPROVING CONTRACTS FOR PROMOTIONAL SERVICES FOR
CAPE MAY CONVENTION HALL FOR THE YEAR 2019 WITH
ROSE RELATIONS AND SPY BOY PRODUCTIONS**

WHEREAS, the City Council of the City of Cape May has authorized the City Manager and the Director of Marketing for Convention Hall to negotiate, and to bring to Council for review and approval, contracts with Rose Relations and Spy Boy Production, LLC, to provide booking services for Convention Hall entertainment during the 2019 season; and

WHEREAS, the City Manager and Director of Marketing have negotiated such contracts, consistent with the terms and conditions specified in the aforesaid Resolutions; and

WHEREAS copies of these contracts are attached to this resolution and incorporated herein; and

WHEREAS City Council has reviewed and approved these contracts, deeming them and their terms to be in the best interest of the City of Cape May; and

WHEREAS, these contracts can be awarded as professional services contracts, without public bidding, under the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq.; and

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

1. The Recital paragraphs are hereby incorporated into this Resolution.
2. The City Council hereby approves the attached contracts with Rose Relations and Spy Boy Production, LLC, to provide booking services for Convention Hall entertainment during the 2019 season, contingent upon available funding in the 2019 budget.
3. The Mayor and City Manager are hereby authorized to take all steps necessary to consummate and formalize these contracts.
4. This resolution has been reviewed and approved by the City Solicitor as to form, content and legal procedure.
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 December 18, 2018.

Patricia Harbora, City Clerk

Roll Call	Ayes	Nays	Absent	Abstain
Pessagno				
Meier				
Hendriks				
Furlin				
Lear				

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

RESOLUTION NO. 257-12-2018

**RESOLUTION AUTHORIZING RELEASE OF PERFORMANCE GUARANTEE AND ESTABLISHMENT OF MAINTENANCE GUARANTEE FOR NORTH POINT BEACHES PHASE I & II –
PHASE I: BLOCK 1186, LOT 1; PHASE II: BLOCK 1175, LOT 1**

MOTION:

SECOND:

WHEREAS, North Point Beaches posted a Performance Guarantee with the City of Cape May (the “City”) in the amount of \$98,446.84 (the “Performance Guarantee”) for Phase I: Block 1186, Lot 1 and Phase II: Block 1175, Lot 1; and

WHEREAS, Section 417-6I(1) of the General Ordinances of the City of Cape May provides for the furnishing of a performance guarantee in favor of the City in the amount equal to 120% of the cost of installation of the improvements; and

WHEREAS, the Board Engineer has completed an inspection of the project and has recommended a release of the performance guarantee and the furnishing of a maintenance guarantee in the amount of \$11,573.10 for Phase I and \$13,807.80 for Phase II, totaling \$25,380.90; and

WHEREAS, the applicant seeks to reduce the amount of the original performance guarantee to the above-mentioned maintenance guarantee amount.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Cape May, the governing body thereof, that the Performance Guarantee for the above-mentioned property in the amount of \$98,446.84 and a Maintenance Guarantee in the amount of \$25,380.90 be retained for a period not to exceed two years, be and is hereby approved.

I, Patricia Harbora, City Clerk of the City of Cape May, County of Cape May, State of New Jersey, do hereby certify the foregoing is a correct and true original Resolution adopted by the City Council of the City of Cape May at a meeting held on December 18, 2018.

Patricia Harbora, City Clerk

Roll Call	Ayes	Nays	Absent	Abstain
Pessagno				
Meier				
Hendricks				
Furlin				
Lear				

cc: Chief Financial Officer
Planning/Zoning Board Assistant

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

RESOLUTION NO. 258-12-2018

**RESOLUTION AUTHORIZING RELEASE OF MAINTENANCE GUARANTEE FOR
CAPE MAY MINIATURE GOLF (LEONARD & KELLY HELBIG)
315 JACKSON STREET
BLOCK 1040, LOT(S) 5, 6, 7**

MOTION:

SECOND:

WHEREAS, Cape May Miniature Golf (Leonard & Kelly Helbig) posted a Performance Guarantee with the City of Cape May (the "City") in the amount of \$114,024.00 (the "Performance Guarantee") for Block 1040, Lot(S) 5, 6, 7; and

WHEREAS, Section 417-6I(1) of the General Ordinances of the City of Cape May provides for the furnishing of a performance guarantee in favor of the City in the amount equal to 120% of the cost of installation of the improvements; and

WHEREAS, the Board Engineer previously completed an inspection of the project and recommended a release of the performance guarantee and the furnishing of a maintenance guarantee in the amount of \$17,103.60; and

WHEREAS, the Board Engineer, after completing additional inspections of the project, has now recommended the release of the aforementioned maintenance guarantee.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Cape May, the governing body thereof, that the release of the maintenance guarantee for the above-mentioned property in the amount of \$17,103.60, be and is hereby approved.

I, Patricia Harbora, City Clerk of the City of Cape May, County of Cape May, State of New Jersey, do hereby certify the foregoing is a correct and true original Resolution adopted by the City Council of the City of Cape May at a meeting held on December 18, 2018.

Patricia Harbora, City Clerk

Roll Call	Ayes	Nays	Absent	Abstain
Pessagno				
Meier				
Hendricks				
Furlin				
Lear				

cc: Chief Financial Officer
Planning/Zoning Board Assistant

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

RESOLUTION NO. 259-12-2018

RESOLUTION DESIGNATING A “CODE BLUE” WARMING CENTER IN THE CITY OF CAPE MAY

MOTION:

SECOND:

WHEREAS, P.L. 2017, c. 68, codified at N.J.S.A. App. A;9-43.18, otherwise known as the “Code Blue Law,” provides for the designation of “warming centers” for the homeless whenever the temperatures in an area are predicted to reach 25 degrees Fahrenheit or lower without precipitation, or 32 degrees Fahrenheit or lower with precipitation, or 0 degrees Fahrenheit or lower for two hours or more; and

WHEREAS, the Code Blue law provides that, under the direction and supervision of the County Governing Body, a municipality should provide a designated “warming” center or centers whenever “Code Blue Conditions” are obtained; and

WHEREAS, the City of Cape May wishes to provide such a designated warming center, both as a matter of compliance with the Code Blue Law and, more importantly, to ensure the safety and welfare of those persons within its boundaries who happened to be homeless or without a place to sleep; and

WHEREAS, the City of Cape May has adopted an Emergency Operations Plan that addresses the sheltering of homeless persons during emergency situations; and

WHEREAS, by Resolution 244-11-2018 the City of Cape May designated certain locations as warming centers but is now advised that those locations will not be available or suitable.

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

1. The averments of the preamble are incorporated by reference.
2. Resolution 244-11-2018 is hereby rescinded.
3. Council hereby designates the following site within the City as a “warming center” in the event that “Code Blue” conditions are declared:

The Lobby of the Police Department in the Cape May City Hall.

4. The City Clerk is hereby instructed to forward a copy of this Resolution to the Board of Chosen Freeholders of Cape May County.

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

I, Patricia Harbora, City Clerk of the City of Cape May, County of Cape May, State of New Jersey, do hereby certify the foregoing is a correct and true original Resolution adopted by the City Council of the City of Cape May at a meeting held on December 18, 2018.

Patricia Harbora, City Clerk

Roll Call	Ayes	Nays	Absent	Abstain
Pessagno				
Meier				
Hendricks				
Furlin				
Lear				

cc: Board of Chosen Freeholders
Office of Emergency Management

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

RESOLUTION NO. 260-12-2018

**RESOLUTION FOR THE CANCELLATION OF OUTSTANDING CHECKS –
CLEARING ACCOUNT**

MOTION:

SECOND:

BE IT RESOLVED by the City Council of the City of Cape May, that the Chief Financial Officer be and is hereby authorized to void the attached list of checks, totaling \$12,651.51 as they have been listed as outstanding checks over one (1) year old. The attached list of checks was issued against the City of Cape May Clearing Account at Sturdy Savings Bank:

- **SEE ATTACHED LIST OF CHECKS**

I, Patricia Harbora, City Clerk of the City of Cape May, County of Cape May, State of New Jersey, do hereby certify the foregoing is a correct and true original Resolution adopted by the City Council of the City of Cape May at a meeting held on December 18, 2018.

Patricia Harbora, City Clerk

Roll Call	Ayes	Nays	Absent	Abstain
Pessagno				
Meier				
Hendricks				
Furlin				
Lear				

cc: Council Table
Chief Financial Officer

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

RESOLUTION NO. 261-12-2018

**RESOLUTION FOR THE CANCELLATION OF OUTSTANDING CHECKS –
PAYROLL ACCOUNT**

MOTION:

SECOND:

BE IT RESOLVED by the City Council of the City of Cape May, that the Chief Financial Officer be and is hereby authorized to void the attached list of checks, totaling \$5,698.93, as they have been listed as outstanding checks over one (1) year old. The attached list of checks was issued against the City of Cape May Payroll Account at Sturdy Savings Bank:

- **SEE ATTACHED LIST OF CHECKS**

I, Patricia Harbora, City Clerk of the City of Cape May, County of Cape May, State of New Jersey, do hereby certify the foregoing is a correct and true original Resolution adopted by the City Council of the City of Cape May at a meeting held on December 18, 2018.

Patricia Harbora, City Clerk

Roll Call	Ayes	Nays	Absent	Abstain
Pessagno				
Meier				
Hendricks				
Furlin				
Lear				

cc: Council Table
Chief Financial Officer

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

RESOLUTION NO. 262-12-2018

RESOLUTION FOR TRANSFERS OF APPROPRIATIONS – 2018 BUDGET

MOTION:

SECOND:

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

FROM:	8-01-23-220-275	Employee Group Health	\$ <u>50,000.00</u>
		Total:	\$ 50,000.00
	8-20-28-370-233	Tourism Util – Other Expenses	\$ 12,000.00
TO:	8-01-22-195-100	Uniform Construction Code-S&W	\$ 30,000.00
	8-01-25-265-100	Fire Department – S&W	15,000.00
	8-01-31-451-200	General Office Operations – OE	<u>5,000.00</u>
		Total:	\$ 50,000.00
	8-20-28-370-101	Tourism Util – S&W	\$ 12,000.00

I, Patricia Harbora, City Clerk of the City of Cape May, County of Cape May, State of New Jersey, do hereby certify the foregoing is a correct and true original Resolution adopted by the City Council of the City of Cape May at a meeting held on December 18, 2018.

Patricia Harbora, City Clerk

Roll Call	Ayes	Nays	Absent	Abstain
Pessagno				
Meier				
Hendriks				
Furlin				
Lear				

cc: Council Table
Chief Financial Officer

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

RESOLUTION NO. 263-12-2018

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

MOTION:

SECOND:

WHEREAS, there remains an unexpended balance in certain appropriations of the 2018 Water-Sewer Utility Operating Budget that will not be needed for the purpose originally intended; and

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

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

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

8-09-55-200-200	Sewer Administration – O.E	\$ 25,000.00
8-09-55-410-100	Wells/Supplies - S&W	100,000.00
8-09-55-415-200	Wells/Supplies De-Sal - O.E.	<u>25,000.00</u>
	Total	\$150,000.00

I, Patricia Harbora, City Clerk of the City of Cape May, County of Cape May, State of New Jersey, do hereby certify the foregoing is a correct and true original Resolution adopted by the City Council of the City of Cape May at a meeting held on December 18, 2018.

Patricia Harbora, City Clerk

Roll Call	Ayes	Nays	Absent	Abstain
Pessagno				
Meier				
Hendriks				
Furlin				
Lear				

cc: Council Table
Chief Financial Officer

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

RESOLUTION NO. 264-12-2018

RESOLUTION FIXING RATE OF INTEREST ON DELINQUENT TAXES AND ASSESSMENTS AND FIXING A SIX (6%) PERCENT PENALTY ON DELINQUENT TAXES AND MUNICIPAL CHARGES - 2019

MOTION:

SECOND:

BE IT RESOLVED by the City Council of the City of Cape May, in accordance with Chapter 75, New Jersey Laws of 1991, and N.J.S.A. 54:4-67, 54:5-32, 54:5-34, and 54:5-35, which authorizes the Governing Body, inter alia, to fix the rate of interest to be charged in the City of Cape may for the non-payment of taxes, assessments and municipal charges, said rate of interest shall be and is hereby fixed at eight (8%) percent per annum on the first \$1,500.00 of delinquency and eighteen (18%) percent, per annum on any amount in excess of \$1,500.00, to be calculated from the date when the taxes, assessments and charges become delinquent.

BE IT FURTHER RESOLVED by the City Council of the City of Cape May, in accordance with N.J.S.A. 54:4-67, Chapter 75, New Jersey Laws of 1991, and Chapter 32, New Jersey Laws of 1994, which permits a six (6%) percent penalty on taxes and municipal charges greater than \$10,000.00 as of the close of the fiscal year, that said end-of-year penalty shall be fixed for the year 2019.

I, Patricia Harbora, City Clerk of the City of Cape May, County of Cape May, State of New Jersey, do hereby certify the foregoing is a correct and true original Resolution adopted by the City Council of the City of Cape May at a meeting held on December 18, 2018.

Patricia Harbora, City Clerk

Roll Call	Ayes	Nays	Absent	Abstain
Pessagno				
Meier				
Hendricks				
Furlin				
Lear				

cc: CFO
Tax Collector

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

RESOLUTION NO. 265-12-2018

RESOLUTION AUTHORIZING THE CITY OF CAPE MAY TO ENTER INTO A REVOCABLE LICENSE AGREEMENT AND WAIVER OF ENCROACHMENT CONCERNING PROPERTY LOCATED AT 1521 YACHT AVENUE, BLOCK 1160, LOTS 17 AND 17.01, IN THE CITY OF CAPE MAY, COUNTY OF CAPE MAY AND STATE OF NEW JERSEY

WHEREAS, Robert and Donna Platzer Cape May Revocable Trust (“The Trust”), are the owners and are authorized to sign on behalf of all owners of the certain real property located at 1521 Yacht Avenue, Block 1160, Lots 17 And 17.01, County of Cape May, State of New Jersey, 08204; and

WHEREAS, The Trust, owners of 1521 Yacht Avenue, County of Cape May, State of New Jersey, 08204 appeared before the City of Cape May Zoning Board of Adjustment on January 25, 2018 seeking certain relief, all of which is memorialized in the City of Cape May Zoning Board of Adjustment Resolution No. 02-22-2018:1 dated February 22, 2018; and

WHEREAS, part of the relief requested before the Zoning Board of Adjustment required The Trust to obtain a Revocable License from the City of Cape May concerning a certain area lying in the right of way of Yacht Avenue by allowing the placement of a wooden removable access ramp on a portion of the public right of way along Yacht Avenue to allow access to Licensee’s property in garage area based on an elevation differential between the Licensee’s proposed garage and Yacht Avenue; and

WHEREAS, the area of the Revocable License is more fully described and depicted in a Revocable License Agreement and Waiver of Encroachment attached to this Resolution and specifically made a part hereof by this reference; and

WHEREAS, this Revocable License Agreement and Waiver of Encroachment has been shown to the City Engineer and Construction Official who have no objection to the granting of the same; and

WHEREAS, the City of Cape May is willing to enter into a Revocable License Agreement and Waiver of Encroachment with The Trust on behalf of all homeowners, to grant the Revocable License Agreement and Waiver of Encroachment as described and set forth in the attached Revocable License Agreement and Waiver of Encroachment; and

WHEREAS, upon execution of the Revocable License Agreement and Waiver of Encroachment, the same shall be filed with the Cape May County Clerk’s Office and available for review in the City of Cape May Clerk’s Office.

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

1. All of the statements of the preamble are incorporated herein by this reference thereto as though the same were set forth at length.

2. The City of Cape May accepts and approves the Revocable License Agreement and Waiver of Encroachment to be entered into between the City of Cape May and The Trust, which shall be attached hereto and made a part hereof.

3. The Mayor, City Business Administrator, and City Clerk are hereby authorized to execute on behalf of the City of Cape May, the aforesaid Revocable License Agreement and Waiver of Encroachment and to execute any and all other necessary documents in order to implement this Resolution and said Revocable License Agreement and Waiver of Encroachment.

4. A true copy of the final, executed License Agreement and Waiver of Encroachment shall be filed with the Cape May County Clerk's Office and will be on file at the office of the City of Cape May Clerk's Office and will be available for review by the public during normal business hours.

I, Patricia Harbora, City Clerk of the City of Cape May, County of Cape May, State of New Jersey, do hereby certify the foregoing is a correct and true original Resolution adopted by the City Council of the City of Cape May at a meeting held on December 18, 2018.

Patricia Harbora, City Clerk

Roll Call	Ayes	Nays	Absent	Abstain
Pessagno				
Meier				
Hendriks				
Furlin				
Lear				

cc: Robert & Donna Platzer

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

RESOLUTION NO. 266-12-2018

RESOLUTION AUTHORIZING THE CITY OF CAPE MAY TO ENTER INTO A REVOCABLE LICENSE AGREEMENT AND WAIVER OF ENCROACHMENT CONCERNING PROPERTY LOCATED AT 1523 YACHT AVENUE, BLOCK 1160, LOTS 18 AND 18.01, IN THE CITY OF CAPE MAY, COUNTY OF CAPE MAY AND STATE OF NEW JERSEY

WHEREAS, 1523 Yacht Avenue, LLC, (“The Company”), is the owner and are authorized to sign on behalf of all owners of the certain real property located at 1523 Yacht Avenue, Block 1160, Lots 18 And 18.01, County of Cape May, State of New Jersey, 08204; and

WHEREAS, The Company, owner of 1523 Yacht Avenue, County of Cape May, State of New Jersey, 08204 appeared before the City of Cape May Zoning Board of Adjustment on January 25, 2018 seeking certain relief, all of which is memorialized in the City of Cape May Zoning Board of Adjustment Resolution No. 02-22-2018:2 dated February 22, 2018; and

WHEREAS, part of the relief requested before the Zoning Board of Adjustment required The Company to obtain a Revocable License from the City of Cape May concerning a certain area lying in the right of way of Yacht Avenue by allowing the placement of a removable timber access ramp on a portion of the public right of way along Yacht Avenue to allow access to Licensee’s property in garage area based on an elevation differential between the Licensee’s proposed garage and Yacht Avenue; and

WHEREAS, the area of the Revocable License is more fully described and depicted in a Revocable License Agreement and Waiver of Encroachment attached to this Resolution and specifically made a part hereof by this reference; and

WHEREAS, this Revocable License Agreement and Waiver of Encroachment has been shown to the City Engineer and Construction Official who have no objection to the granting of the same; and

WHEREAS, the City of Cape May is willing to enter into a Revocable License Agreement and Waiver of Encroachment with The Company on behalf of all homeowners, to grant the Revocable License Agreement and Waiver of Encroachment as described and set forth in the attached Revocable License Agreement and Waiver of Encroachment; and

WHEREAS, upon execution of the Revocable License Agreement and Waiver of Encroachment, the same shall be filed with the Cape May County Clerk’s Office and available for review in the City of Cape May Clerk’s Office.

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

1. All of the statements of the preamble are incorporated herein by this reference thereto as though the same were set forth at length.
2. The City of Cape May accepts and approves the Revocable License Agreement and Waiver of Encroachment to be entered into between the City of Cape May and The Company, which shall be attached hereto and made a part hereof.

3. The Mayor, City Business Administrator, and City Clerk are hereby authorized to execute on behalf of the City of Cape May, the aforesaid Revocable License Agreement and Waiver of Encroachment and to execute any and all other necessary documents in order to implement this Resolution and said Revocable License Agreement and Waiver of Encroachment.

4. A true copy of the final, executed License Agreement and Waiver of Encroachment shall be filed with the Cape May County Clerk's Office and will be on file at the office of the City of Cape May Clerk's Office and will be available for review by the public during normal business hours.

I, Patricia Harbora, City Clerk of the City of Cape May, County of Cape May, State of New Jersey, do hereby certify the foregoing is a correct and true original Resolution adopted by the City Council of the City of Cape May at a meeting held on December 18, 2018.

Patricia Harbora, City Clerk

Roll Call	Ayes	Nays	Absent	Abstain
Pessagno				
Meier				
Hendriks				
Furlin				
Lear				

cc: 1523 Yacht Avenue, LLC.