

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

**RESOLUTION NO. 114-04-2018**

**RESOLUTION APPROVING CHANGE ORDER NO. 7 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 April 30, 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 7 to the contract for the installation of City Well Number 8, extending the time for completion of the project to April 30, 2018.
3. The appropriate city officials are hereby authorized to execute all documents required to affect 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 April 17, 2018.

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Patricia Harbora, City Clerk

<b>Roll Call</b>	<b>Ayes</b>	<b>Nays</b>	<b>Absent</b>	<b>Abstain</b>
<b>Pessagno</b>				
<b>Meier</b>				
<b>Hendricks</b>				
<b>Furlin</b>				
<b>Lear</b>				

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

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

**RESOLUTION NO. 115-04-2018**

**RESOLUTION PROCLAIMING MAY 1, 2018 LOYALTY DAY**

**MOTION:**

**SECOND:**

**WHEREAS**, in 1958, the United States Congress designated May 1 as Loyalty Day to be celebrated annually; and

**WHEREAS**, Loyalty Day was established for the express purpose of reaffirming our allegiance to the United States and the principles and Constitution on which our Nation was founded; and

**WHEREAS**, Loyalty Day offers us the opportunity to celebrate freedoms secured by the brave men and women serving in our military forces and to honor their patriotic service; and

**WHEREAS**, the Veterans of Foreign Wars Post 386 and its Auxiliary are organizing a special ceremony where we may gather to celebrate our liberty, our democracy, and our Republic.

**NOW, THEREFORE, LET IT BE RESOLVED** by the City of Cape May that we proclaim May 1, 2018 Loyalty Day in Cape May City and proudly join VFW Post 386 and its Auxiliary in celebrating this day in Wilbraham Park at 12 Noon; and

**BE IT FURTHER RESOLVED** that the City Council invites all Cape May residents and visitors to join the Loyalty Day celebration and boldly pledge allegiance to these United States of America.

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 April 17, 2018.

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Patricia Harbora, City Clerk

<b>Roll Call</b>	<b>Ayes</b>	<b>Nays</b>	<b>Absent</b>	<b>Abstain</b>
<b>Pessagno</b>				
<b>Meier</b>				
<b>Hendricks</b>				
<b>Furlin</b>				
<b>Lear</b>				

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

**RESOLUTION NO. 116-04-2017**

**RESOLUTION AUTHORIZING RELEASE OF PERFORMANCE GUARANTEE AND  
ESTABLISHMENT OF MAINTENANCE GUARANTEE FOR DARBY RESIDENCE  
(F.K.A. OLSEN MINOR SUBDIVISION 1221.5 LAFAYETTE STREET  
BLOCK 1061, LOT 89.02**

**MOTION:**

**SECOND:**

**WHEREAS**, Darby Residence (f.k.a Olsen Minor Subdivision) posted a Performance Guarantee with the City of Cape May (the "City") in the amount of \$142,413.00 (the "Performance Guarantee") for Block 1061, Lot 89.02, more commonly known as 1221.5 Lafayette Street; 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 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 \$21,361.95; 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 \$121,051.05 be released and a Maintenance Guarantee in the amount of \$21,361.95 be retained for a period not to exceed two years.

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 April 17, 2018.

\_\_\_\_\_  
Patricia Harbora, City Clerk

Roll Call	Ayes	Nays	Absent	Abstain
Pessagno				
Meier				
Hendricks				
Pessagno				
Lear				

cc: Chief Financial Officer  
Planning/Zoning Board Assistant

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

**RESOLUTION NO. 117-04-2018**

**RESOLUTION FOR THE APPROVAL TO SUBMIT A GRANT APPLICATION LOCAL AID INFRASTRUCTURE FUND 2018 CAPE MAY CITY-00123 AND EXECUTE A GRANT AGREEMENT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION**

**MOTION:**

**SECOND:**

**WHEREAS**, the New Jersey Department of Transportation accepts applications for the Local Aid Infrastructure Fund (LAIF); and

**WHEREAS**, this program is available to all counties and municipalities in the State of New Jersey; and

**WHEREAS**, the Local Aid Infrastructure Fund is established to address emergencies and regional needs throughout the State; and

**WHEREAS**, these projects are approved at the discretion of the Commissioner; and

**WHEREAS**, this grant program does not require a local match; and

**WHEREAS**, the City of Cape May carefully considers grant programs that assist the City in achieving projects and programs that are priorities for the community; and

**WHEREAS**, the City of Cape May wishes to apply for to the Local Aid Infrastructure Fund (LAIF) for a grant to complete drainage and paving work on Gurney Street and Columbia Avenue; and

**NOW, THEREFORE, BE IT RESOLVED** that City Council of the City of Cape May formally approves a Local Aid Infrastructure Fund grant application.

**BE IT FURTHER RESOLVED** that the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as LAIF-2018-Cape May City-00123 to the New Jersey Department of Transportation on behalf of the City of Cape May.

**BE IT FURTHER RESOLVED** that the Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of the City of Cape May and that their signature constitutes

acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

The City Clerk's seal serves to acknowledge the above resolution and constitute acceptance of the terms and conditions of the grant agreement and approve the execution of the grant agreement as authorized by the resolution above adopted by the City Council of the City of Cape May at a meeting held on April 17, 2018.

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Patricia Harbora, City Clerk

<b>Roll Call</b>	<b>Ayes</b>	<b>Nays</b>	<b>Absent</b>	<b>Abstain</b>
<b>Pessagno</b>				
<b>Meier</b>				
<b>Hendricks</b>				
<b>Furlin</b>				
<b>Lear</b>				

cc: James Rutala

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

**RESOLUTION NO. 118-04-2018**

**RESOLUTION REFUNDING OVERPAID WATER/SEWER UTILITY**

**MOTION:**

**SECOND:**

**WHEREAS**, the 4th quarter 2017 water/sewer outstanding balance was paid by the property owner on February 1, 2018; and

**WHEREAS**, the property owner, John Harper, 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 refunds as listed below;

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

<b>PROPERTY OWNER</b>	<b>ADDRESS</b>	<b>ACCOUNT NO.</b>	<b>AMOUNT</b>
John Harper	517 Broad Street	3610-0	\$101.54

**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 April 17, 2018.

\_\_\_\_\_  
Patricia Harbora, City Clerk

<b>Roll Call</b>	<b>Ayes</b>	<b>Nays</b>	<b>Absent</b>	<b>Abstain</b>
<b>Pessagno</b>				
<b>Meier</b>				
<b>Hendricks</b>				
<b>Pessagno</b>				
<b>Lear</b>				

Cc: Water/Sewer  
Property Owner

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

**RESOLUTION NO. 119-04-2018**

**RESOLUTION AUTHORIZING UTILITY BILL ADJUSTMENTS  
DUE TO CATASTROPHIC OCCURRENCES**

**MOTION:**

**SECOND:**

**WHEREAS**, pursuant to the provisions of Chapter 510, section 33 of the Revised General Ordinances of the City of Cape May, the Water and Sewer Utility Superintendent recommended adjustments to utility bills due to catastrophic occurrences; and

**WHEREAS**, said adjustments exceed the \$1,500.00 limit set forth in Chapter 510, section 32, Revised General Ordinances of the City of Cape May, for staff approval; and

**WHEREAS**, City Council has reviewed the recommended adjustment to correct billing due to catastrophic occurrences.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Cape May that the following adjustments be approved:

<u>Blk/Lot</u>	<u>Address</u>	<u>Customer</u>	<u>Adjustment</u>
10646 C-01	106A Howard St.	Deborah L. Totten	\$2,227.50
1105-14	1050 Ohio Ave.	William/Julie Golderer	\$1,980.00
1061-68 C-305	305 St Johns Pl.	Scott/Karen Caplan	\$2,524.50
1130-26 C-09	1205 Beach Ave.	Kausbik/Rao, Arunagiri Suman	\$3,415.50

**BE IT FURTHER RESOLVED** that the Tax Collector is hereby authorized to make said adjustments and adjust the records of the Water & Sewer Utility accordingly.

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 April 17, 2018.

\_\_\_\_\_  
Patricia Harbora, City Clerk

Roll Call	Ayes	Nays	Absent	Abstain
Pessagno				
Meier				
Hendricks				
Furlin				
Lear				

Cc: Water/Sewer Adjustment  
Clerks/Resolutions/2018 Adjustments/



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

**RESOLUTION NO. 120-04-2018**

**RESOLUTION APPROVING A SHARED SERVICES AGREEMENT BETWEEN  
WEST CAPE MAY, CAPE MAY, AND CAPE MAY POINT FOR THE  
CAPE ISLAND JOINT RABIES CLINIC**

**MOTION:**

**SECOND:**

**WHEREAS**, shared service agreements between municipalities are permitted pursuant to N.J.S.A. 40A:65-1 et. seq. and encouraged by our State Legislature as a viable cost savings option; and

**WHEREAS**, the City Council has deemed it to be in the best interests of the residents of Cape May City to enter into a shared services agreement with the Borough of Cape May Point and the Borough of West Cape May to provide free rabies vaccinations on an annual basis as required by the County of Cape May Health Department.

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

1. The Mayor and Municipal Clerk are hereby authorized and directed to enter into the Cape Island Joint Rabies Clinic Agreement between Participating Units, a copy of which is attached hereto and made part hereof.
2. The Mayor and Municipal Clerk are hereby authorized and directed to execute said agreement on behalf of the City of Cape May.
3. A copy of this Resolution and an executed copy of the Cape Island Rabies Clinic Agreement shall forthwith be provided to the Cape May County Health Department and the NJ Division of Local Government Services.
4. This Resolution shall take effect immediately, 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 April 17, 2018.

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Patricia Harbora, City Clerk

Roll Call	Ayes	Nays	Absent	Abstain
Pessagno				
Meier				
Hendricks				
Furlin				
Lear				

cc: CMC Health Department  
Borough of Cape May Point  
Borough of West Cape May

CITY OF CAPE MAY

RESOLUTION NO. 121-04-2018

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 April 13, 2018 for the amount of: \$1,162,757.06

Current Fund Appropriations	\$ 915,108.89
Water/Sewer Utility Operating Fund	\$ 50,737.97
Tourism Utility Fund	\$ 65,795.12
General Capital Improvements	\$ 74,621.73
Water/Sewer Capital Improvements	\$ 31,530.00
Escrow Special Account	\$ 3,458.75
Trust Fund	\$ 10,275.09
Grant Fund	\$ 2,003.64
Beach Utility Fund Appropriations	\$ 9,225.87
Beach Utility Capital Improvements	\$ -
	<u>\$ 1,162,757.06</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 April 17, 2018.

\_\_\_\_\_  
Patricia Harbora, City Clerk

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

**RESOLUTION NO. 122-04-2018**

**RESOLUTION APPROVING A LICENSING AGREEMENT BETWEEN THE CITY OF CAPE MAY AND THE COUNTY OF CAPE MAY PERMITTING THE INSTALLATION OF A LICENSE PLATE READER ON THE CAPE ISLAND CREEK BRIDGE**

**MOTION:**

**SECOND:**

**WHEREAS**, having reviewed the terms and conditions of that Agreement, the City Council of the City of Cape May believes it in the City's best interest to enter into the Agreement with the County,

**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 into this Resolution.
2. The City is hereby authorized to enter into the attached License and Indemnification Agreement with Cape May County,
3. The appropriate City officials are authorized to take all steps necessary to consummate and implement this Agreement, and to ensure that the City satisfies its obligations thereunder.
4. This Resolution shall take effect immediately, 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 April 17, 2018.

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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. 123-04-2018**

**RESOLUTION AWARDING A CONTRACT FOR PROFESSIONAL SERVICES –  
SURVEYING AND BASE MAP PREPARATION IN CONNECTION WITH A  
PROPOSED PUBLIC SAFETY BUILDING**

**MOTION:**

**SECOND:**

**WHEREAS**, the City of Cape May is currently contemplating construction of a new public safety building; and

**WHEREAS**, as part of that process, the City has requested proposals for the provision of professional surveying and base mapping services for property at the southwest corner of Franklin Street and Washington Street, known as Block 1059, Lots 4-9 and 11; and

**WHEREAS**, the engineering firm of Mott Macdonald, LLC, has submitted a proposal, dated April 11, 2018, to perform those services for a total cost of \$19,600 with an expected completion date in June 2018; and

**WHEREAS**, having reviewed that proposal, the Cape May City Council deems it in the best interest of the City to accept the Mott Macdonald proposal and to award the contract for those services to Mott Macdonald in accordance with the terms contained in its April 11, 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 surveying and base mapping for Block 1049, Lots 4-9 and 11, in connection with the contemplated construction of a public safety building, in the contract amount of \$19,600 and in full conformity with its proposal letter dated April 11, 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), and pursuant to the “Non-Fair and Open Process,” N.J.S.A. 19:44A-20.4 *et seq.*
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 April 17, 2018.

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Patricia Harbora, City Clerk

<b>Roll Call</b>	<b>Ayes</b>	<b>Nays</b>	<b>Absent</b>	<b>Abstain</b>
<b>Pessagno</b>				
<b>Meier</b>				
<b>Hendricks</b>				
<b>Furlin</b>				
<b>Lear</b>				

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

**RESOLUTION NO.124-04-2018**

**RESOLUTION AWARDING THE CONTRACT FOR READING AVENUE  
STORM SEWER IMPROVMENTS, CONTRACT NO. M-19**

**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 April 6, 2018; and

**WHEREAS**, of the bids received for this project, the lowest bid was submitted by **Standard Pipe Services, LLC**, of Newark, Delaware, in the amount of \$234,595.00; and

**WHEREAS**, the City Engineer has reviewed that bid and has determined that it appears to be competitive and advantageous to the City; 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 Standard Pipe Services, LLC, is the lowest responsible bidder on the project, in the amount of \$234,595.00, and that award of the contract to Standard Pipe Services, 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-19, for the Reading Avenue Storm Sewer Improvements, to Standard Pipe Services, LLC, in the amount of \$234,595.00.
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 April 17, 2018.

\_\_\_\_\_  
Patricia Harbora, City Clerk

<b>Roll Call</b>	<b>Ayes</b>	<b>Nays</b>	<b>Absent</b>	<b>Abstain</b>
<b>Pessagno</b>				
<b>Meier</b>				
<b>Hendricks</b>				
<b>Furlin</b>				
<b>Lear</b>				

Cc: Engineer  
Project File

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

**RESOLUTION NO. 125-04-2018**

**RESOLUTION OF THE CITY OF CAPE MAY AUTHORIZING CHANGE ORDER  
NUMBERS 1 & 2 FOR THE CONTRACT WITH CARDINAL CONTRACTING  
COMPANY, LLC FOR THE LAFAYETTE STREET SANITARY SEWER EXTENSION,  
CONTRACT M-9**

**MOTION:**

**SECOND:**

**WHEREAS**, the City of Cape May is currently under contract with Cardinal Contracting Company, LLC for the reconstruction of Lafayette Street Sanitary Sewer Extension Project; and

**WHEREAS**, it is requested by the City to authorize Change Order No. 1 & 2 to reflect the following listed below:

Adjustments to final quantities were needed based on changes to the 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 & 2 to the contract with Cardinal Contracting Company, LLC. The net result of Change Order No. 1 & 2 is in the amount of \$61,331.05 less than the original contract amount of \$226,265.00 for an amended contract price \$164,933.95.

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 April 17, 2018.

\_\_\_\_\_  
Patricia Harbora, City Clerk

<b>Roll Call</b>	<b>Ayes</b>	<b>Nays</b>	<b>Absent</b>	<b>Abstain</b>
<b>Pessagno</b>				
<b>Meier</b>				
<b>Hendricks</b>				
<b>Furlin</b>				
<b>Lear</b>				

cc: Chief Financial Officer  
Mott MacDonald Engineers  
Project File



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

**ORDINANCE NO. 350 - 2018**

**AN ORDINANCE AMENDING CHAPTER 158, SECTION 9 OF THE CAPE MAY CITY MUNICIPAL CODE, REGULATING BICYCLES ON THE PROMENADE**

**WHEREAS**, Chapter 158 of the Cape May Municipal Code regulates activities on Cape May's beaches, boardwalks and promenades; and

**WHEREAS**, Section 158-9 of the Code prohibits certain activities on the Cape May Promenade, including operation of bicycles during certain times; and

**WHEREAS**, having carefully considered the matter, the Cape May City Council desires to amend Section 158-9(A)(3) of the Code to extend the time when bicycles can be operated on the Promenade,

**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 (additions underlined; deletions [in brackets]):

1. The averments of the preamble are incorporated into this Ordinance.
2. Section 158-9(A)(3) of the Cape May Municipal Code is hereby amended as follows:

Ride, park or take any bicycle from May [1]16 to [October 31] September 14  
except between the hours of 4:00 a.m. and 10:00 a.m.

3. This Ordinance shall supersede all other ordinances in conflict or inconsistent with it.

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

\_\_\_\_\_  
Patricia Harbora, City Clerk

BY: \_\_\_\_\_  
Clarence F. Lear, III, Mayor

## NOTICE

Ordinance 350-2018 was introduced at a regular meeting of the City Council of the City of Cape May, held on April 17, 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 May 15, 2018 6:00 P.M. at which time a Public Hearing will be held.

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Patricia Harbora,  
City Clerk

<b>Roll Call</b>	<b>Ayes</b>	<b>Nays</b>	<b>Absent</b>	<b>Abstain</b>
<b>Pessagno</b>				
<b>Meier</b>				
<b>Hendricks</b>				
<b>Furlin</b>				
<b>Lear</b>				

Introduction:	April 17, 2018
First Publication:	April 25, 2018
Second Reading & Adoption:	May 15, 2018
Final Publication:	May 23, 2018
Effective Date:	June 12, 2018

**CITY OF CAPE MAY, COUNTY OF CAPE MAY, STATE OF NEW JERSEY  
ORDINANCE NO. 345-2018**

**AN ORDINANCE OF THE CITY OF CAPE MAY APPROVING AN AMENDMENT OF  
THE LEASE WITH THE NEW JERSEY AUDUBON SOCIETY**

**WHEREAS**, Cape May City has entered into a lease with the New Jersey Audubon Society, dated April 24, 1995, and amended on March 2, 2004, and April 4, 2005; and

**WHEREAS**, that lease terminates in January 2021; and

**WHEREAS**, the City now wishes to amend that lease to include two parcels – Block 1184, Lot 1, and Block 1195, Lot 1, to allow the Audubon Society to place temporary, seasonal kayak storage racks for rental to residents and non-residents,

**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. The Amendment to the Lease Agreement, in the form attached as Exhibit A and incorporated into this Ordinance, is hereby approved.

2. The Mayor and Clerk, and all other appropriate city officials, are authorized to execute the Amendment to the Lease Agreement on behalf of the City and to consummate all terms contained therein.

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

\_\_\_\_\_  
Patricia Harbora, City Clerk

BY: \_\_\_\_\_  
Clarence F. Lear, III, Mayor

**NOTICE**

Ordinance 345-2018 was introduced at a regular meeting of the City Council of the City of Cape May, held on March 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 April 17, 2018 6:00 P.M. at which time a Public Hearing will be held.

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Patricia Harbora, City Clerk

<b>Roll Call</b>	<b>Ayes</b>	<b>Nays</b>	<b>Absent</b>	<b>Abstain</b>
<b>Pessagno</b>				
<b>Meier</b>				
<b>Hendricks</b>				
<b>Furlin</b>				
<b>Lear</b>				

Introduction: March 20, 2018  
First Publication: March 28, 2018  
Second Reading & Adoption: April 17, 2018  
Final Publication: April 25, 2018  
Effective Date: May 15, 2018

AMENDMENT TO LEASE

This is an Amendment to the Lease Agreement dated April 25, 1994, and previously amended on March 2, 2004, and April 4, 2005, between the City of Cape May, a municipal corporation with offices at City Hall, 643 Washington Street, Cape May, NJ 08240 (the Landlord); and the New Jersey Audubon Society, a non-profit New Jersey corporation with its office at 9 Hardscrabble Road, Bernardsville, NJ 07920 (the Tenant).

This Amendment is made the \_\_\_\_\_ day of \_\_\_\_\_, 2018.

Landlord and Tenant hereby wish to further amend the Lease Agreement between them as follows:

- 1. The terms and conditions of the Lease Agreement and previous Amendments between the parties shall remain in full force unless specifically modified by this Amendment.
- 2. The Premises covered by the Lease are amended to include Block 1184, Lot 1, and Block 1195, Lot 1, for the sole purpose of placing temporary kayak storage racks on those lots. Tenant, as part of its services as an environmental education/nature interpretive center, will lease rack storage space to residents and non-residents for a fee.
- 3. The racks shall be placed at these locations on the third Saturday of April and removed no later than the third Saturday in October. Off-season storage shall be on the grounds of the adjacent Nature Center complex, Block 1194. Lots 1-8, owned by Tenant.
- 4. The racks shall be secured on the grassy area near the harbor across from the street end of Brooklyn Avenue. The Cape May zoning officer shall approve the precise placement of the racks, to ensure appropriate setbacks, location, etc.

IN WITNESS WHEREOF, the Parties have set their hands and seals the day and year first above written.

WITNESS:

CITY OF CAPE MAY

\_\_\_\_\_  
Patricia Harbora, RMC, City Clerk

\_\_\_\_\_  
By: Clarence F. Lear III, Mayor

NEW JERSEY AUDUBON SOCIETY

\_\_\_\_\_

\_\_\_\_\_  
By: \_\_\_\_\_, President

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

**ORDINANCE NO. 346 - 2018**

**AN ORDINANCE AMENDING SECTION 7-35 OF THE CODE OF THE CITY OF CAPE MAY, CONCERNING MID-BLOCK CROSSWALKS**

**WHEREAS**, Chapter 7 of the Cape May Municipal Code regulates traffic and parking in the City; and

**WHEREAS**, Section 7-35 of the Cape May Municipal Code enumerates the established and approved mid-block crosswalks in the City; and

**WHEREAS**, it has come to the attention of the City Council of the City of Cape May that the mid-block crosswalk on the 500 block Lafayette Street, originally established as a school crossing, has become obsolete and now presents a pedestrian safety hazard; and

**WHEREAS**, the Cape May City Council accordingly believes it in the best interest of the residents of Cape May that this crosswalk be eliminated,

**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 7-35 of the Cape May Municipal Code is hereby amended to eliminate the “school crossing” mid-block crosswalk on the 500 block of Lafayette Street.

**SECTION 2.** The following language is deleted from the listing of mid-block crosswalks in Section 7-35:

Lafayette Street (School Crossing)	Beginning at a point 159 feet from the west curblineline of Ocean Street to a point 12 feet westerly therefrom.
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**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.

**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 345-2018 was introduced at a regular meeting of the City Council of the City of Cape May, held on March 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 April 17, 2018 6:00 P.M. at which time a Public Hearing will be held.

\_\_\_\_\_  
Patricia Harbora, City Clerk

<b>Roll Call</b>	<b>Ayes</b>	<b>Nays</b>	<b>Absent</b>	<b>Abstain</b>
<b>Pessagno</b>				
<b>Meier</b>				
<b>Hendricks</b>				
<b>Furlin</b>				
<b>Lear</b>				

Introduction: March 20, 2018  
First Publication: March 28, 2018  
Second Reading & Adoption: April 17, 2018  
Final Publication: April 25, 2018  
Effective Date: May 15, 2018

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

**ORDINANCE NO. 347 - 2018**

**AN ORDINANCE AMENDING CHAPTER 134, SECTION 5(A) OF THE CAPE MAY CITY MUNICIPAL CODE, REGULATING SUNDAY SALES OF ALCOHOLIC BEVERAGES**

**WHEREAS**, Chapter 134 of the Cape May Municipal Code regulates the licensing and sale of alcoholic beverages; and

**WHEREAS**, Section 134-5(A) of the Code regulates the sale of alcoholic beverages in the City on Sundays; and

**WHEREAS**, having carefully considered the matter, the Cape May City Council desires to amend Section 134-5(A) to alter the permissible hours of sale of alcoholic beverages for on-site consumption on Sundays, to better conform to changing dining habits in a resort community,

**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 (additions underlined; deletions [in brackets]):

1. The averments of the preamble are incorporated into this Ordinance.
2. Section 134-5(A) of the Cape May Municipal Code is hereby amended as follows:

**§ 134-5. HOURS OF SALE.**

No alcoholic beverage shall be sold in the City between the following hours on the following days:

A. Sundays.

- (1) Friday preceding Memorial Day to September 30, inclusive: 3:00 a.m. to 10:00 a.m.[12:00 noon].
- (2) Remainder of the year: 2:00 a.m. to 10:00 a.m.[12:00 noon].

(3) With respect to those premises offering on-site consumption under, a plenary retail consumption license, the restriction on alcoholic beverage sales for on-site consumption shall be until 8:00 a.m. This exception shall not apply to the sale of alcoholic beverages for off-site consumption. Additional package goods sales from premises operating under a plenary retail consumption license, and all premises operating under a plenary retail distribution license are not permitted until 10:00 a.m.[12:00 noon], as required by § 134-5A(1) and (2) hereinabove.



3. This Ordinance shall supersede all other ordinances in conflict or inconsistent with it.

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

\_\_\_\_\_  
Patricia Harbora, City Clerk BY: \_\_\_\_\_  
Clarence F. Lear, III, Mayor

**NOTICE**

Ordinance 345-2018 was introduced at a regular meeting of the City Council of the City of Cape May, held on March 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 April 17, 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				

Introduction:	March 20, 2018
First Publication:	March 28, 2018
Second Reading & Adoption:	April 17, 2018
Final Publication:	April 25, 2018
Effective Date:	May 15, 2018

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

**ORDINANCE NO. 348 - 2018**

**AN ORDINANCE AMENDING SECTION OF 199-7 OF THE CODE OF  
THE CITY OF CAPE MAY, CONCERNING MISCELLANEOUS  
CONSTRUCTION FEES**

**WHEREAS**, Chapter 199 of the Cape May Municipal Code establishes and implements the Uniform Construction Code in the City of Cape May, and establishes appropriate fees for construction activities; and

**WHEREAS**, Section 199-7 of the Code, entitled "Miscellaneous Fees," establishes, in subsection 199-7(A), fees for miscellaneous zoning reviews in connection with applications for building and zoning permits; and

**WHEREAS**, from time to time, the City Council of the City of Cape May reviews these fees to ensure their amounts accurately and reasonably reflect the administrative costs incurred by the City; and

**WHEREAS**, having reviewed the matter, the City Council believes it appropriate to revise certain of those fees.

**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 199-7(A)(7) of the Code of the City of Cape May is deleted in its entirety and replaced with the following language:

(7) Cape May City Permits. Unless otherwise specified herein, all City permits shall have a flat fee of \$65. For the repair or replacement of any amount of existing roof covering on a detached one- or two-family dwelling, or for the repair or replacement of any amount of existing siding covering on a one- or two-family dwelling, the fee shall be \$45 per \$1,000 of estimated labor and material cost. This paragraph shall not apply to polypropylene siding, which shall not be considered ordinary maintenance.

**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.

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**

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\_\_\_\_\_  
Patricia Harbora, City Clerk

<b>Roll Call</b>	<b>Ayes</b>	<b>Nays</b>	<b>Absent</b>	<b>Abstain</b>
<b>Pessagno</b>				
<b>Meier</b>				
<b>Hendricks</b>				
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