

**MINUTES OF THE REGULAR MEETING OF THE BOARD OF COUNTY
COMMISSIONERS HELD ON TUESDAY, APRIL 12, 2022 AT 4:30 P.M.
IN THE COUNTY ADMINISTRATION BUILDING
4 MOORE ROAD
CAPE MAY COURT HOUSE, NEW JERSEY**

The meeting convened with Director Thornton presiding and the following members answering roll call:

Commissioners Desiderio, Hayes, Morey and Thornton-Present (4)

STATEMENT OF DIRECTOR

“This is a notice read pursuant to the requirements of the “Open Public Meetings Act.” At least 48 hours advance notice of this meeting has been provided by posting of the same in writing on the bulletin boards in the County Administration Building, and the County Clerk’s Office and mailing a copy of the notice to the Cape May County Herald and the Atlantic City Press and filing the same with the County Clerk, all being done on Tuesday, January 11, 2022.”

MOMENT OF SILENCE

FLAG SALUTE-Led by Director Thornton.

MINUTES – MOTION TO APPROVE MINUTES OF THE 03/22/22 MEETINGS
Commissioner Desiderio moved/ Commissioner Hayes seconded

Commissioners	Ayes	Nays	Abstain	Absent	Motion	Second
Mr. Desiderio	X				X	
Ms. Hayes	X					X
Mr. Morey	X					
Mr. Pierson				X		
Mr. Thornton	X					

COMMUNICATIONS: None.

REPORTS:

1) ENGINEER:

Bob Church updated the Board with a report of his projects. Stage 1 of the Engineer’s maintenance paving contract was now complete. The contractor would be back around May 30th to finish up with Stage 2. So far, the following roads had been paved: Reading Avenue, Hands Mill Road, Stone Harbor Boulevard, CR 550, Court House South Dennis Road, Fidler Road and Dennisville Petersburg Road. Installation of striping and plastic markings was taking place, and the raised pavement marking should be finished over the next two weeks, he said. Another four or five roads would be done when the contractor resumed work on the 30th.

Bayshore Road in Lower Township from Townbank to Charles Street would be paved starting tomorrow. They would be finished with that on Friday, the final surface course. It would be striped the following week.

In Ocean City, 34th and West paving commenced today after Pierson finished restoration work for a watermain installation. Striping would be done on Friday, finishing out that project.

MINUTES OF A REGULAR MEETING HELD APRIL 12, 2022 (CONTINUED)

The contractor on the rumble strip project would be working this week and next doing additional striping and installing raised pavement markings and thermoplastic markings on those roads.

The Pacific Avenue project in Wildwood Crest was continuing. On May 1st the roadwork would start with milling and paving.

2) COUNTY COUNSEL: Jeff Lindsay had no report.

3) COUNTY TREASURER : Brittany Smith had no report.

COMMISSIONER REPORTS:

1) COMMISSIONER MOREY: No report.

2) COMMISSIONER HAYES: The commissioner participated in a ribbon cutting for a new business in North Cape May earlier today, she said. It was the grand opening for a cute boutique type ice cream shop called, "Cool Delites". The children, parents and grandparents were all there pitching in for this family run business.

She reminded everyone that the Cape May County Earth Day Celebration would be held on April 23rd this year at the Park & Zoo. Earlier today, during the caucus meeting the 2022 Earth Day Logo Contest Winners were announced and awarded their prizes by Park Director Ed Runyon and Commissioner Hayes.

Dr. Ernst and Commissioner Hayes did an interview last week at 98.7 The Coast in Wildwood, talking about all the new things going on at the Park & Zoo.

The latest birth at the zoo was announced earlier today by Dr. Ernst, she stated. A Cotton-top Tamarin pair added a set of twins to their family. Cordelia and Tam Tam just gave birth to their third set of offspring in the past 2 years.

Over the weekend, the County Park & Zoo celebrated an "Eggstravaganza" Easter Egg Hunt. Over one thousand eggs were found by the kids in a little under 2 minutes. She thanked Morey's Piers for their very generous donation of pink bunny ears to supplement the event for the kiddos.

3) COMMISSIONER DESIDERIO: No report.

4) COMMISSIONER THORNTON: No report.

RESOLUTIONS:

INTRODUCED BY MS. HAYES, SECONDED BY MR. DESIDERIO

198-22 Resolution recognizing April 2022 as Atlantic Cape Community College Month.

(This Resolution recognizes April 2022 as Atlantic Cape Community College Month in Cape May County and applauds the contributions and opportunities offered by Atlantic Cape Community College.)

Maria Kellet, Dean, Cape May County Campus accepted the resolution honoring Atlantic Cape Community College during community college month. She said the school just opened a nursing skills lab at the Cape May Campus. In the fall, the evening class for nursing cohort would be held at the Cape May Campus instead of at Mays Landing or Atlantic City. Also, in the fall, the culinary cohort would be held on the Cape May Campus.

INTRODUCED BY MR. DESIDERIO, SECONDED BY MS. HAYES

- 199-22 Resolution amending Resolution No. 9-22 appointing certifying officers for 2022.
(This Resolution changes/clarifies certifying officers for departments for auditing purposes.)
- 200-22 Resolution authorizing a Shared Services Agreement for alternate internet access with the Board of Education of the Special Services School District and Technical School District of the County of Cape May.
(This Resolution authorizes a Shared Services Agreement for the use of the County's internet access in the event of internet outage at the School District.)
- 201-22 Resolution authorizing payment to the Travelers Insurance Company for various claims in the total amount of \$5,974.35.
(This Resolution authorizes payment to the Travelers Insurance Company, Property-Casualty Department for various claims.)
- 202-22 Resolution adopting form specifying information to be contained in notices of tort claim.
(This Resolution adopts form specifying information to be contained in notices of tort claim.)
- 203-22 Resolution awarding Non-Fair and Open Contract with ARS of Rio Grande, LLC for counseling, doctor visits and interview assessments for inmates at the Cape May County Correctional Center on an as-needed basis.
(This Resolution authorizes the execution of a Letter of Agreement with ARS of Rio Grande, LLC for services to the Cape May County Correctional Center inmates on an as-needed basis.)
- 204-22 Resolution authorizing renewal with Starr Indemnity & Liability Insurance Company for Helicopter Liability and Physical Damage including owned and non-owned drones in the total amount of \$86,559.26.
(This Resolution authorizes renewal of Helicopter Liability and Physical Damage including Owned and Non-Owned Drones with Starr Indemnity & Liability Insurance Company for the term of April 1, 2022 through April 1, 2023.)
- 205-22 Resolution adding New Classification for County Employees.
(This Resolution establishes the use of additional NJCSC titles, and their salary ranges for County employees by amending Resolution No. 5117-78.)
- 206-22 Resolution approving Commercial Fishing Revolving Loan Application to Mike's Seafood and Dock – Owner Michael Monichetti in the amount of \$300,000.00.
(This Resolution authorizes a commercial fishing loan in the amount of \$300,000.00 to Mike's Seafood and Dock, for property expansion and construction and to purchase new equipment.)
- 207-22 Resolution amending the 2022 Budget for FFY2021 Emergency Management Agency Assistance (EMAA) Grant in the amount of \$55,000.00.
(This Resolution amends the 2022 Budget in the amount of \$55,000.00 for FFY2021 Emergency Management Agency Assistance Grant.)
- 208-22 Resolution amending the 2022 Budget for Insurance Fraud Reimbursement Program (Cycle 22) Grant in the amount of \$137,016.00.
(This Resolution amends the 2022 Budget in the amount of \$137,016.00 for Insurance Fraud Reimbursement Program (Cycle 22).)
- 209-22 Resolution authorizing signatories for Cape May County Home Health Account.
(This Resolution changes signatories for Cape May County Home Health Account.)

MINUTES OF A REGULAR MEETING HELD APRIL 12, 2022 (CONTINUED)

- 210-22 Resolution authorizing Signatories for Crest Haven Nursing Home Bank Accounts.
(This Resolution changes signatories for Crest Haven Nursing Home bank accounts.)
- 211-22 Resolution amending Resolution No. 8-22 for the 2022 Cash Management Plan and Designating the Custodian and Signatories for the “County of Cape May, Board of County Commissioners Account”
(This Resolution amends Resolution No. 8-22 for the Cape May County Cash Management Plan for 2022, designates the CFO as custodian of the main bank account and designates those whose authorized signatures must appear on all disbursement checks.)
- 212-22 Resolution applying to New Jersey Department of Law and Public Safety Division of Highway Traffic Safety for Underage Alcohol Enforcement Project Grant for the period of October 1, 2022 to September 30, 2023 in the amount of \$43,000.00.
(This Resolution applies for the grant funds for underage alcohol enforcement and investigative expenses for the period of 10/01/22 to 09/30/23.)
- 213-22 Resolution applying to State of New Jersey for Edward Byrne Memorial Justice Assistance Grant (JAG) No. JAG 1-5TF-18 administered by the Department of Law and Public Safety Division of Criminal Justice in the amount of \$52,858.00 for the period of July 1, 2019 to June 30, 2020.
(This Resolution approves submission of an application to New Jersey Department of Law and Public Safety for funds to support the Multi-Jurisdictional Gang, Gun and Narcotics Task Force Program.)
- 214-22 Resolution applying to State of New Jersey for FY2023 County History Partnership Program Grant administered by Department of State Historical Commission and the County of Cape May Culture & Heritage Division in the amount of \$150,000.00 for the period of January 1, 2023 to December 31, 2023.
(This Resolution approves submission of an application to New Jersey Department of State Historical Commission for funds to support the County History Partnership Program Grant.)
- 215-22 Resolution authorizing additional services for Phase II of Contract No. C8-113 with Michael Calafati Architect, LLC in the amount of \$10,587.50.
(This Resolution authorizes additional services to Contract No. C8-113 with Michael Calafati Architect, LLC for a revised prequalification of bidders and reimbursables for construction documents in the amount of \$10,587.50.)
- 216-22 Resolution authorizing renewal of agreements with Local Partners and Entities for the County Commodity Resale System.
(This Resolution authorizes the renewal of agreements for the County Commodity Resale System between the County, as lead agency, and local municipalities, agencies, and emergency management partners for gasoline and diesel fuel distribution for a term of five (5) years.)
- 217-22 Resolution awarding Contract No. C2-54 to X-Ray Imaging, Inc., for the Lease of X-Ray Scanning System for the Sheriff’s Office in the amount of \$13,440.00 per annum.
(This Resolution awards Contract No. C2-54 to X-Ray Imaging Inc. to provide two (2) x-ray scanners for the Sheriff’s Office in the amount of \$13,440.00 per annum, for a term of four (4) years commencing April 15, 2022.)

INTRODUCED BY MR. PIERSON, SECONDED BY MR. MOREY

- 218-22 Resolution granting and amending various Leaves of Absence to County Employees.
(This Resolution authorizes County Employees to be placed on a Leave of Absence in accordance with the County Leave of Absence Policy and the Family Medical Leave Act (FMLA).)

MINUTES OF A REGULAR MEETING HELD APRIL 12, 2022 (CONTINUED)

- 219-22 Resolution transferring Petty Cash Account for Cape May County Health Department.
(This Resolution transfers the custodian of the Petty Cash Account of the Cape May County Health Department.)
- 220-22 Resolution transferring Petty Cash Account for the Crest Haven Nursing and Rehabilitation Center Regular and Crest Haven Nursing and Rehabilitation Center Special Petty Cash Accounts.
(This Resolution authorizes changes to the signatories for petty cash accounts managed by Crest Haven Nursing and Rehabilitation Center due to change of staff members.)
- 221-22 Resolution appointing certain County employees to their permanent position in their respective offices. (Health Department)
(This Resolution is appointing County employees to a permanent title from the New Jersey Civil Service Commission based upon a qualifying action.)
- 222-22 Resolution approving Bayada Home Health Care’s Emergency Management Program and Plan, Quality Assurance and Performance Improvement Program, and Policy Review Index for the Board of Trustees for the Year 2022.
(This Resolution approves BAYADA Home Health Care’s Emergency Management Program and Plan, Quality Assurance and Performance Improvement Program and Policy Review Index for the Board of Trustees for the Year 2022.)
- 223-22 Resolution approving the recommendations of the Homelessness Trust Fund Advisory Board to award funds from the Homelessness Trust Fund in the amount of \$132,786.00.
(This Resolution adopts the recommendation of the Homelessness Trust Fund Advisory Board for 2022 expenditures.)
- 224-22 Resolution accepting award from the New Jersey Department of Children and Families for the Promising Path to Success Grant for the period of October 1, 2021 through September 29, 2022 in the amount of \$10,000.00.
(This Resolution accepts funding from the New Jersey Department of Children and Families in the amount of \$10,000.00 for Contract No. 22AHER.)
- 225-22 Resolution amending the 2022 Budget in the amount of \$10,000.00 for the Promising Path to Success Grant.
(This Resolution amends the 2022 Budget in the amount of \$10,000.00 for the 2022 Promising Path to Success Grant.)

Commissioners	Ayes	Nays	Abstain	Absent	Motion	Second
Mr. Desiderio	X				X	
Ms. Hayes	X					X
Mr. Morey	X					
Mr. Pierson				X		
Mr. Thornton	X					

INTRODUCED BY MS. HAYES, SECONDED BY MR. DESIDERIO

- 226-22 Resolution supplementing the 2022 Salary Resolution and approving appointments and salaries.
(This Resolution authorizes the hiring of new County employees, temporary assignment pay, salary changes or corrections, title changes and promotions of County employees when applicable.)
- 227-22 Resolution authorizing the Board to hold a meeting excluding the public on April 12, 2022 at 3:30 p.m. or as soon thereafter as possible or as practicable.
Matters falling within attorney-client privilege, pursuant to N.J.S.A. 10:4-12(b)(7), and personnel matters pursuant to N.J.S.A. 10:4-12(b)(8).
(This Resolution authorizes the Board of County Commissioners to conduct a meeting excluding the public at the stated time in accordance with the Open Public Meetings Act, N.J.S.A. 10:4-1, et seq.)

MINUTES OF A REGULAR MEETING HELD APRIL 12, 2022 (CONTINUED)

- 228-22 Resolution reappointing Jacqueline Fiore and Jennifer Shivers to the Cape May County Women’s Commission.
(This Resolution appoints members to the Cape May County Women’s Commission.)
- 229-22 Resolution authorizing Application and Indemnification Agreement with Cape Christian Academy for a Walk-A-thon Fundraiser at County Park Central.
(This Resolution permits use of County Park Central by Cape Christian Academy on April 30, 2022.)
- 230-22 Resolution authorizing Application and Indemnification Agreement with Cape May County Technical High School for use of County Park East for baseball games.
(This Resolution permits the Cape May County Technical High School to use County Park East for baseball games.)
- 231-22 Resolution authorizing Application and Indemnification Agreement with First United Methodist Church of Cape May Court House for use of County Park Central for a “Praise in the Park” Christian music concert.
(This Resolution authorizes the First United Methodist Church of CMCH use of Park Central on August 6, 2022 for a Christian music concert.)
- 232-22 Resolution authorizing Pepper Softball League use of County Park East for a softball tournament.
(This Resolution permits the Pepper Softball League to hold a softball tournament at County Park East on June 11, 2022.)
- 233-22 Resolution authorizing execution of an Addendum to Lease Agreement between the County of Cape May and Aramark Sports & Entertainment Services, LLC.
(This Resolution authorizes the execution of an Addendum to Lease Agreement between the County of Cape May and Aramark Sports & Entertainment Services, LLC.)
- 234-22 Resolution awarding Contract No. C2-58 to Wallcrawls, LLC to furnish, deliver and install wall artwork for Cape May County Park and Zoo reptile enclosures in the amount of \$68,406.00.
(This Resolution awards Contract No. C2-58 to Wallcrawls, LLC, to furnish, deliver and install wall artwork for the Cape May County Park and Zoo reptile enclosures in the amount of \$68,406.00 commencing on April 13th, 2022, and expiring upon project completion.)
- 235-22 Resolution authorizing Change Order No. 1 to Contract No. C0-148 with T+ Associates for Safari Café Architectural and Engineering Design Services in the amount of \$3,600.00.
(This Resolution authorizes Change Order No. 1 to Contract No. C0-148 with T+ Associates for patio redesign due to unknown site conditions in the amount of \$3,600.00.)

Commissioners	Ayes	Nays	Abstain	Absent	Motion	Second
Mr. Desiderio	X					X
Ms. Hayes	X				X	
Mr. Morey	X					
Mr. Pierson				X		
Mr. Thornton	X					

INTRODUCED BY MR. MOREY, SECONDED BY MS. HAYES

- 236-22 Resolution opposing New Jersey Department of Environmental Protection’s proposed Coastal Regulations.
(This Resolution opposes NJDEP’s Protecting Against Climate Threats Regulations and the Flood Damage Protection Ordinance.)

MINUTES OF A REGULAR MEETING HELD APRIL 12, 2022 (CONTINUED)

- 237-22 Resolution authorizing the Atlantic County Improvement Authority to award a Contract to Arthur J. Ogren, Inc. in the amount of \$24,708,705.00 for the construction of the Cape May County Government Services District.
(This Resolution authorizes ACIA to award a contract to Arthur J. Ogren, Inc., who was the low bidder following a competitive process pursuant to N.J.S.A. 40A:11-1, et seq.)
- 238-22 Resolution authorizing Modification No. 2-Final in the amount of \$50,256.47 to Colliers Engineering & Design for Professional Construction Engineering Services for Repair of the Southwest Bascule Girder Cover Plate and Various Structural Components at the 96th Street Bridge over Great Channel (No. 0500-006) in the Township of Middle and Borough of Stone Harbor.
(This Resolution increases the ceiling amount for additional work to be performed by Colliers Engineering & Design under their professional construction engineering services agreement for various emergency repairs to the 96th Street Bridge over Great Channel (No. 0500-006), Township of Middle and Borough of Stone Harbor.)
- 239-22 Resolution authorizing Modification No. 2 in the amount of \$229,690.43 to NV5 for Professional Engineering Services for Cape May County Park Entrances and Parking Improvements, Township of Middle.
(This Resolution increases the ceiling amount for additional work to include final design services and bid document preparation to be performed by NV5 under their professional engineering services agreement for Cape May County Park Entrances and Parking Improvements.)
- 240-22 Resolution authorizing Modification No. 1 in the amount of \$9,731.81 to Stantec Consulting Services, Inc. for Professional Traffic and Roadside Safety Engineering Services for Cape May Point Traffic Calming Study, Borough of Cape May Point.
(This Resolution increases the ceiling amount for additional work to be performed by Stantec Consulting Services, Inc. under their professional traffic and roadside safety engineering services agreement for Cape May Point Traffic Calming Study.)
- 241-22 Resolution authorizing Modification No. 1 in the amount of \$149,905.47 to the Professional Bridge Engineering Services Agreement with WSP USA, Inc. for Design of Great Channel Bridge Superstructure Repairs and Fender Replacement.
(This Resolution increases the ceiling amount for additional work to be performed by WSP USA, Inc. under their professional bridge engineering services agreement for Great Channel Bridge Superstructure Repairs and Fender Replacement.)
- 242-22 Resolution authorizing an Indemnification Agreement among Police Unity Tour Chapter II, Cape May County Bridge Commission and the County for a group bicycle ride May 10, 2022.
(This Resolution authorizes an organization to conduct an event involving the use of bridges and roads owned by the Bridge Commission and the County, respectively.)
- 243-22 Resolution supporting New Jersey Department of Transportation project for Route 50 Upper Bridge Road to Carl Road Pavement Resurfacing, Township of Upper & Corbin City.
(This Resolution supports the New Jersey Department of Transportation project for Route 50 Resurfacing from Upper Bridge Road to Carl Road, Township of Upper and Corbin City.)
- 244-22 Resolution authorizing Modification No. 1 in the amount of \$38,149.17 to Xylem Dewatering Solutions, Inc. for Rental of Bypass Pump at Fishing Creek Pumping Station Watershed.
(This Resolution increases the rental agreement amount of Xylem Dewatering Solutions, Inc. for additional rental time of the emergency bypass pumps for the Fishing Creek Pump Station.)
- 245-22 Resolution authorizing Tuckahoe Volunteer Fire Company to solicit contributions along Woodbine-Marshallville Road (CR617), Township of Upper.

MINUTES OF A REGULAR MEETING HELD APRIL 12, 2022 (CONTINUED)

(This Resolution permits fire company volunteers to hold ‘coin drops’ to obtain public contributions which help offset operational expenses.)

246-22 Resolution authorizing an Indemnification Agreement with Cape May Running Co. for its Great Cape May Footrace 5K/10K on Saturday, May 7, 2022.

(This Resolution gives permission to Cape May Running Co. to close portions of County roads for a 5K/10K.)

247-22 Resolution approving contract documents for Dias Creek Road (CR612) Resurfacing Improvements from NJ Route 47 to Galloping Way, Township of Middle and authorizing the Clerk of the Board to advertise for bids for same.

(This Resolution approves contract documents and authorizes advertisement.)

248-22 Resolution authorizing Change Order No. 2 in the amount of \$0.00 to Asphalt Paving Systems, Inc. for DeHirsch Avenue (CR550) Resurfacing Improvements, Borough of Woodbine.

(This Resolution authorizes a change order for an extension of time that will not exceed May 24, 2022.)

249-22 Resolution amending Resolution No. 1000-19 authorizing approval to submit a Grant Application and a Grant Agreement with the New Jersey Department of Transportation for the 2020 Local Bridges Future Needs Grant Fund Program.

(This Resolution authorizes the County to apply for funds from the State’s Transportation Trust Fund for needs of local bridge improvements for the year 2020. The request is for a six (6) month extension to the award deadline for improvements to the bridges currently under NJDOT review and concurrence for Ocean Drive (CR621) over Upper Thorofare and Ocean Drive (CR619) over Great Channel bridges.)

250-22 Resolution awarding Contract No. C2-57 to South State, Inc. to furnish and deliver Corson’s Inlet Bridge Concrete Deck Repairs in the amount of \$151,841.00.

(This Resolution awards Contract No. C2-57 to South State, Inc., to furnish and deliver Corson’s Inlet Bridge Concrete Deck Repairs in the amount of \$151,841.00 commencing April 13, 2022 and expiring upon project completion.)

251-22 Resolution rejecting all proposals submitted March 23, 2022, in response to 2022 Specification No. 13 to provide Professional Engineering Qualifications for Ocean Drive (CR621) Upgrades and Bridge Improvements.

(This Resolution rejects all proposals received March 23, 2022, for 2022 Specification No. 13, pursuant to N.J.S.A. 40A:11-13.2(d) substantially revise the specifications.)

Commissioners	Ayes	Nays	Abstain	Absent	Motion	Second
Mr. Desiderio	X					
Ms. Hayes	X					X
Mr. Morey	X				X	
Mr. Pierson				X		
Mr. Thornton	X					

BOND ORDINANCE 1-22 (PUBLIC HEARING)

Open Public Hearing:

Commissioners	Ayes	Nays	Abstain	Absent	Motion	Second
Mr. Desiderio	X					
Ms. Hayes	X				X	
Mr. Morey	X					X
Mr. Pierson				X		
Mr. Thornton	X					

Close Public Hearing:

Commissioners	Ayes	Nays	Abstain	Absent	Motion	Second
Mr. Desiderio	X					
Ms. Hayes	X				X	
Mr. Morey	X					X
Mr. Pierson				X		
Mr. Thornton	X					

ADOPTION OF BOND ORDINANCE 1-22

Commissioners	Ayes	Nays	Abstain	Absent	Motion	Second
Mr. Desiderio	X					
Ms. Hayes	X				X	
Mr. Morey	X					X
Mr. Pierson				X		
Mr. Thornton	X					

Bond Ordinance providing for various Capital Improvements to the Cape May County Technical School District, located within the County of Cape May, State of New Jersey; appropriating \$2,250,000 therefor and authorizing the issuance of \$2,250,000 Bonds or Notes of the County of Cape May, State of New Jersey, for financing of such appropriation.

In accordance with the provisions of an Act of the Legislature of the State of New Jersey entitled, "An Act revising the Education Law and the statutes relating to the State Library and the State Museum and continuing the Department of Higher Education and the State Department of Education and establishing a new Title to be known as Title 18A, Education, of the New Jersey Statutes", approved and effective April 9, 1968, as amended and supplemented (1967 N.J. Laws c. 271; N.J.S.A. 18A:54-1, et seq.) (the "Act"), a county vocational and technical school system in and for the County of Cape May, State of New Jersey (the "County"), has heretofore been established by due and proper action of the Board of County Commissioners (formerly known as the Board of Chosen Freeholders, the "Board of County Commissioners") of the County, named and known as the Cape May County Technical School District (the "District"). Pursuant to due action of the Board of School Estimate of the District (the "Board of School Estimate"), the sum of \$2,250,000 has been fixed and determined as the amount needed and necessary to be raised by the County for the undertaking of various capital improvements to the District's Technical High School including, but not limited to, the relocation of various District offices, related improvements to the front entrance of the building and, as applicable, demolition and construction, acquisition and installation of furnishings, fixtures, equipment, and any other associated improvements as deemed necessary by the County (the "Project"). The Board of County Commissioners now desires to appropriate said sum as recommended by the Board of School Estimate as set forth herein as follows:

BE IT ORDAINED AND ENACTED BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF CAPE MAY, STATE OF NEW JERSEY (not less than two-thirds of all the members thereof affirmatively concurring), **AS FOLLOWS:**

SECTION 1. The improvements or purposes described in Section 3(a) of this bond ordinance are hereby authorized as general improvements or purposes to be undertaken by the County. For the said improvements or purposes stated in Section 3(a) and pursuant to the provisions of the Act,

and any other laws applicable thereto, the aggregate sum of \$2,250,000 is hereby appropriated by the County. No down payment is required pursuant to the provisions of N.J.S.A. 18A:54-31.

SECTION 2. In order to finance and provide for the improvements or purposes described in Section 3 hereof, negotiable bonds of the County are hereby authorized to be issued pursuant to the Local Bond Law, N.J.S.A. 40A:2-1 et seq., as amended and supplemented (the "Local Bond Law"), in the aggregate principal amount of \$2,250,000 by virtue of the provisions of the Act. In anticipation of the issuance of said bonds and to temporarily finance said improvements or purposes, negotiable notes of the County in the aggregate principal amount not exceeding \$2,250,000 are hereby authorized to be issued pursuant to and within the limitations prescribed by said Local Bond Law.

SECTION 3. (a) The improvements for the District hereby authorized and purposes for the financing of which said obligations are to be issued include, but are not limited to, the relocation of various District offices, related improvements to the front entrance of the building and, as applicable, demolition and construction, acquisition and installation of furnishings, fixtures, equipment, and any other associated improvements as deemed necessary by the County (the "Project").

(b) All of such above improvements or purposes, as specified and described in the resolution heretofore made and delivered by the Board of School Estimate of the Vocational School District of the County of Cape May to the Board of County Commissioners (the "Board of School Estimate Resolution") include, but are not limited to, the Project and, as applicable, all engineering and design work, surveying, construction planning, preparation of plans and specifications, permits, bid documents, construction inspection and contract administration, and also shall include all work, materials, equipment, accessories, labor and appurtenances necessary therefor or incidental thereto.

(c) The aggregate estimated maximum amount of bonds or notes to be issued for said improvements or purposes is \$2,250,000.

(d) The aggregate estimated cost of said improvements or purposes is \$2,250,000.

SECTION 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the County Treasurer/Chief Financial Officer, provided that no note shall mature later than one (1) year from its dated date unless such bond anticipation notes are permitted to mature at such later date in accordance with applicable law. The notes shall bear interest at such rate and be in such form as may be determined by the County Treasurer/Chief Financial Officer. The County Treasurer/Chief Financial Officer shall determine all matters in connection with the notes issued pursuant to this bond ordinance, and the signature of the County Treasurer/Chief Financial Officer upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time in accordance with the provisions of the Local Bond Law. The County Treasurer/Chief Financial Officer is hereby authorized to sell part or all of the notes to the purchaser thereof upon receipt of payment of the purchase price and accrued interest thereon from their dated

MINUTES OF A REGULAR MEETING HELD APRIL 12, 2022 (CONTINUED)

dates to the date of delivery thereof. The County Treasurer/Chief Financial Officer is directed to report in writing to the Board of County Commissioners at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this bond ordinance is made. Such report must include the principal amount, the interest rate and the maturity schedule of the notes so sold, the price obtained and the name of the purchaser.

SECTION 5. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvements or purposes described in Section 3(a) of this bond ordinance are not current expenses and are each an improvement or purpose which the County may lawfully acquire or make as general improvements.

(b) The average period of usefulness of said improvements or purposes, within the limitations of said Local Bond Law and taking into consideration the amounts provided for in the Board of School Estimate Resolution and according to the reasonable life thereof as computed from the date of the said bonds authorized by this bond ordinance, is 20 years.

(c) The Supplemental Debt Statement required by said Local Bond Law has been duly made and filed in the Office of the Administrator/Clerk of the Board of County Commissioners and a complete executed duplicate thereof has been filed in the Office of the Director of the Division of Local Government Services, New Jersey Department of Community Affairs, and such statement shows that the gross debt of the County as defined by the Local Bond Law is increased by the authorization of the bonds and notes referred to in this bond ordinance by \$2,250,000, and that the said obligations authorized by this bond ordinance will be within all debt limitations prescribed by the Local Bond Law.

(d) An aggregate amount not exceeding \$450,000 for items of expense permitted under section 20 of said Local Bond Law has been included in the foregoing estimated cost of said improvements or purposes.

(e) The Board of County Commissioners, being the governing body of the County, hereby concurs in and consents to the said appropriation and in and to the issuance of said bonds or notes.

SECTION 6. In the event the United States of America, the State of New Jersey, and/or a private entity make a contribution or grant in aid to the County for any of the general capital improvements or purposes authorized hereby and the same shall be received by the County prior to the issuance of the bonds or notes authorized in Section 2 hereof, then the amount of such bonds or notes to be issued shall be reduced by the amount so received from the United States of America, the State of New Jersey and/or a private entity. In the event, however, that any amount so contributed or granted by the United States of America, the State of New Jersey, and/or a private entity shall be received by the County after the issuance of the bonds or notes authorized in Section 2 hereof, then

such funds shall be applied to the payment of the bonds or notes so issued and shall be used for no other purpose.

SECTION 7. The full faith and credit of the County are hereby pledged to the punctual payment of the principal of and interest on the said obligations authorized by this bond ordinance. Said obligations shall be direct, unlimited obligations of the County, and the County shall be obligated to levy *ad valorem* taxes upon all the taxable property within the County for the payment of said obligations and interest thereon without limitation of rate or amount.

SECTION 8. The capital budget of the County is hereby amended to conform with the provisions of this bond ordinance, and to the extent of any inconsistency herewith a resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program, as approved by the Director of the Division of Local Government Services, New Jersey Department of Community Affairs, shall be filed in the office of the Administrator/Clerk of the Board of County Commissioners and shall be available for public inspection.

SECTION 9. The County hereby declares the intent of the County to issue the bonds or bond anticipation notes in the amount authorized in Section 2 of this bond ordinance and to use proceeds to pay or reimburse expenditures for the costs of the purposes described in Section 3 of this bond ordinance. This Section 9 is a declaration of intent within the meaning and for purposes of Treasury Regulations §1.150-2 or any successor provisions of federal income tax law.

SECTION 10. The County Treasurer/Chief Financial Officer is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the County and to execute such disclosure document on behalf of the County. The County Treasurer/Chief Financial Officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the County pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the "Rule") for the benefit of holders and beneficial owners of obligations of the County and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the County fails to comply with its undertaking, the County shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

SECTION 11. The County covenants to maintain the exclusion from gross income under section 103(a) of the Code of the interest on all bonds and notes issued under this ordinance.

SECTION 12. This bond ordinance will be considered for final adoption after a public hearing thereon at a meeting of the Board of County Commissioners of the County. The Administrator/Clerk of the Board of County Commissioners of the County is hereby authorized and directed to arrange for the publication of this bond ordinance in full, in summary or as provided by law after

introduction upon first reading and after final adoption in an authorized newspaper of the County, such publications to be in accordance with the requirements of the Local Bond Law.

SECTION 13. This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption, as provided by said Local Bond Law.

**ADOPTED ON SECOND READING
DATED: APRIL 12, 2022**

KEVIN LARE,
**Administrator/Clerk of the Board
of County Commissioners**

BOND ORDINANCE 2-22 PUBLIC HEARING

Open Public Hearing:

Commissioners	Ayes	Nays	Abstain	Absent	Motion	Second
Mr. Desiderio	X					
Ms. Hayes	X				X	
Mr. Morey	X					X
Mr. Pierson				X		
Mr. Thornton	X					

Close Public Hearing:

Commissioners	Ayes	Nays	Abstain	Absent	Motion	Second
Mr. Desiderio	X					
Ms. Hayes	X				X	
Mr. Morey	X					X
Mr. Pierson				X		
Mr. Thornton	X					

ADOPTION OF BOND ORDINANCE 2-22

Commissioners	Ayes	Nays	Abstain	Absent	Motion	Second
Mr. Desiderio	X					
Ms. Hayes	X				X	
Mr. Morey	X					X
Mr. Pierson				X		
Mr. Thornton	X					

Bond Ordinance providing for the Cape May County Technical School District Expansion Project located within the County of Cape May, State of New Jersey; appropriating \$5,800,000 therefor and authorizing the issuance of \$5,800,000 Bonds or Notes to finance the cost thereof.

In accordance with the provisions of an Act of the Legislature of the State of New Jersey entitled, "An Act revising the Education Law and the statutes relating to the State Library and the State Museum and continuing the Department of Higher Education and the State Department of Education and establishing a new Title to be known as Title 18A, Education, of the New Jersey Statutes", approved and effective April 9, 1968, as amended and supplemented (1967 N.J. Laws c. 271; N.J.S.A. 18A:54-1, et seq.) (the "Act"), a county vocational and technical school system in and for the County of Cape May, State of New Jersey (the "County"), has heretofore been established by due and proper action of the Board of County Commissioners (formerly known as the Board of Chosen Freeholders, the "Board of County Commissioners") of the County, named and known as the Cape May County Technical School District (the

MINUTES OF A REGULAR MEETING HELD APRIL 12, 2022 (CONTINUED)

“District”). The sum of \$5,732,188, inclusive of a \$4,299,141 grant received or expected to be received by the District from the Securing Our Children’s Future Bond Act (the “Grant”), was approved by the Board of School Estimate of the District (the “Board of School Estimate”), along with any potential contingency funds needed, to undertake the District’s expansion project which includes, but is not limited to, certain capital improvements at the Cape May County Technical School District, located in the Township of Middle, in the County, consisting of the expansion of existing facilities for the furtherance of the career and technical education of the Culinary Arts and Hospitality Program and the Environmental Science and Sustainability Technology Program including, but not limited to, demolition, expansion, construction, and/or facility improvements, as applicable, and acquisition and installation, as applicable, of furnishings, fixtures, equipment and technology associated with said improvements and also including, but not limited to, lighting, HVAC, water, gas, electric, and other utility improvements at said facilities; parking, landscaping, curbs, sidewalks, walkways or other real property improvements at said facility, as applicable, and any other associated improvements as deemed necessary by the County therefor; and also including all engineering, architectural and design work, surveying, construction planning, preparation of plans and specifications, permits, bid documents, construction inspection and contract administration and all work, equipment, materials and accessories necessary therefor and incidental thereto (collectively, the “Project”). An aggregate amount of \$5,800,000 has been fixed and determined as the amount needed and necessary to be raised by the County for the undertaking of the Project, which amount represents a \$1,500,859 appropriation for the County portion of the Project (inclusive of \$67,812 for bond issuance and soft costs that will be needed to be raised by the County for the Project) and a \$4,299,141 appropriation as the amount necessary to be temporarily raised by the County for said Project until said Grant has been received in full by the Board of Education of the District (the “Board of Education”). The Board of County Commissioners now desires to appropriate said \$5,800,000 as set forth herein as follows:

BE IT ORDAINED AND ENACTED BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF CAPE MAY, STATE OF NEW JERSEY (not less than two-thirds of all the members thereof affirmatively concurring), **AS FOLLOWS:**

SECTION 1. Pursuant to the provisions of the Act, and any other laws applicable thereto, the sum of \$5,800,000 is hereby appropriated by the County. No down payment is required pursuant to the provisions of N.J.S.A. 18A:54-31. The said sum of \$5,800,000 is hereby appropriated by the County for the undertaking of said Project, including the appropriation heretofore made.

SECTION 2. For the financing of said improvements or purposes described in Section 3 hereof, and to meet the \$5,800,000 appropriation, negotiable bonds of the County are hereby authorized to be issued in the principal amount of \$5,800,000 pursuant to the Local Bond Law. In anticipation of the issuance of said bonds and to temporarily finance said improvements or purposes,

MINUTES OF A REGULAR MEETING HELD APRIL 12, 2022 (CONTINUED)

negotiable notes of the County in a principal amount not exceeding \$5,800,000 are hereby authorized to be issued pursuant to and within the limitations prescribed by said Local Bond Law.

SECTION 3. (a) The improvements hereby authorized and purposes for the financing of which said obligations are to be issued consist of various capital improvements at the Cape May County Technical Schools, located in the Township of Middle, in the County, consisting of the expansion of existing facilities for the furtherance of the career and technical education of the Culinary Arts and Hospitality Program and the Environmental Science and Sustainability Technology Program including, but not limited to, demolition, expansion, construction, and/or facility improvements, as applicable, and acquisition and installation, as applicable, of furnishings, fixtures, equipment and technology associated with said improvements and also including, but not limited to, lighting, HVAC, water, gas, electric, and other utility improvements at said facilities; parking, landscaping, curbs, sidewalks, walkways or other real property improvements at said facility, as applicable, and any other associated improvements as deemed necessary by the County therefor; and also including all engineering, architectural and design work, surveying, construction planning, preparation of plans and specifications, permits, bid documents, construction inspection and contract administration and all work, equipment, materials and accessories necessary therefor and incidental thereto (collectively, the "Project").

(b) The estimated maximum amount of bonds or notes to be issued for said improvement or purpose is \$5,800,000; and

(c) The estimated cost of said improvement and purpose necessary to be raised by the County is \$5,800,000.

SECTION 4. In the event the United States of America, the State of New Jersey, and/or a private entity make a loan, contribution or grant-in-aid to the County and/or the Board of Education, for the improvements or purposes authorized hereby and the same shall be received by the County and/or the Board of Education prior to the issuance of the bonds or notes authorized in Section 2 hereof, then the amount of such bonds or notes to be issued shall be reduced by the amount so received from the United States of America, the State of New Jersey, and/or a private entity. In the event, however, that any amount so loaned, contributed or granted by the United States of America, the State of New Jersey, and/or a private entity, shall be received by the County and/or the Board of Education after the issuance of the bonds or notes authorized in Section 2 hereof, then such funds shall be applied to the payment of the bonds or notes so issued and shall be used for no other purpose. The principal of and interest on the \$4,299,141 principal portion of \$5,800,000 aggregate principal amount of said bonds or notes authorized hereby shall be paid by the Board of Education pursuant to an agreement by and between the County and the District (the "Agreement"), which shall memorialize the District's obligation to pay the principal of and interest on said \$4,299,141 principal portion of \$5,800,000 aggregate principal amount of said bonds or notes authorized hereby. The Administrator/Clerk of the Board of County

MINUTES OF A REGULAR MEETING HELD APRIL 12, 2022 (CONTINUED)

Commissioners, the County Treasurer/Chief Financial Officer and any other County official are each hereby authorized, as applicable, to negotiate, approve, execute, attest, deliver and perform said Agreement and any and all documents necessary to undertake the Project.

SECTION 5. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the County Treasurer/Chief Financial Officer, provided that no note shall mature later than one (1) year from its date unless such bond anticipation notes are permitted to mature at such later date in accordance with applicable law. The notes shall bear interest at such rate or rates and be in such form as may be determined by the County Treasurer/Chief Financial Officer. The County Treasurer/Chief Financial Officer shall determine all matters in connection with the notes issued pursuant to this bond ordinance, and the signature of the County Treasurer/Chief Financial Officer upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time in accordance with the provisions of the Local Bond Law. The County Treasurer/Chief Financial Officer is hereby authorized to sell part or all of the notes from time to time at a public or private sale and to deliver them to the purchaser thereof upon receipt of payment of the purchase price and accrued interest thereon from their dates to the date of delivery thereof. The County Treasurer/Chief Financial Officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this bond ordinance is made. Such report must include the principal amount, the description, the interest rate, the maturity schedule of the notes so sold, the price obtained and the name of the purchaser.

SECTION 6. The capital budget of the County is hereby amended to conform with the provisions of this bond ordinance, and to the extent of any inconsistency herewith, a resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital programs, as approved by the Director of the Division of Local Government Services, New Jersey Department of Community Affairs, will be on file in the office of the Clerk of the County and will be available for public inspection.

SECTION 7. The following additional matters are hereby determined, declared, recited and stated:

a. The improvements or purposes described in Section 3 of this bond ordinance are not current expenses and are improvements or purposes which the County may lawfully undertake as general improvements or purposes, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

b. The average period of usefulness of said improvements or purposes within the limitations of said Local Bond Law, according to the reasonable life thereof computed from the date of said bonds authorized by this bond ordinance, is 40 years.

MINUTES OF A REGULAR MEETING HELD APRIL 12, 2022 (CONTINUED)

c. The supplemental debt statement required by the Local Bond Law has been duly made and filed in the Office of the Administrator/Clerk of the Board of County Commissioners of the County and a complete executed duplicate thereof has been filed in the Office of the Director of the Division of Local Government Services, New Jersey Department of Community Affairs, and such statement shows that the gross debt of the County as defined in the Local Bond Law is increased by the authorization of the bonds or notes provided for in this bond ordinance by \$5,800,000 and the said obligations authorized by this bond ordinance will be within all debt limitations prescribed by said Local Bond Law.

d. An aggregate amount not exceeding \$1,250,000 for items of expense listed in and permitted under section 20 of the Local Bond Law is included in the estimated cost indicated herein for the improvement or purpose hereinbefore described.

SECTION 8. The full faith and credit of the County are hereby pledged to the punctual payment of the principal of and the interest on the debt obligations authorized by this bond ordinance. The debt obligations shall be direct, unlimited obligations of the County, and the County shall be obligated to levy *ad valorem* taxes upon all the taxable property within the County for the payment of the principal of such debt obligations and the interest thereon without limitation as to rate or amount.

SECTION 9. The County hereby declares the intent of the County to issue the bonds or bond anticipation notes in the amount authorized in Section 2 of this bond ordinance and to use proceeds to pay or reimburse expenditures for the costs of the purposes described in Section 3 of this bond ordinance. This Section 9 is a declaration of intent within the meaning and for purposes of Treasury Regulations §1.150-2 or any successor provisions of federal income tax law.

SECTION 10. The County Treasurer/Chief Financial Officer is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the County and to execute such disclosure document on behalf of the County. The County Treasurer/Chief Financial Officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the County pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the "Rule") for the benefit of holders and beneficial owners of obligations of the County and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the County fails to comply with its undertaking, the County shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

SECTION 11. The County covenants to maintain the exclusion from gross income under Section 103(a) of the Code, of the interest on all bonds and notes issued under this ordinance.

SECTION 12. The Director of the Board of County Commissioners, Vice Director of the Board of County Commissioners and Chief Financial Officer/Treasurer of the County are each hereby authorized and directed to enter into the Agreement and determine all matters in connection with the Agreement not determined by this or a subsequent resolution, all in consultation with the County Counsel or Bond Counsel, and the manual or facsimile signature of the Director of the Board of County Commissioners, Vice Director of the Board of County Commissioners and/or Chief Financial Officer/Treasurer of the County upon any documents shall be conclusive as to all such determinations. The Director of the Board of County Commissioners, Vice Director of the Board of County Commissioners, Chief Financial Officer/Treasurer of the County, Administrator/Clerk of the Board of County Commissioners and any other County Representative, including but not limited to, Bond Counsel, the County Counsel and the County Auditor, are each hereby authorized and directed to take such actions or refrain from such actions as are necessary to enter into the Agreement, including but not limited to, the negotiation of any and all contracts, agreements and documents, and any all such actions or inactions taken by the aforesaid County Representatives heretofore are hereby ratified and confirmed, *nunc pro tunc*.

SECTION 13. This bond ordinance will be considered for final adoption after a public hearing thereon at a meeting of the Board of County Commissioners of the County. The Administrator/Clerk of the Board of County Commissioners of the County is hereby authorized and directed to arrange for the publication of this bond ordinance in summary after introduction upon first reading and after final adoption and approval by the Administrator/Clerk of the Board of County Commissioners in an authorized newspaper of the County, such publications to be in accordance with the requirements of the law.

SECTION 14. This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption and approval, as provided by the Local Bond Law.

**ADOPTED ON SECOND READING
DATED: APRIL 12, 2022**

**KEVIN LARE,
Administrator/Clerk of the Board
of County Commissioners**

BOND ORDINANCE 3-22 (PUBLIC HEARING)

Open Public Hearing:

Commissioners	Ayes	Nays	Abstain	Absent	Motion	Second
Mr. Desiderio	X					
Ms. Hayes	X				X	
Mr. Morey	X					X
Mr. Pierson				X		
Mr. Thornton	X					

Close Public Hearing:

Commissioners	Ayes	Nays	Abstain	Absent	Motion	Second
Mr. Desiderio	X					
Ms. Hayes	X				X	
Mr. Morey	X					X
Mr. Pierson				X		
Mr. Thornton	X					

ADOPTION OF BOND ORDINANCE 3-22

Commissioners	Ayes	Nays	Abstain	Absent	Motion	Second
Mr. Desiderio	X					
Ms. Hayes	X					X
Mr. Morey	X				X	
Mr. Pierson				X		
Mr. Thornton	X					

Bond Ordinance providing for a contribution towards a Redevelopment Project (Phase II of the Cape May County Airport Tech Village) being undertaken in the Township of Lower, for and in the County of Cape May, State of New Jersey; appropriating not to exceed \$6,000,000 to fund all or a portion of the cost thereof, and authorizing the issuance of not to exceed \$6,000,000 Bonds or Notes of the County to finance such appropriation, consenting to a financing and determining certain other matters in connection therewith.

WHEREAS, the County of Cape May, State of New Jersey (the “County”), in an effort to spur economic development and growth in the County, has determined that it is in the best interests of the residents of the County that a new building (to be utilized for unmanned aircraft system and technology research and development) be constructed at the Cape May County Airport (which shall be commonly known as Phase II of the Cape May County Airport Tech Village), as a Redevelopment Project (the “Redevelopment Project”), to undertaken by the Atlantic County Improvement Authority (the “ACIA”) pursuant to the Cape May County Airport Tech Village Redevelopment Plan within the Cape May County Airport Tech Village Redevelopment Area that has been designated, adopted and created, as applicable, by and within the Township of Lower, in the County pursuant to the provisions of the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et. seq. and applicable predecessor laws (collectively, the “Redevelopment Law”); and

WHEREAS, the County now desires to authorize an appropriation in the not to exceed amount of \$6,000,000 that will serve as a contribution for the Redevelopment Project, which contribution and appropriation may include a grant from the U.S. Economic Development Administration, and to authorize the issuance of bonds or notes in the not to exceed amount of \$6,000,000 that will be utilized to finance all or a portion of such appropriation and as security for the bonds or notes to be issued by and through the ACIA that will finance all or a portion of the Redevelopment Project; and

WHEREAS, the Local Finance Board, in the Division of Local Government Services,

New Jersey Department of Community Affairs, has reviewed the ACIA's application and held a hearing on the Redevelopment Project and the financing of same and has issued positive findings in connection with same; and

WHEREAS, pursuant to N.J.S.A. 40:37A-56 et seq., the County also desires to consent to the Redevelopment Project being undertaken and constructed by the ACIA and the financing of same through the issuance of bonds and notes by the ACIA and any associated agreements necessary therefor.

BE IT ORDAINED AND ENACTED BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF CAPE MAY, STATE OF NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring), **AS FOLLOWS:**

SECTION 1. The improvement or purpose described in Section 3 of this bond ordinance is hereby authorized as a general improvement or purpose to be undertaken by the County of Cape May, State of New Jersey (the "County"). For all or a portion of the cost of said improvement or purpose stated in Section 3, there is hereby appropriated the not to exceed sum of \$6,000,000. The down payment requirements set forth in the Local Bond Law, N.J.S.A. 40A:2-1 et seq. (the "Local Bond Law") are not applicable to this ordinance by virtue of the exception thereto set forth in section 37(c) of the Redevelopment Law.

SECTION 2. For the financing of all or a portion of said improvement or purpose described in Section 3 hereof, negotiable bonds of the County are hereby authorized to be issued in the principal amount not to exceeding \$6,000,000 pursuant to the Local Bond Law. In anticipation of the issuance of said bonds and to temporarily finance said improvement or purpose, negotiable notes of the County in a principal amount not exceeding \$6,000,000 are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

SECTION 3. (a) The improvement hereby authorized and the purpose for the financing of which said obligations are to be issued is a contribution towards the Redevelopment Project including, but not limited to, the construction of a new building at the Cape May County Airport (which shall be commonly known as Phase II of the Cape May County Airport Tech Village) to undertaken by the ACIA pursuant to the Cape May County Airport Tech Village Redevelopment Plan within the Cape May County Airport Tech Village Redevelopment Area that has been designated, adopted and created, as applicable, by and within the Township of Lower, in the County, pursuant to the Redevelopment Law, and located at Block 410.10, Parts of Lot 36 on the Official Tax Map of the Township of Lower, in such County and also including but not limited to, as applicable, demolition, reconstruction and/or improvements to structures; construction of and/or improvements to associated parking areas and access roads; and improvements to storm water

retention basin and any other associated site work and real property improvements; and all furnishings, fixtures and equipment necessary in connection with said facility and all work, materials, equipment, labor and appurtenances necessary therefore or incidental thereto and the payment of all costs and expenses that may be necessary or incidental to the aforesaid facility and provision for working capital, operating, maintenance or replacement expenses as may be determined from time to time.

(b) The estimated maximum amount of bonds or notes to be issued for said improvement or purpose is not to exceed \$6,000,000.

(c) The estimated cost of said improvement or purpose is not to exceed \$6,000,000.

SECTION 4. In the event the United States of America, the State of New Jersey and/or a private entity make a contribution or grant in aid to the County for any of the general capital improvements or purposes authorized hereby and the same shall be received by the County prior to the issuance of the bonds or notes authorized in Section 4 hereof, then the amount of such bonds or notes to be issued shall be reduced by the amount so received from the United States of America, the State of New Jersey and/or a private entity. In the event, however, that any amount so contributed or granted by the United States of America, the State of New Jersey and/or a private entity shall be received by the County after the issuance of the bonds or notes authorized in Section 4 hereof, then such funds shall be applied to the payment of the bonds or notes so issued and shall be used for no other purpose.

SECTION 5. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the Chief Financial Officer of the County (the "Chief Financial Officer"), provided that no note shall mature later than one (1) year from its dated date, subject to the renewal(s) thereof as authorized under the Local Bond Law. The notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer shall determine all matters in connection with the notes issued pursuant to this bond ordinance, and the signature of the Chief Financial Officer upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time in accordance with the provisions of the Local Bond Law. The Chief Financial Officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchaser thereof upon receipt of payment of the purchase price and accrued interest thereon from their dated dates to the date of delivery thereof. The Chief Financial Officer is directed to report in writing to the Board of County Commissioners at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this bond ordinance is made. Such report must include the principal amount, the

interest rate and the maturity schedule of the notes so sold, the price obtained and the name of the purchaser.

SECTION 6. The Capital Budget of the County is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. In the event of any such inconsistency, a resolution in the form promulgated by the Local Finance Board showing full detail of the amended Capital Budget and capital programs as approved by the Director of the Division of Local Government Services, New Jersey Department of Community Affairs will be on file in the office of the Administrator/Clerk of the Board of County Commissioners and will be available for public inspection.

SECTION 7. The following additional matters are hereby determined, declared, recited and stated:

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

(b) The average period of usefulness of said improvement or purpose within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the said bonds authorized by this bond ordinance, is 40 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly made and filed in the Office of the Administrator/Clerk of the Board of County Commissioners of the County and a complete executed duplicate thereof has been filed in the Office of the Director of the Division of Local Government Services, New Jersey Department of Community Affairs, and such statement shows that the gross debt of the County as defined in the Local Bond Law is increased by the authorization of the bonds or notes provided for in this bond ordinance by not to exceed \$6,000,000 and the said bonds or notes authorized by this bond ordinance will be within all debt limitations prescribed by said Local Bond Law.

(d) An aggregate amount not exceeding \$1,500,000 for items of expense listed in and permitted under section 20 of the Local Bond Law is included in the estimated cost indicated herein for the purpose or improvement hereinbefore described.

(e) The bonds and notes authorized by this bond ordinance shall have a maximum net interest rate not to exceed eight percent (8.00%) and shall mature within forty (40) years of the date of their original issue.

SECTION 8. The full faith and credit of the County are hereby pledged to the punctual payment of the principal of and the interest on the bonds or notes authorized by this bond ordinance. The bonds or notes shall be direct, unlimited obligations of the County, and the County shall be obligated to levy *ad valorem* taxes upon all the taxable real property within the County for the payment of the bonds or notes and the interest thereon without limitation as to rate or amount.

SECTION 9. The County hereby declares the intent of the County to issue the bonds or bond anticipation notes in the amount authorized in Section 2 of this bond ordinance and to use proceeds to pay or reimburse expenditures for the costs of the purposes described in Section 3 of this bond ordinance. This Section 9 is a declaration of intent within the meaning and for purposes of Treasury Regulations §1.150-2 or any successor provisions of federal income tax law.

SECTION 10. The Chief Financial Officer is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the County and to execute such disclosure document on behalf of the County. The Chief Financial Officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the County pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the "Rule") for the benefit of holders and beneficial owners of obligations of the County and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the County fails to comply with its undertaking, the County shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

SECTION 11. The County is hereby authorized to acquire, undertake or make a contribution towards, as applicable, the Redevelopment Project. The Director or Deputy Director of the Board of County Commissioners, County Administrator, Chief Financial Officer, County Counsel and the Administrator/Clerk of the Board of County Commissioners are each hereby authorized, as applicable, to negotiate, approve, execute, attest, deliver and perform any and all documents necessary to acquire, undertake or make a contribution towards, as applicable, the Redevelopment Project.

SECTION 12. Pursuant to and in accordance with the terms of N.J.S.A. 40:37A-56, the County does hereby consent to: (i) the Redevelopment Project being undertaken and constructed by the ACIA, (ii) the financing of same through the issuance of bonds and notes by the ACIA in the not to exceed amount of \$6,000,000, and (iii) the execution of any and all agreements and/or amendments thereto in connection therewith.

SECTION 13. The County covenants to, if applicable at the time of issuance, maintain the exclusion from gross income under section 103(a) of the Code of the interest on all bonds and notes issued under this ordinance.]

SECTION 14. The within bond ordinance will be considered for final adoption after a public hearing thereon at a meeting of the Board of County Commissioners. The Administrator/Clerk of the Board of County Commissioners is hereby authorized and directed to arrange for the publication of such bond ordinance in full or in summary after introduction upon first reading and after final adoption in full or in summary as required by law.

SECTION 15. This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption, as provided by the Local Bond Law.

**ADOPTED ON SECOND READING
DATED: APRIL 12, 2022**

KEVIN LARE,
**Administrator/Clerk of the Board
of County Commissioners**

BOND ORDINANCE 4-22 (PUBLIC HEARING)

Open Public Hearing:

Commissioners	Ayes	Nays	Abstain	Absent	Motion	Second
Mr. Desiderio	X					X
Ms. Hayes	X				X	
Mr. Morey	X					
Mr. Pierson				X		
Mr. Thornton	X					

Close Public Hearing:

Commissioners	Ayes	Nays	Abstain	Absent	Motion	Second
Mr. Desiderio	X					X
Ms. Hayes	X				X	
Mr. Morey	X					
Mr. Pierson				X		
Mr. Thornton	X					

ADOPTION OF BOND ORDINANCE 4-22

Commissioners	Ayes	Nays	Abstain	Absent	Motion	Second
Mr. Desiderio	X					X
Ms. Hayes	X				X	
Mr. Morey	X					
Mr. Pierson				X		
Mr. Thornton	X					

Bond Ordinance providing for the acquisition of Various Equipment and the Completion of Various Improvements in Furtherance of the Early Voting Program, by and in the County of Cape May, State of New Jersey; appropriating \$1,400,000 therefor and authorizing \$1,333,333 Bond or Notes of the County to finance part of the costs thereof.

BE IT ORDAINED AND ENACTED BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF CAPE MAY, STATE OF NEW JERSEY (not less than two-thirds of all the members thereof affirmatively concurring), **AS FOLLOWS:**

SECTION 1. The improvements or purposes described in Section 3 of this bond ordinance are hereby authorized to be undertaken by the County of Cape May, State of New Jersey (the "County") as general improvements. For said improvements or purposes stated in Section 3, there is hereby appropriated the sum of \$1,400,000, said sum being inclusive of the sum of \$66,667 as the amount of down payment for said improvements or purposes as required by the Local Bond Law, N.J.S.A. 40A:2-1 et seq., as amended and supplemented (the "Local Bond Law"). The down payment is now available therefor by virtue of either provisions or a provision in a previously adopted budget or budgets of the County for down payment or for capital improvement purposes or from moneys actually held by the County.

SECTION 2. For the financing of said improvements or purposes described in Section 3 hereof, and to meet the part of the \$1,400,000 appropriation not provided for by application hereunder of the down payment, negotiable bonds of the County are hereby authorized to be issued in the principal amount of \$1,333,333 pursuant to the Local Bond Law. In anticipation of the issuance of said bonds and to temporarily finance said improvements or purposes, negotiable notes of the County in a principal amount not exceeding \$1,333,333 are hereby authorized to be issued pursuant to and within the limitations prescribed by said Local Bond Law.

SECTION 3. (a) The improvements hereby authorized and purposes for the financing of which said bonds or notes are to be issued are the acquisition of various equipment and completion of various improvements in furtherance of the Early Voting Program which includes, but is not limited to, acquisition of voting booths, ancillary improvements and the compensation and expenses of employees for early voting including, but not limited to, acquisition and installation, as applicable, of computer hardware and software, networking, personnel training and site support, and all associated site work and any other related improvements and also including, as applicable, preparation of plans and specifications, permits, bid documents, and contract administration; and all work, materials, equipment, labor and appurtenances necessary therefor or incidental thereto (collectively, the "Project").

(b) The aggregate estimated maximum amount of bonds or notes to be issued for said improvements or purposes is \$1,333,333.

(c) The aggregate estimated cost of said improvements and purposes is \$1,400,000, the excess thereof over the said estimated maximum amount of bonds or notes to be issued therefor is comprised of the down payment for said improvements or purposes.

SECTION 4. In the event the United States of America, the State of New Jersey, and/or a private entity make a loan, contribution or grant-in-aid to the County, for the improvements or purposes

authorized hereby and the same shall be received by the County prior to the issuance of the bonds or notes authorized in Section 2 hereof, then the amount of such bonds or notes to be issued shall be reduced by the amount so received from the United States of America, the State of New Jersey, and/or a private entity. In the event, however, that any amount so loaned, contributed or granted by the United States of America, the State of New Jersey, and/or a private entity shall be received by the County after the issuance of the bonds or notes authorized in Section 2 hereof, then such funds shall be applied to the payment of the bonds or notes so issued and shall be used for no other purpose.

SECTION 5. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the Chief Financial Officer, provided that no note shall mature later than one (1) year from its date unless such bond anticipation notes are permitted to mature at such later date in accordance with applicable law. The notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer shall determine all matters in connection with the notes issued pursuant to this bond ordinance, and the signature of the Chief Financial Officer upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time in accordance with the provisions of the Local Bond Law. The Chief Financial Officer is hereby authorized to sell part or all of the notes from time to time at a public or private sale and to deliver them to the purchaser thereof upon receipt of payment of the purchase price and accrued interest thereon from their dates to the date of delivery thereof. The Chief Financial Officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this bond ordinance is made. Such report must include the principal amount, the description, the interest rate, the maturity schedule of the notes so sold, the price obtained and the name of the purchaser.

SECTION 6. The capital budget of the County is hereby amended to conform with the provisions of this bond ordinance, and to the extent of any inconsistency herewith, a resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital programs, as approved by the Director of the Division of Local Government Services, New Jersey Department of Community Affairs, will be on file in the office of the Administrator/Clerk of the Board of County Commissioners and will be available for public inspection.

SECTION 7. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvements or purposes described in Section 3 of this bond ordinance are not current expenses and are improvements or purposes which the County may lawfully undertake as general improvements, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

MINUTES OF A REGULAR MEETING HELD APRIL 12, 2022 (CONTINUED)

(b) The average period of usefulness of said improvements or purposes within the limitations of said Local Bond Law, according to the reasonable life thereof computed from the date of said bonds authorized by this bond ordinance, is 5 years.

(c) The supplemental debt statement required by the Local Bond Law has been duly made and filed in the Office of the Administrator/Clerk of the Board of County Commissioners of the County and a complete executed duplicate thereof has been filed in the Office of the Director of the Division of Local Government Services, New Jersey Department of Community Affairs, and such statement shows that the gross debt of the County as defined in the Local Bond Law is increased by the authorization of the bonds or notes provided for in this bond ordinance by \$1,333,333 and the said obligations authorized by this bond ordinance will be within all debt limitations prescribed by said Local Bond Law.

(d) An aggregate amount not exceeding \$280,000 for items of expense listed in and permitted under section 20 of the Local Bond Law is included in the estimated cost indicated herein for the improvements or purposes hereinbefore described.

SECTION 8. The full faith and credit of the County are hereby pledged to the punctual payment of the principal of and the interest on the debt obligations authorized by this bond ordinance. The debt obligations shall be direct, unlimited obligations of the County, and the County shall be obligated to levy *ad valorem* taxes upon all the taxable property within the County for the payment of the principal of such debt obligations and the interest thereon without limitation as to rate or amount.

SECTION 9. The County hereby declares the intent of the County to issue the bonds or bond anticipation notes in the amount authorized in Section 2 of this bond ordinance and to use proceeds to pay or reimburse expenditures for the costs of the purposes described in Section 3 of this bond ordinance. This Section 9 is a declaration of intent within the meaning and for purposes of Treasury Regulations §1.150-2 or any successor provisions of federal income tax law.

SECTION 10. The Chief Financial Officer is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the County and to execute such disclosure document on behalf of the County. The Chief Financial Officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the County pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the "Rule") for the benefit of holders and beneficial owners of obligations of the County and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the County fails to comply with its undertaking, the County shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

SECTION 11. The County covenants to maintain the exclusion from gross income under section 103(a) of the Code, of the interest on all bonds and notes issued under this ordinance.

SECTION 12. This bond ordinance will be considered for final adoption after a public hearing thereon at a meeting of the Board of County Commissioners of the County. The Administrator/Clerk of the Board of County Commissioners of the County is hereby authorized and directed to arrange for the publication of this bond ordinance in full after introduction upon first reading and after final adoption in an authorized newspaper of the County, such publications to be in accordance with the requirements of the Local Bond Law.

SECTION 13. This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption, as provided by the Local Bond Law.

**ADOPTED ON SECOND READING
DATED: APRIL 12, 2022**

**KEVIN LARE,
Administrator/Clerk of the Board
of County Commissioners**

MOTION TO PAY BILLS:

Commissioner Desiderio moved/ Commissioner Hayes seconded

Commissioners	Ayes	Nays	Abstain	Absent	Motion	Second
Mr. Desiderio	X				X	
Ms. Hayes	X					X
Mr. Morey	X					
Mr. Pierson				X		
Mr. Thornton	X					

PUBLIC COMMENTS: Debbie Morris, Middle Township resident brought to the Board’s attention, a description of an incident that she said took place at a polling location within the county on Election Day. She had volunteered as a challenger in Middle Township on Election Day. She reported that she was accused by the Middle Township Clerk of interfering with the poll workers while being there as a challenger. Mrs. Morris was attempting to find out what she did wrong and why she was denied unofficial election results for her district when she asked for them at the end of the night.

ADJOURN: 5:37 P.M.

Commissioners	Ayes	Nays	Abstain	Absent	Motion	Second
Mr. Desiderio	X				X	
Ms. Hayes	X					X
Mr. Morey	X					
Mr. Pierson				X		
Mr. Thornton	X					

APPROVED

DIRECTOR

ATTEST:

CLERK OF THE BOARD