

**MINUTES OF THE REGULAR MEETING OF THE BOARD OF COUNTY
COMMISSIONERS HELD ON TUESDAY, MAY 10, 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, Pierson (Virtual) and Thornton-Present (5)

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 Commissioner Pierson.

MINUTES – MOTION TO APPROVE MINUTES OF THE 04/26/22 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 gave updates on the following: Pacific Avenue in Wildwood Crest, Stage 2 Maintenance Paving program, 96th Street Bridge Emergency Repairs and Great Channel Bridge over CR 619 in Stone Harbor.
- 2) COUNTY COUNSEL: Jeff Lindsay had no report.
- 3) COUNTY TREASURER : Brittany Smith had no report.

COMMISSIONER REPORTS:

- 1) COMMISSIONER MOREY: Mr. Morey reported the Coast Guard Festival scheduled for May 7th had been cancelled due to the extreme weather on that date. He noted, expectantly it would be organized again in 2023, a lot of people were involved and contributed to its success each year.

A first meeting was held with Middle Township to address the functionality of downtown vehicular parking and pedestrian walkways. There had been some changes at the courts, with the front of the building now closed. They were looking at possibly repurposing the area in front of the courthouse, he said. A good meeting was held, with the planner who shared some initial impressions. More meetings

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would take place between the planner, the mayor and the community to exchange ideas. It would take time to figure out the details, everyone had a different concept of what a downtown should be. He would report back to the Board as more things transpired.

- 2) COMMISSIONER PIERSON: No report.
- 3) COMMISSIONER HAYES: She informed her colleagues of her attendance at the following meetings/events: Working Women's lunch in Ocean City in honor of Kim Style Gallagher with Coastal Marine Piling, CEED Breast Cancer Awareness Walk at the County Park/Zoo and the Annual NJAC Convention in Atlantic City. Director Thornton was presented the Lifetime Achievement Award and Vice-Director Desiderio was honored with the Hall of Fame Award at the NJAC luncheon on Thursday.
- 4) COMMISSIONER DESIDERIO: The Vice-Director thanked Commissioner Hayes for the great job, and everything that she does with NJAC. He acknowledged also; she had the Ocean City Crew Boathouse named in her honor on Sunday afternoon. Commissioner Morey and I were there for the dedication ceremony, he said. It was a great event and quite an honor to have it named after Marie who spearheaded the fight with the DEP, to make it possible for the boathouse to be placed there.

He reported he had represented the Board last night at the VFW Post 1963, in Sea Isle City. The auxiliary was recognized as being the largest and most active VFW auxiliary in the State of New Jersey with over 380 members. They work hard and do a lot of good things, he noted.

He gave an update on the Public Safety Training Center. He reminded how the Cape May County Police Academy was now recognized as one of the top academies in the State of New Jersey. On April 27th they had 47 graduates from the winter SLEO Class II. On April 30th, 62 Class II's began training and would graduate before July 4th weekend. At the same time a full-time class with 46 recruits would graduate on June 14th. They were keeping Chief DePaul very busy over there, he finished.

- 5) COMMISSIONER THORNTON: On Friday, Commissioner Morey and Director Thornton attended the open house at the refurbished Cape May County Chamber of Commerce building. A tour and dedication were done, along with a luncheon.

He congratulated Lenny for making it into the Commissioners Hall of Fame for NJAC. He had been very honored himself; receiving the Lifetime Achievement Award at the conference, he said. He thanked Marie for being the catalyst behind him getting the recognition.

RESOLUTIONS:

INTRODUCED BY MR. DESIDERIO, SECONDED BY MS. HAYES

- 295-22 Resolution authorizing execution of an Intercounty Mutual Aid and Assistance Agreement between entities.
(This Resolution authorizes membership in a Mutual Aid and Assistance Agreement with other counties for emergency situations.)
- 296-22 Resolution authorizing execution of a Memorandum of Agreement between the County of Cape May and Township of Middle.
(This Resolution authorizes execution of a Memorandum of Agreement between the County of Cape May and Township of Middle for sewer service charges for property known as 355 Court House South Dennis Road, Block 95.06, Lot 30 in the Township of Middle.)

MINUTES OF A REGULAR MEETING HELD MAY 10, 2022 (CONTINUED)

- 297-22 Resolution appointing certain County employees to their permanent position in their respective offices. (Prosecutor)
(This Resolution is appointing County employees to a permanent title from the New Jersey Civil Service Commission based upon a qualifying action.)
- 298-22 Resolution authorizing the dissolution of the Cape May County Culture & Heritage Commission and the creation of the Cape May County Culture & Heritage Advisory Board within the Division of Culture and Heritage within Department of Tourism.
(This Resolution authorizes the dissolution of the Culture & Heritage Commission and the creation of Culture & Heritage Advisory Board within the Division of Culture and Heritage within the Department of Tourism.)
- 299-22 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.)
- 300-22 Resolution authorizing renewal with TDC Specialty Insurance Company for General & Professional Liability for Crest Haven Nursing and Rehabilitation Center in the amount of \$192,803.00.
(This Resolution authorizes renewal of General & Professional Liability Insurance for Crest Haven Nursing and Rehabilitation Center for the term of May 1, 2022 through May 1, 2023.)
- 301-22 Resolution authorizing renewal with RLI Insurance Company for Patient Trust Fund Bond for Crest Haven Nursing and Rehabilitation Center in the amount of \$1,000.00.
(This Resolution authorizes renewal of Bond No. RSB4133382 for Crest Haven Nursing and Rehabilitation Center for the term June 18, 2022 through June 18, 2023.)
- 302-22 Resolution authorizing Change Order No. 2 to Contract No. C1-79 with Aliano Brothers General Contractors, Inc. for construction of Child Advocacy Center in the amount not to exceed \$3,136.00.
(This Resolution authorizes Change Order No. 2 to Contract No. C1-79 with Aliano Brothers General Contractors, Inc. for electrical work in the amount not to exceed \$3,136.00.)
- 303-22 Resolution applying to U.S. Department of Justice Bureau of Justice Assistance for the FY22 Bulletproof Vest Partnership Grant in the amount of \$24,400.00.
(This Resolution authorizes application for grant funding to provide law enforcement with protective armored vests in the amount of \$48,800.00 (\$24,400.00 Federal and \$24,400.00 In-Kind Match.)
- 304-22 Resolution authorizing the execution of an agreement between the County of Cape May and the Lower Cape May Regional School District Board of Education for the provision of Bus Transportation Services.
(This Resolution authorizes the execution of an Agreement with Lower Cape May Regional School District Board of Education for the provision of bus transportation services to assist in the evacuation of the County in the event of a natural disaster or other emergency.)

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. PIERSON, SECONDED BY MR. MOREY

- 305-22 Resolution granting and amending various Leaves of Absence to County Employees.

MINUTES OF A REGULAR MEETING HELD MAY 10, 2022 (CONTINUED)

(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).)

- 306-22 Resolution celebrating the month of May as Older Americans' Month in Cape May County with the theme "Age My Way".

(This Resolution celebrates the month of May as Older Americans Month in Cape May County and urges every resident to take time during this month to recognize older adults and the people who serve them as vital parts of our community.)

- 307-22 Resolution appointing certain County employees to their permanent position in their respective offices. (Mosquito Control)

(This Resolution is appointing County employees to a permanent title from the New Jersey Civil Service Commission based upon a qualifying action.)

- 308-22 Resolution authorizing the write-off of certain accounts receivable at Cape May County Department of Health.

(This Resolution authorizes the County's Health Department to write-off uncollectible accounts receivable originating from Environmental Health Services. These matters have been deemed uncollectible dating back from 2016.)

- 309-22 Resolution authorizing Change Order No. 2 to Contract No. C0-35 with Maxim Healthcare Staffing Services, Inc. to provide agency nurse staffing to Crest Haven Nursing and Rehabilitation Center.

(This Resolution authorizes Change Order No. 2 to Contract No. C0-35 with Maxim Healthcare Staffing Services, Inc. to reduce the hourly rate for nurse staffing at Crest Haven Nursing & Rehabilitation Center.)

- 310-22 Resolution applying to New Jersey Department of Health for funds to support the Right to Know Program Grant in the amount of \$8,976.00.

(This Resolution applies to the State for funds to support the Right to Know Program Grant #EPID23RTK09L for the budget period of 7/1/22 through 6/30/23.)

- 311-22 Resolution accepting Grant Award No. 20SRANJ007 from the Corporation for National and Community Service for the FY2022 Retired Senior Volunteer Program in the amount of \$107,845.00 for the period of April 1, 2022 to March 31, 2023.

(This Resolution accepts a grant award for the FY2022 Retired Senior Volunteer Program for the period 4/1/22 to 3/31/23 in the amount of Federal \$66,953.00, Local Cash Match \$40,892.00, and excess of \$6,701.00.)

- 312-22 Resolution amending the 2022 Budget for the FY22 Retired Senior Volunteer Program in the amount of \$66,953.00.

(This Resolution amends the 2022 Budget in the amount of \$66,953.00, with County matching funds of \$40,892.00, for a total of \$107,845.00, funding to be utilized to cover administrative costs and the placement of volunteers within the community to meet specific needs related to health, independent living and transportation.)

- 313-22 Resolution accepting 6.2% Federal Medicaid Assistance Percentage (FMAP) funding from New Jersey Department of Human Services in the amount of \$703,752.70.

(This Resolution accepts 6.2% Federal Medicaid Assistance Percentage (FMAP) funding in the amount of \$703,752.70.)

- 314-22 Resolution amending the 2022 Budget for Enhanced Federal Medicaid Assistance Percentage.

(This Resolution amends the 2022 Budget in the amount of \$703,752.70 for Enhanced Federal Medicaid Assistance Percentage funding.)

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

INTRODUCED BY MS. HAYES, SECONDED BY MR. DESIDERIO

- 315-22 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.)
- 316-22 Resolution authorizing the Board to hold a meeting excluding the public on May 10, 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.)
- 317-22 Resolution authorizing Application and Indemnification Agreement with Cape Express Soccer Club for use of County Park East for youth soccer practice.
 (This Resolution permits use of the soccer field located at County Park East by Cape Express Soccer Club.)
- 318-22 Resolution approving Application and Indemnification Agreement with Cape May County Technical School District for use of County Park East Tennis Courts by the Tennis Club.
 (This Resolution permits use of the tennis courts located at County Park East by the Cape May County Technical High School Tennis Club during the months of May and June 2022.)
- 319-22 Resolution reconfirming Resolution No. 294-22 adopted April 26, 2022.
 (This Resolution reconfirms and ratifies the following Resolution as adopted by the Board of County Commissioners at a regular meeting held on April 26, 2022: Resolution No. 294-22: opposing the State Board of Education Revised New Jersey Student Learning Standards for Comprehensive Health and Physical Education on Sex Education.)

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 MR. PIERSON

- 320-22 Resolution reappointing members to the Cape May County Open Space Review Board.
 (This Resolution authorizes the reappointment of Cornelius R. Byrne, Jr. and David Craig to the Open Space Review Board; terms to expire June 1, 2025.)
- 321-22 Resolution authorizing the use of competitive contracting to provide Professional Construction Engineering Services for Beach Avenue (CR604) Resurfacing Improvements, City of Cape May.
 (This Resolution authorizes the use of competitive contracting process pursuant to N.J.S.A. 40A:11-4.1(3)i for selecting consultants for professional construction engineering services.)

MINUTES OF A REGULAR MEETING HELD MAY 10, 2022 (CONTINUED)

- 322-22 Resolution authorizing the use of competitive contracting to provide Professional Construction Engineering Services for Tyler Road (CR611) Resurfacing Improvements, Borough of Woodbine, and Township of Dennis.
(This Resolution authorizes the use of competitive contracting process pursuant to N.J.S.A. 40A:11-4.1(3)i for selecting consultants for professional construction engineering services.)
- 323-22 Resolution authorizing an Indemnification Agreement among Green Whales, Inc., Cape May County Bridge Commission and the County of Cape May for the NJ 3 Bridges Run on May 7, 2022.
(This Resolution authorizes Green Whales, Inc. to conduct a race involving the use of bridges and roads owned by the Bridge Commission and the County, respectively.)
- 324-22 Resolution accepting proposal of Stantec Consulting Services Inc. in the amount of \$99,948.98 for Professional Engineering Services for Resurfacing of Pittsburgh Avenue (CR622), City of Cape May.
(This Resolution accepts the proposal of Stantec Consulting Services, Inc. in the amount of \$99,948.98. Stantec Consulting Services, Inc. is one of the consultants in the professional engineering pool of consultants established by the Fair and Open Process.)
- 325-22 Resolution closing the contract and accepting the work of Colliers Engineering & Design for Professional Construction Engineering Services for Avalon Boulevard (CR601) over Ingram's Thorofare Bridge Deck Reconstruction.
(This Resolution accepts the work and closes the contract.)
- 326-22 Resolution accepting the work and closing the contract of Stantec Consulting Services Inc. for Professional Traffic Engineering Services for 2018 Pavement Marking Improvement Program.
(This Resolution accepts the work and closes the contract.)
- 327-22 Resolution accepting the work and closing the contract of Stantec Consulting Services Inc. for Professional Traffic Engineering Services for 2017 Pavement Marking Improvement Program.
(This Resolution accepts the work and closes the contract.)
- 328-22 Resolution authorizing application for Road Opening Permit to Asphalt Paving Systems, Inc. for Third Avenue (CR619), Borough of Stone Harbor.
(This Resolution authorizes Asphalt Paving Systems to install a new gravity sewer, on Third Avenue (CR619), Borough of Stone Harbor between 104th and 103rd Streets. Work will be completed promptly.)
- 329-22 Resolution amending Resolution No. 358-20 memorializing emergency declaration condition for the repair of the southwest bascule web and exterior cover plate at the 96th Street Bridge over Great Channel (Str. No. 0500-006) in the Township of Middle and Borough of Stone Harbor for a not to exceed amount of \$1,485,130.40 and to authorize the County to engage a contractor and construction engineer to make repairs.
(This Resolution includes the final ceiling amount not to exceed \$1,485,130.40 for an emergency repair to the 96th Street Bridge for work completed.)
- 330-22 Resolution accepting the proposal of Urban Engineers, Inc. to provide Professional Engineering Services in the amount of \$254,407.00 for Marshallville Road (CR632) Bridge Replacement with a Pedestrian Bridge, Township of Upper.
(This Resolution accepts the proposal of Urban Engineers, Inc. to provide Professional Engineering Services associated with Marshallville Road (CR632) Bridge Replacement with a Pedestrian Bridge, Township of Upper. Urban Engineers, Inc. is one of the consultants in the professional general engineering pool of consultants established by the Fair and Open Process.)
- 331-22 Resolution awarding Contract No. C2-82 to Burns Construction Consulting, LLC, to provide Owner's Representation Services for the construction of a Multi-Tenant Technology Building at the Cape May County Airport.

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(This Resolution awards Contract No. C2-82 to Burns Construction Consulting, LLC, to provide Owner’s Representative Services for the construction of a Multi-Tenant Technology Building at the Cape May County Airport commencing May 11, 2022, expiring upon project completion and closeout pursuant to N.J.S.A. 40A:11-15(9) in an amount not to exceed \$399,555.00.)

332-22 Resolution authorizing execution of an Access and Remediation Agreement with Jersey Central Power & Light Company.

(This Resolution authorizes execution of an agreement with Jersey Central Power & Light Company to provide access to a portion of Lafayette Street for purposes of remediation.)

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

333-22 Resolution determining the Form and other details of not to exceed \$10,100,000 General Obligation Bonds of the County of Cape May, State of New Jersey, and providing for its sale to the New Jersey Infrastructure Bank pursuant to the New Jersey Transportation Infrastructure Bank Financing Program.

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

INTRODUCTION TO CAPITAL ORDINANCE 1-22

CAPITAL ORDINANCE PROVIDING FOR THE ACQUISITION AND INSTALLATION OF CAPITAL EQUIPMENT FOR VARIOUS COUNTY-OWNED FACILITIES, IN AND FOR THE COUNTY OF CAPE MAY, STATE OF NEW JERSEY; AND APPROPRIATING \$1,000,000 THEREFOR FROM THE COUNTY’S CAPITAL IMPROVEMENT FUND TO PAY FOR THE COST THEREOF

WHEREAS, the County of Cape May, State of New Jersey (the “County”), wishes to undertake the acquisition and installation of capital equipment for various County-owned facilities throughout the County including, but not limited to, Heating, Ventilation and Air Conditioning Systems at the County Administration Building, the Health Department, Crest Haven Nursing Home, the County Court House and various County Libraries (\$1,000,000); also including all work, materials, equipment, labor and appurtenances necessary therefor or incidental thereto (collectively, the “Capital Improvements”); and

WHEREAS, the costs of said Capital Improvements are estimated to be \$1,000,000; and

WHEREAS, the County Board of County Commissioners desires to authorize the appropriation and expenditure of \$1,000,000 to undertake the aforesaid Capital Improvements.

BE IT ORDAINED AND ENACTED BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF CAPE MAY, STATE OF NEW JERSEY (a majority of the full membership thereof affirmatively concurring), **AS FOLLOWS:**

SECTION 1. The capital improvements or purposes described in Section 1(A) of this capital ordinance are hereby authorized as general capital improvements to be undertaken by the County.

(A) There is hereby appropriated the amount of \$1,000,000 from the County's Capital Improvement Fund to undertake the acquisition and installation of capital equipment for various County-owned facilities throughout the County including, but not limited to, Heating, Ventilation and Air Conditioning Systems at the County Administration Building, the Health Department, Crest Haven Nursing Home, the County Court House and various County Libraries (\$1,000,000); also including all work, materials, equipment, labor and appurtenances necessary therefor or incidental thereto.

SECTION 2. The Commissioner Director, County Administrator and County Treasurer/Chief Financial Officer and any other official/officer of the County is each hereby authorized and directed to execute, deliver and perform any agreement necessary to undertake the improvements or purposes set forth herein and to effectuate any transaction contemplated hereby.

SECTION 3. The capital budget of the County is hereby amended to conform with the provisions of this capital ordinance to the extent of any inconsistency herewith and 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 is on file in the office of the Clerk and is available for public inspection.

SECTION 4. Capital terms used herein and not otherwise defined, shall have the meanings ascribed to such terms in the preamble to this capital ordinance.

SECTION 5. This ordinance shall take effect in accordance with applicable law.

**ADOPTED ON FIRST READING
DATED: MAY 10, 2022**

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

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

INTRODUCTION TO BOND ORDINANCE 5-22

BOND ORDINANCE PROVIDING FOR VARIOUS IMPROVEMENTS TO AND RENOVATION OF THE FRANKLIN STREET SCHOOL IN THE CITY OF CAPE MAY TO CONVERT TO THE CAPE MAY CITY BRANCH OF THE CAPE MAY COUNTY LIBRARY, BY AND IN THE COUNTY OF CAPE MAY, STATE OF NEW JERSEY; APPROPRIATING \$11,400,000 THEREFOR (INCLUDING A GRANT FROM THE STATE OF NEW JERSEY AND CONTRIBUTION FROM THE CITY OF CAPE MAY IN THE AGGREGATE AMOUNT OF \$5,447,081) AND AUTHORIZING \$5,952,919 BONDS 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 \$11,400,000, which sum includes a \$2,000,000 contribution from the City of Cape May (the "Local Contribution"), a \$3,447,081 grant received or expected to be received from the State of New Jersey pursuant to the Library Construction Bond Act (the "Grant"). Pursuant to N.J.S.A. 40A:2-11(c), as amended and supplemented, no down payment is required for the improvements or purposes set forth in Section 3(a) hereof, as a portion of such project is expected to be funded by the Grant.

SECTION 2. For the financing of said improvements or purposes described in Section 3 hereof, and to meet the part of the \$11,400,000 appropriation not provided for by application hereunder of the Local Contribution and the Grant, negotiable bonds of the County are hereby authorized to be issued in the principal amount of \$5,952,919 pursuant to the Local Bond Law, N.J.S.A. 40A:2-1 et seq., as amended and supplemented (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 \$5,952,919 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 various improvements to and renovation of Franklin Street School in the City of Cape May to convert to the Cape May City Branch of the Cape May County Library, and all associated site work, furniture, fixtures and equipment 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.

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(b) The aggregate estimated maximum amount of bonds or notes to be issued for said improvements or purposes is \$5,952,919.

(c) The aggregate estimated cost of said improvements and purposes is \$11,400,000, the excess thereof over the said estimated maximum amount of bonds or notes to be issued therefor is comprised of the Local Contribution and the Grant.

SECTION 4. Except for the Local Contribution and the Grant, 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. Except for the Local Contribution and the Grant, 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, including the Grant and Local Contribution, 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

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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.

(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 30 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 \$5,952,919 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 \$2,250,000 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 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.

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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. The Board of Chosen Freeholders (now the Board of County Commissioners) adopted Resolution Number 1040-19 (the "Library Shared Services Resolution") on October 22, 2019 and in connection therewith, the County entered into a Shared Services Agreement by and between County, the Cape May County Library Commission and the City of Cape May (the "Library Shared Services Agreement") providing for, among other things, an agreement as to the improvements or purposes set forth herein, including but not limited to, the construction of the library. The Library Shared Services Resolution and the Library Shared Services Agreement provides that the County would provide not to exceed \$2,300,000 for improvements or purposes set forth herein, including but not limited to, the construction of the library (the "County Library Contribution"). The County hereby amends the not to exceed amount of the County Library Contribution from \$2,300,000 to \$5,952,919 that was originally set forth in the Library Shared Services Resolution for improvements or purposes set forth herein, including but not limited to, the construction of the library, and hereby authorizes and directs the Commissioner Director or the Commissioner Vice Director to negotiation, execute and approve an amendment to the Library Shared Services Agreement to, among other things, amend the County Library Contribution not to exceed amount from \$2,300,000 to \$5,952,919. The Commissioner Director, the Commissioner Vice Director, the County Administrator, the Chief Financial Officer, the Clerk of the Board of County Commissioners and any other County official are each hereby authorized and directed to execute and deliver such documents as are necessary to undertake the improvements or purposes set forth herein, including but not limited to, the Library Shared Services Agreement, and to take such actions or refrain from such actions as are necessary for the undertaking of the improvements or purposes set forth herein and any and all actions taken heretofore with respect to the improvements or purposes set forth herein, the Library Shared Services Resolution and the Library Shared Services Agreement are hereby ratified and confirmed.

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

MINUTES OF A REGULAR MEETING HELD MAY 10, 2022 (CONTINUED)

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 14. 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 FIRST READING
DATED: MAY 10, 2022**

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

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

Addition:

334-22 Capital Budget Amendment

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

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-Dan Mihal, a resident of Cape May Court House, urged the Board to consider additional signage and/or a traffic light at Oyster and Shunpike Roads in Middle Township. A recent fatal car accident in the area prompted him to attend the meeting and request something be done. Adding to his concern, 21 new homes were under construction in the vicinity which would soon bring more traffic through the intersection, he said. A brief discussion ensued with the County Engineer describing various remedies that would be applicable to the intersection and the nearby curve in the road.

ADJOURN: 5:25 P.M.

MINUTES OF A REGULAR MEETING HELD MAY 10, 2022 (CONTINUED)

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