

**MINUTES OF THE REGULAR MEETING OF THE BOARD OF COUNTY
COMMISSIONERS HELD ON TUESDAY, MAY 24, 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 (4)
Absent -Commissioner Pierson (1)

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 05/10/22 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 an update of the remaining maintenance paving, approximately 7 or 8 miles of county roads, Swainton Goshen Road maintenance paving and Townbank Road maintenance paving. For his road and bridge projects he brought them up to date on the progress of the 96th Street Bridge, Pacific Avenue, Bayshore Road from Charles Street to Townbank Road and DeHirsh Avenue.

1) COUNTY COUNSEL: Jeff Lindsay had no report.

2) COUNTY TREASURER : Brittany Smith had no report.

COMMISSIONER REPORTS:

1) COMMISSIONER MOREY: Mr. Morey reported the government services building project was due to begin June 2nd. The notice to proceed had been issued. The Fare Free bus parking lot was going to be moved to another area of the airport because of the project. The DRBA and the County were collaborating as to where the new parking would be located within the complex. The CMC Office of Emergency Management and the Lower Township Police department had been included in the discussion.

MINUTES OF A REGULAR MEETING HELD MAY 24, 2022 (CONTINUED)

He attended the change-of-watch ceremony on the Coast Guard Base on May 19th. Master Chief Jason M. Vanderhaden was relieved as Master Chief Petty Officer of the Coast Guard (MCPOCG) by Master Chief Heath B. Jones. It was a very interesting and a big deal, he said. The importance of this military tradition was palpable for everyone in attendance. He stayed after for the reception, representing the County and presenting a certificate of recognition.

2) COMMISSIONER HAYES: Regarding the government services building mentioned earlier by Commissioner Morey, Ms. Hayes made note of the amount of planning, meetings and input from many individuals that went into the project. It's nice to see it coming to fruition.

The Commissioner attended ribbon cuttings at the following businesses: Crazy 8's Miniature Golf Course in Middle Township; Pedego Electric Bikes and Orange Moose Carts in Wildwood; Behr Brewing Company in Cape May.

She attended an Eagle Scout Crossing over Ceremony for Christopher Lemmon and Nicholas George in Marmora, Upper Township. One of the scouts did a tribute to the New Jersey State Police. The other scout decorated his front lawn with thousands of purple hearts. It was very impressive.

She attended the SNJCCA Meeting last night in Camden County where she learned about hydroponic gardening.

She went to the Annual Pride Day at the Cape May County Zoo. Eight schools and over 20 organizations participated in the event held on May 19th.

3) COMMISSIONER DESIDERIO: No report.

4) COMMISSIONER THORNTON: No report.

RESOLUTIONS:

INTRODUCED BY MR. DESIDERIO, SECONDED BY MR. MOREY

335-22 Resolution congratulating Greg Speed upon his retirement of 48 years of dedicated service within the behavioral health sector.

(This Resolution congratulates Greg Speed upon his retirement of 48 years of dedicated service within the behavioral health sector and offers the gratitude of all citizens of Cape May County for his dedication.)

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

INTRODUCED BY MR. DESIDERIO, SECONDED BY MS. HAYES

336-22 Resolution appointing a Cape May County Emergency Medical Services Coordinator and Deputy Coordinators.

(This Resolution appoints a Cape May County EMS Coordinator and Deputy EMS Coordinators for the term June 1, 2022 to May 31, 2023.)

337-22 Resolution reappointing members to the Cape May County Revolving Fishing Loan Committee.

(This Resolution authorizes the reappointment of Charles Barto, Rodney Fox, Eleanor Bochenek, Lisa Calvo, Michael Monichetti and Diane Wieland, to the Cape May County Revolving Fishing Loan Committee, terms to expire 12/31/23.)

MINUTES OF A REGULAR MEETING HELD MAY 24, 2022 (CONTINUED)

- 338-22 Resolution awarding Contract No. C2-83 to Tri-County Termite & Pest Control, Inc. to furnish & deliver an Integrated Pest Management Program.
(This Resolution awards Contract No. C2-83 to Tri-County Termite & Pest Control, Inc., to furnish & deliver an Integrated Pest Management Program for County of Cape May for a term of one (1) year, commencing June 10, 2022 with two (2) one-year options.)
- 339-22 Resolution establishing a pool of firms for as needed Landscape Architecture Services and awarding Contract No. C2-96 to Colliers Engineering & Design, Inc., for Task 1 – Child Advocacy Center in the amount of \$4,600.00.
(This Resolution establishes a pool of firms for as-needed Landscape Architecture Services for a term of two years commencing May 25, 2022, with two (2) one-year options and awards Contract No. C2-96 to Colliers Engineering & Design, Inc., for Task 1 – Child Advocacy Center in the amount of \$4,600.00.)
- 340-22 Resolution authorizing the execution of a Shared Services Agreement between the County of Cape May and the Township of Lower.
(This Resolution authorizes the execution of a Shared Service Agreement with the Township of Lower for the purpose of pooling resources and sharing services for County-wide events, including but not limited to concerts, festivals, races and other events.)
- 341-22 Resolution authorizing payment to The Travelers Insurance Company for various claims in the total amount of \$50,713.25.
(This Resolution authorizes payment to the Travelers Insurance Company, Property-Casualty Department for various claims.)

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

- 342-22 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).)
- 343-22 Resolution approving the monthly disbursements from the Department of Human Services for the TANF, General Assistance and Clearing Accounts.
(This Resolution accepts and approves the monthly disbursements for the TANF, General Assistance and Clearing Accounts as submitted by the Fiscal Department for the Department of Human Services.)
- 344-22 Resolution appointing and reappointing members to the Cape May County CBRNE/HAZMAT Task Force.
(This Resolution authorizes the appointments and reappointments of members to the County CBRNE/HAZMAT Task Force, in accordance with the provisions of the County Environmental Health Act, term to expire December 31, 2022.)
- 345-22 Resolution authorizing a Lease Agreement with Forgotten Warriors (A Non-Profit Corporation of the State of New Jersey) on a portion of Block 410.01, Lot 36 in Lower Township.
(This Resolution authorizes a Lease Agreement with Forgotten Warriors to lease property at the Cape May County Airport to operate a museum to collect and display Vietnam Veterans artifacts.)
- 346-22 Resolution reappointing members to the Mental Health, Alcohol and Drug Abuse Board.

MINUTES OF A REGULAR MEETING HELD MAY 24, 2022 (CONTINUED)

(This Resolution authorizes the reappointment of Mary Dozier to a 3-year term, as a member of the Mental Health, Alcohol and Drug Abuse Board. Term shall expire June 30, 2025. Members of this board are volunteers and serve without compensation.)

347-22 Resolution applying to State of New Jersey Department of Children and Families for FY 2023 Grant Funds for Children’s Inter-Agency Coordinating Council (C.I.A.C.C) for a Total Amount of \$39,825.00 for the Period of July 1, 2022, to June 30, 2023.

(This Resolution authorizes application for funding for the Children’s Inter-Agency Coordinating Council Project for the period of 7/1/22 to 6/30/23 in the amount of \$39,825.00.)

348-22 Resolution accepting additional Grant Award from The New Jersey Department of Health for the Covid-19 Vaccination Supplemental Funding Grant No. OLPH22VSF005 for the Period July 1, 2021 through June 30, 2023 in the amount of \$150,000.00.

(This Resolution accepts additional grant award in the amount of \$150,000.00 for the Covid-19 Vaccination Supplemental Funding, Grant #OLPH22VSF005 for the period 7/1/21 to 6/30/23.)

349-22 Resolution amending the 2022 Budget for the New Jersey COVID-19 Vaccination Supplemental Funding in the amount of \$150,000.00.

(This Resolution amends the 2022 Budget in the amount of \$150,00.00 for the COVID-19 Vaccination Supplemental Funding.)

350-22 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.)

351-22 Resolution authorizing the Board to hold a meeting excluding the public on May 24, 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 pending litigation, pursuant to N.J.S.A. 10:4-12(b)(7).

(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.)

352-22 Resolution reconfirming Resolution No. 334-22 adopted May 10, 2022.

(This Resolution reconfirms and ratifies the following Resolution as adopted by the Board of County Commissioners at a regular meeting held on May 10, 2022: 1.) Resolution No. 334-22: Capital Budget Amendment.)

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

353-22 Resolution authorizing the County of Cape May to share costs with the Borough of Avalon for Ocean Drive and 78th Street drainage improvements in the amount of \$672,000.00.

(This Resolution authorizes a cost sharing arrangement for drainage improvements partially included on County Road 619 (Ocean Drive) in the amount of \$672,000.00, with a total project cost of \$2,063,127.30.)

354-22 Resolution authorizing release of Performance Guarantee funds in the amount of \$1,221.00 to WAWA, INC. for improvements to Bayshore Road (CR #603), Lower Township.

MINUTES OF A REGULAR MEETING HELD MAY 24, 2022 (CONTINUED)

(This Resolution authorizes release of the funds held as a performance guarantee for improvements within the Bayshore Road right-of-way to WAWA, INC.)

- 355-22 Resolution authorizing release of Performance Guarantee funds in the amount of \$1,320.00 to WAWA, INC. for improvements to Sea Isle Boulevard (CR #625), Dennis Township.

(This Resolution authorizes release of the funds held as a performance guarantee for improvements within the Sea Isle Boulevard right-of-way to WAWA, INC.)

- 356-22 Resolution authorizing release of Performance Guarantee funds in the amount of \$3,932.50 to WAWA, INC. for improvements to New Jersey Avenue (CR #621), Wildwood City.

(This Resolution authorizes release of the funds held as a performance guarantee for improvements within New Jersey Avenue right-of-way to WAWA, INC.)

- 357-22 Resolution authorizing the County of Cape May to enter into Encroachment and Indemnification Agreements with Ergys Rakaj regarding right-of-way along Landis Avenue, Sea Isle City.

(This Resolution authorizes a formal agreement between the County of Cape May and the owner of said property to allow for an encroachment into the County right-of-way of Landis Avenue, Sea Isle City.)

- 358-22 Resolution authorizing Change Order No. 1 to Contract No. C1-89 with Heyer Gruel & Associates, P.A. for the development of a Farmland Preservation Plan in an amount not to exceed \$5,000.00.

(This Resolution authorizes Change Order No. 1 to Contract No. C1-89 with Heyer Gruel & Associates, P.A. for graphical layout updates to the Farmland Preservation Plan in the amount not to exceed \$5,000.00.)

- 359-22 Resolution authorizing the County of Cape May to enter into Encroachment and Indemnification Agreements with POGO, Inc. regarding right-of-way along Landis Avenue, Sea Isle City.

(This Resolution authorizes a formal agreement between the County of Cape May and the owner of said property to allow for an encroachment into the County right-of-way of Landis Avenue, Sea Isle City.)

- 360-22 Resolution authorizing the execution of a Memorandum of Agreement between the County of Cape May and South Jersey Gas for Paving Restoration Services.

(This Resolution authorizes the execution of a Memorandum of Agreement between the County of Cape May and South Jersey Gas for paving restoration services for County Road 657, known as Stone Harbor Boulevard and Bayberry Drive to Anchorage Drive.)

- 361-22 Resolution authorizing the County of Cape May to enter into Encroachment and Indemnification Agreements with 700 New Jersey Ave., LLC regarding right-of-way along New Jersey Avenue, City of North Wildwood. (out-door seating)

(This Resolution authorizes a formal agreement between the County of Cape May and the owner of said property to allow for an encroachment into the County right-of-way of New Jersey Avenue, North Wildwood.)

- 362-22 Resolution authorizing the County of Cape May to enter into Encroachment and Indemnification Agreements with 700 New Jersey Ave., LLC regarding right-of-way along New Jersey Avenue, City of North Wildwood. (awning)

(This Resolution authorizes a formal agreement between the County of Cape May and the owner of said property to allow for an encroachment into the County right-of-way of New Jersey Avenue, North Wildwood.)

- 363-22 Resolution closing the contract and accepting the work of South State, Inc. for Seashore Road (CR626) Missing Bicycle Link Improvements, Township of Lower.

(This Resolution accepts the work and closes the contract.)

MINUTES OF A REGULAR MEETING HELD MAY 24, 2022 (CONTINUED)

- 364-22 Resolution granting permission to the Marmora Volunteer Fire Company to close a portion of North Old Tuckahoe Road (CR662) for their 75th Anniversary event.
 (This Resolution gives permission to the Marmora Volunteer Fire Company to temporarily close a portion of North Old Tuckahoe Road (CR662) for their 75th Anniversary event.)
- 365-22 Resolution accepting the work and closing the contract of Gibson Associates, P.A. for Construction Engineering Services required for Seashore Road (CR626) Missing Bicycle Link Improvements, Township of Lower.
 (This Resolution accepts the work and closes the contract.)
- 366-22 Resolution authorizing execution of Agreement Modification No. 1 to Federal Agreement No. 21-DT-BLA-834 for Ocean Drive (CR619) 62nd Street to 80th Street Resurfacing, Borough of Avalon.
 (This Resolution is to increase the available reimbursement to cover additional construction costs deemed to be participating costs in excess of the original grant allotment for the Ocean Drive (CR619) 62nd Street to 80th Street Resurfacing, Borough of Avalon.)
- 367-22 Resolution authorizing Change Order No. 2 in the amount of \$0.00 to South State, Inc. for Pacific Avenue (CR621) Resurfacing Improvements, Borough of Wildwood Crest and Township of Lower.
 (This Resolution authorizes a change order for an extension of time not to exceed June 13, 2022.)
- 368-22 Resolution authorizing the County of Cape May to execute “Temporary Construction Easements” for New Bridge Road & portions of Corsons Tavern Road (CR628) Roadway Improvements, Township of Upper and Township of Dennis.
 (This Resolution authorizes execution of Temporary Construction Easements. By executing the Easements, the property owners grant to the County a right of entry upon their property to make certain planned improvements associated with New Bridge Road and Corsons Tavern Road (CR628) Roadway Improvements, Townships of Dennis and Upper.)
- 369-22 Resolution closing the contract and accepting the work of South State, Inc. for emergency 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.
 (This Resolution accepts the work and closes the contract.)

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

Addition(s):

- 370-22 Resolution authorizing a non-fair and open Professional Services Agreement with Michael J. Donohue, J.S.C. (Ret.) of Blaney, Donohue & Weinberg, P.C.
 (This Resolution authorizes execution of a Professional Services Agreement with the Honorable Michael J. Donohue, J.S.C. (ret.) in the matter of the petition of Ocean Wind, LLC.)
- 371-22 Resolution rejecting all proposals submitted April 27, 2022, in response to 2022 Specification No. 19 Request for Proposals for the Provision of Special Counsel for County of Cape May.
 (This Resolution rejects all proposals received April 27, 2022, for 2022 Specification No. 19, 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					X
Ms. Hayes	X				X	
Mr. Morey	X					
Mr. Pierson				X		
Mr. Thornton	X					

PUBLIC HEARING ON CAPITAL ORDINANCE 1-22

Director: This is the date, time and place for a public hearing on Capital Ordinance 1-22.

Deputy Clerk of the Board reads by title Capital Ordinance 1-22.

Director: Can I have a motion to open the 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					

Director: Public Hearing is now open, is there any public comment? Hearing none, I need a motion to close the public hearing.

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					

Director: I need a motion to adopt Capital Ordinance 1-22.

ADOPTION OF CAPITAL 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					

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 SECOND READING
DATED: MAY 24, 2022**

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

PUBLIC HEARING ON BOND ORDINANCE NO. 5-22

Director: This is the date, time and place for a public hearing on Bond Ordinance No. 5-22.

Deputy Clerk of the Board reads by title Bond Ordinance No. 5-22.

Director: Can I have a motion to open the 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					

Director: Public Hearing is now open, is there any public comment?

Public Comments:

Patricia Gray Hendricks, City of Cape May, recognized the City of Cape May’s former Mayor Chuck Lear. He came up with the idea, formed a team with the Board of County Commissioners and collaborated with them and others. The NJ Library Construction Bond Act funding was utilized, thus forming the Franklin Street School Library Project, she noted. The extraordinary support by all the Commissioners for the project ensured that the new library, while taking lessons from the past, would be used in new innovative ways, she stated. She ended, stating further, how extremely thankful and grateful she was.

Chuck Lear thanked the Commissioners and the Library Commission, for their foresight, commitment and partnership which supported the expansion of the branch library, while at the same time preserving and repurposing the historic Franklin Street School. He was looking forward to the day the facility would be fully operational, and he envisioned all the ways it could be used. The library location, directly across from the Cape May City Housing Authority was especially important to the children that lived there, he added. They were literally steps away from the ideal place to study and do homework.

Andrew Bulakowski, City of Wildwood echoed the sentiments of Ms. Hendricks and Mr. Lear but added from his perspective, that which he was most thankful for. He thanked the Board of Commissioners for creating this opportunity for the residents of the City of Cape May and the County. He was grateful too, they understood how important the project was for the workforce that lived and resided in the County. That was proven by the project labor agreement that had been placed on the project, he said.

Director Thornton said that he had enjoyed working with Chuck and Trish on this. He agreed regarding the importance of the library for the City of Cape May. He thanked the Library Commission and the Library Director for their support throughout the process.

Commissioner Hayes described a situation that was just meant to be. From the moment they walked into the school, they knew it had to be restored. She thanked Chuck and Trish for laying the foundation, but also acknowledged the contributions others had made, and the synergy that went into working out the final plans. When complete it was going to be wonderful, she stated.

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					

Director: I need a motion to adopt Bond Ordinance 5-22.

ADOPTION OF BOND ORDINANCE 5-22

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 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.

(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 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. 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

MINUTES OF A REGULAR MEETING HELD MAY 24, 2022 (CONTINUED)

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 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 SECOND READING
DATED: MAY 24, 2022**

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

Director Thornton introduced and recognized Ron Simone, as the new Assistant County Administrator for the County of Cape May.

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-None.

ADJOURN: 5:06 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