

**MINUTES OF THE REGULAR MEETING OF THE BOARD OF COUNTY
COMMISSIONERS HELD ON TUESDAY, JUNE 28, 2022 AT 4:30 P.M.
IN THE COUNTY ADMINISTRATION BUILDING
4 MOORE ROAD
CAPE MAY COURT HOUSE, NEW JERSEY**

The meeting convened with Vice-Director Desiderio presiding and the following members answering roll call:

Commissioners Hayes, Morey, and Desiderio (3)
Commissioner Pierson and Director Thornton- Not present (2)

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 Vice-Director Desiderio

MINUTES – MOTION TO APPROVE MINUTES OF THE 06/14/22 MEETINGS
Commissioner Hayes moved/ Commissioner Morey seconded

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

COMMUNICATIONS: None.

REPORTS:

- 1) **ENGINEER:** Bob Church updated the Board on various contracts and projects overseen by him. Speed tables were to be installed beginning early in the morning on June 29th on Crest Haven Road. They would run alongside of the existing crosswalks at the Technical High School, he said.

The status of the countywide maintenance paving contract, the government services building site work, and the park & zoo parking lot design plans were described.

Commissioner Morey asked about the possibility of getting a site sign with the project rendering installed at the airport, to make known the plan for the new government services building during construction.

- 2) **COUNTY COUNSEL:** Jeff Lindsay apprised the Board on the outcome of a notable ongoing lawsuit. He received a court order and opinion just today, in reference to a 2015 CEPA claim brought against the County by a former female Purchasing Agent. The case went through litigation, but the County ultimately had it dismissed at summary judgement stage. The individual appealed, and it went out to the New Jersey Supreme Court. The Supreme Court heard the case, and dismissed half of the claim with prejudice, remanding the remaining claim back to the trial court to be considered for summary judgement again. Judge

MINUTES OF A REGULAR MEETING HELD JUNE 28, 2022 (CONTINUED)

Stanley Bergman, Atlantic County, issued an order and opinion concluding that the plaintiff had failed in her burden to assert a prima facie case under CEPA, due to her failure to provide any substantial credible evidence that the defense engaged in any conduct which violated CEPA. Non-discriminatory reasons were the basis for the plaintiffs non re-appointment, was the determination of the judge.

1) COUNTY TREASURER : Brittany Smith had no report.

COMMISSIONER REPORTS:

1) COMMISSIONER MOREY: No report.

2) COMMISSIONER HAYES: Commissioners Hayes, Pierson and Thornton had been asked to be judges for the annual American Legion Veterans Day Parade in Wildwood. Director Thornton brought his grandson to the event with him. His grandson was brand new to the Air Force and the whole experience in general. It was a very nice time for all of them, she said.

She attended a virtual meeting with the board of directors of the New Jersey Association of Counties. Commissioner Diane Gutierrez-Scaccetti, NJ Department of Transportation made a presentation detailing the \$1.14 billion dollars of available grant money for the renovation of bridges in New Jersey. She told meeting attendees there was also money available for electric charging stations. The stations had to be in a town, not on a highway. A short discussion ensued.

Prompted by the electric charging station conversation, Mr. Desiderio introduced Caroline Rush of Sea Isle City, who was present in the audience. He knew she owned an electric car, that's why singled her out, he said. It was decided to follow up on the matter, as to whether or not you could have an electric charging station on a major road in New Jersey.

Commissioner Hayes also attended the Southern New Jersey Commissioners Association meeting last night, which was held at Marie's Seafood in Sea Isle City. No meetings took place during the summer months of July and August. They would resume meeting in September, with Cumberland County hosting at the Terra Nonno Winery in Rosenhayn.

3) COMMISSIONER DESIDERIO: Besides the normal commissioner duties, Mr. Desiderio reported his attendance at an Ocean City Council meeting held last Thursday, to recognize Councilman Keith Hartzell. He was acknowledged for his 16 years on the seven-member governing body board. This was set to be Hartzell's last meeting as a council member before the July 1 reorganization meeting. In a resolution honoring Hartzell's service, the city noted his work on bayside dredging, boardwalk reconstruction and open space.

RESOLUTIONS:

INTRODUCED BY MS. HAYES, SECONDED BY MR. MOREY

422-22 Resolution authorizing use of Competitive Contracting to provide Drug Screening Services for the County of Cape May.

(This Resolution authorizes the use of Competitive Contracting to solicit proposals for drug screening services for the County of Cape May pursuant to N.J.S.A. 40A:11-4.1 through 40A:11-4.5.)

MINUTES OF A REGULAR MEETING HELD JUNE 28, 2022 (CONTINUED)

- 423-22 Resolution authorizing use of certain Regional, State, and National contract vendors for 2022.
(This Resolution enables the County to utilize Regional, State, and National Cooperative contracted Vendors.)
- 424-22 Resolution rejecting all proposals submitted June 15, 2022, in response to 2022 Specification No. 1a for a Jail Management System for the Cape May County Correctional Center.
(This Resolution rejects all proposals received June 15, 2022, in response to 2022 Specification No. 1a, pursuant to N.J.S.A. 40A:11-13.2(b) the lowest bid substantially exceeds the appropriation.)
- 425-22 Resolution applying to the State of New Jersey Department of Law and Public Safety Division of State Police Office of Emergency Management for FY22 Emergency Management Agency Assistance Grant for the period of July 1, 2022 to June 30, 2023 in the total amount of \$55,000.00.
(This Resolution authorizes application to the State of NJ Department of Law and Public Safety Division of State Police Office of Emergency Management for the period of 7/1/22 through 6/30/23.)
- 426-22 Resolution applying to New Jersey Department of Human Services for Corrections Center Mat Program for the period of July 1, 2022 through June 30, 2023 in the amount of \$300,000.00.
(This Resolution authorizes application for Corrections Center MAT Grant for the period of 7/1/22 through 6/30/23 in the amount of \$300,000.00.)
- 427-22 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.)
- 428-22 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.)
- 429-22 Resolution authorizing payment to CNA Insurance Company in the amount of \$100,000.00.
(This Resolution authorizes payment to CNA Insurance Company, Deductible Recovery Group, for Invoice No. 0983327.)
- 430-22 Resolution authorizing the sale of a vehicle to Cape Regional Medical Center pursuant to N.J.S.A. 40A:12-21.1.
(This Resolution authorizes the sale of a 2018 Ford Transit Van to Cape Regional Medical Center, to perform services on behalf of the New Jersey Family League, for the nominal consideration of \$1.00.)
- 431-22 Resolution accepting Grant Award for FEMA Phase ARPAP Emergency Food and Shelter Program (EFSP) for the period November 1, 2021 to April 30, 2023 in the amount of \$36,071.00.
(This Resolution authorizes acceptance of grant award from FEMA for the Emergency Food and Shelter National Board Program in the amount of \$198,578.00; County of Cape May will receive \$36,071.00 of the award and FEMA will administer \$162,507.00 on behalf of Cape May County; to submit an application to the Local EFSP; to act as a Local Recipient Organization; to solicit applications to qualifying organizations; and to execute applications and subsequent contracts as applicable in order to administer the food and shelter program.)
- 432-22 Resolution amending the 2022 Budget for FY22 FEMA Phase ARPAP Emergency Food and Shelter Program (EFSP) in the amount of \$36,071.00.
(This Resolution amends the 2022 Budget in the amount of \$36,071.00 for the Emergency Food and Shelter National Board Program.)

MINUTES OF A REGULAR MEETING HELD JUNE 28, 2022 (CONTINUED)

- 433-22 Resolution accepting Grant Award for FEMA Phase 39 Emergency Food and Shelter Program (EFSP) for the period November 1, 2021 to April 30, 2023 in the amount of \$15,284.00.
 (This Resolution authorizes acceptance of grant award from FEMA for the Emergency Food and Shelter National Board Program in the amount of \$64,249.00; County of Cape May will receive \$15,284.00 of the award and FEMA will administer \$48,965.00 on behalf of Cape May County; to submit an application to the Local EFSP; to act as a Local Recipient Organization; to solicit applications to qualifying organizations; and to execute applications and subsequent contracts as applicable in order to administer the food and shelter program.)
- 434-22 Resolution amending the 2022 Budget for FY22 FEMA Phase 39 Emergency Food and Shelter Program (EFSP) in the amount of \$15,284.00.
 (This Resolution amends the 2022 Budget in the amount of \$15,284.00 for the Emergency Food and Shelter National Board Program.)
- 435-22 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.)
- 436-22 Resolution authorizing the Board to hold a meeting excluding the public on June 28, 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 matters involving the purchase, lease or acquisition of real property, 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.)

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

INTRODUCED BY MR. MOREY, SECONDED BY MR. HAYES

- 437-22 Resolution authorizing Subregional Transportation Planning Program FY2023 Subcontract Agreement with South Jersey Transportation Authority for the period Of July 1, 2022 to June 30, 2023 for \$55,000.00.
 (This Resolution authorizes a subcontract for an amount of \$44,000.00 Federal funding and \$11,000.00 In-Kind match for the period of 7/1/22 through 6/30/23 to improve the efficiency of the region’s transportation network and system by participating in sub-regional transportation planning efforts.)
- 438-22 Resolution amending the 2022 Budget for Subregional Transportation Planning Program in the amount of \$44,000.00.
 (This Resolution amends the 2022 Budget in the amount of \$44,000.00 (Federal Funding) and \$11,000.00 (In-Kind Match) for Sub-Regional Transportation Planning Program.)
- 439-22 Resolution authorizing the renewal of a Shared Services Agreement with the County of Atlantic for use of the Atlantic County Detention Center, known as Harborfields.
 (This Resolution authorizes renewal of a Shared Services Agreement with the County of Atlantic for the placement of Cape May County juveniles at the Atlantic County Detention Center, known as Harborfields commencing January 1, 2022 through September 30, 2022.)

MINUTES OF A REGULAR MEETING HELD JUNE 28, 2022 (CONTINUED)

- 440-22 Resolution appointing James Norris to the Pollution Control Financing Authority.
(This Resolution authorizes the appointment of James Norris to the Pollution Control Financing Authority. Term to expire 2/1/27.)
- 441-22 Resolution appointing certain County employees to their permanent position in their respective offices. (Facilities & Services, Emergency Management)
(This Resolution is appointing County employees to a permanent title from the New Jersey Civil Service Commission based upon a qualifying action.)
- 442-22 Resolution approving Commercial Fishing Revolving Loan Application to F/V Redemption, LLC in the amount of \$200,000.00.
(This Resolution authorizes a commercial fishing loan in the amount of \$200,000.00 to Redemption, LLC to obtain a Fishing Permit for future vessel.)
- 443-22 Resolution authorizing use of Competitive Contracting to provide Electronic Procurement & Contract Management Software for the County of Cape May.
(This Resolution authorizes the use of Competitive Contracting to solicit proposals for Electronic Procurement & Contract Management Software for the County of Cape May pursuant to N.J.S.A. 40A:11-4.1 through 40A:11-4.5.)
- 444-22 Resolution authorizing Atlantic County Improvement Authority to execute a Professional Services Agreement with Colliers Engineering & Design, Inc. for Specialized Testing and Inspection Services for the completion of the Government Services Building Project.
(This Resolution authorizes ACIA to execute a Professional Services Agreement for special inspections associated with the Government Services Project at the Cape May County Airport in an amount not to exceed \$84,000.00.)
- 445-22 Resolution granting permission to the Lower Township Police Department to close a portion of Townbank Road (CR648) on July 3, 2022 for their July Fireworks Celebration.
(This Resolution gives permission to the Lower Township Police Department to close a portion of Townbank Road (CR648) for their July Fireworks Celebration on July 3, 2022.)
- 446-22 Resolution closing the contract and accepting the work of Triad Associates for Grant Administration Services for Tech Village Project – Phase I at Cape May County Airport.
(This Resolution accepts the work and closes the contract.)
- 447-22 Resolution authorizing Change Order No. 1 in the amount of \$35,000.00 to South State, Inc. for 2021 Maintenance Paving on Various County Roads.
(This Resolution authorizes a change order for the construction of speed tables along Crest Haven Road (CR609) as a traffic calming measure at the Cape May County Technical School.)
- 448-22 Resolution granting permission to the Borough of West Cape May to close portions of Broadway/Seashore Road (CR626), West Perry Street (CR606) and Fourth Avenue (CR635) on December 3, 2022 for their Annual Christmas Parade.
(This Resolution gives permission to the Borough of West Cape May to close portions of Broadway/Seashore Road (CR626), West Perry Street (CR606) and Fourth Avenue (CR635) for their Christmas Parade.)

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

449-22 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		

INTRODUCTION OF BOND ORDINANCE 6-22

Bond Ordinance providing for various Roadway and Drainage Improvements, by and in the County of Cape May, State of New Jersey; appropriating \$29,077,000 therefor and authorizing \$27,692,381 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 the said improvements or purposes stated in Section 3, there is hereby appropriated the sum of \$29,077,000, said sum being inclusive of the sum of \$1,384,619 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 \$29,077,000 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 \$27,692,381 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 \$27,692,381 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 are various County-wide roadway and drainage improvements, said improvements to include, but not be limited to, all or portions, as applicable, of the following roadways: Beach Avenue (Cape May City); Fishing Creek Road (Lower Township); Dias Creek Road (Middle Township); Dennisville-Petersburg Road (Upper Township);

Dias Creek Road (Middle Township); Stagecoach Road (Upper Township); New Bridge Road (Dennis Township); Pittsburgh Avenue and Lafayette Street (Cape May City); Tyler Road and Route 47 (Dennis Township); Parking Lots at Cape May County Zoo (Middle Township); and various other County-wide paving, striping and miscellaneous roadway improvements as deemed necessary by the County; which improvements shall include, as applicable, excavation, milling, paving, reconstruction and boxing out and resurfacing or full depth pavement replacement, and where necessary, the sealing of pavement cracks, the repairing and/or installation of curbs, sidewalks and driveway aprons, installation of curb ramps in compliance with ADA, resetting utility castings, drainage work, traffic calming improvements, striping and/or pedestrian improvements, landscaping and aesthetic improvements; and also including 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.

(b) The estimated maximum amount of bonds or notes to be issued for said improvements or purposes is \$27,692,381.

(c) The aggregate estimated cost of said improvements and purposes is \$29,077,000, 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 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 20 years.

(c) The supplemental debt statement required by the Local Bond Law has been duly made and filed in the Office of the 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 \$27,692,381 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 \$5,815,000 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 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 FIRST READING
DATED: JUNE 28, 2022**

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

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

INTRODUCTION OF BOND ORDINANCE 7-22

Bond Ordinance providing for various 2022 Capital Improvements, by and in the County of Cape May, State of New Jersey; appropriating \$10,800,000 therefor and authorizing \$10,285,714 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 the said improvements or purposes stated in Section 3, there is hereby appropriated the sum of \$10,800,000, said sum being inclusive of the sum of \$514,287 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 \$10,800,000 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 \$10,285,713 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 \$10,285,713 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 include, but are not limited to, as follows:

<u>Description</u>	<u>Appropriation</u>	<u>Authorization</u>	<u>Down Payment</u>	<u>Useful Life</u>
(i) Bridge Improvements - Various County-Wide Bridge Improvements Which Improvements Shall Include, But Not Be Limited To, Reconstruction And/Or Restoration of Corsons Inlet Bridge;	\$6,800,000	\$6,476,190	\$323,810	20 years
(ii) County Commons - Improvements To The County Commons (Formerly The Rio Mall) In The Township of Middle At The Physical Address Of 3801 Route 9 South, Being Designated Within Block 1450, Lots 5 And 10 On The Official Tax Map Of The Township Of Middle, Such Improvements To Include, But Not Limited To, General Capital Improvements To, And Upfitting For, Existing Theater And All Associated Site Work And Real Property Improvements Including, But Not Limited To, As Applicable, Restrooms, Elevators, Furnishings, Fixtures And Equipment, Lighting, HVAC, Water, Gas, Electric, And/Or Other Utility Improvements, And Parking, Curb, Sidewalk, Walkway And Landscaping Improvements;	\$1,500,000	\$1,428,571	\$71,429	20 years
(iii) Office Of Emergency Management – Construction Of A New Radio Base Station Site To Interface With Existing County Radio System, Which Site Will Include, But Not Be Limited To, A 250 Foot Self Supporting Tower, Antenna System, A Shelter Building, Natural Gas Generator And All Other Related Equipment And Improvements.	\$2,500,000	\$2,380,952	\$119,048	20 years
Totals	<u>\$10,800,000</u>	<u>\$10,285,713</u>	<u>\$514,287</u>	

(b) The aggregate estimated maximum amount of bonds or notes to be issued for said improvements or purposes is \$10,285,713.

(c) The aggregate estimated cost of said improvements or purposes is \$10,800,000, the excess thereof over the said estimated maximum amount of bonds or notes to be issued therefor is comprised of the down payment in the amount of \$514,287 for said improvement or purpose.

(d) All such improvements or purposes set forth in Section 3(a) shall include, but are not limited to, as applicable, all engineering, architectural and design work, title searches, 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.

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. 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 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 20.00 years.

(c) The supplemental debt statement required by the Local Bond Law has been duly made and filed in the Office of the 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 \$10,285,713 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 \$2,160,000 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 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 FIRST READING
DATED: JUNE 28, 2022**

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

MINUTES OF A REGULAR MEETING HELD JUNE 28, 2022 (CONTINUED)

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 Hayes moved/ Commissioner Morey seconded

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

PUBLIC COMMENTS-Administrator Lare informed they were ready to begin the merit increase process for this year. He asked if there were any objections to how it had been handled last year. The total list of requests from all the department heads would be submitted to the Board for approval prior to going to salary resolution the second meeting in July.

ADJOURN: 5:13 P.M.

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

APPROVED

DIRECTOR

ATTEST:

CLERK OF THE BOARD