

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

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

Commissioners Desiderio, Hayes, Morey, Pierson (Virtual) and Thornton (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 General Pierson.

MINUTES – MOTION TO APPROVE MINUTES OF THE 06/28/22 MEETINGS
Commissioner Desiderio moved/ Commissioner Hayes seconded

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

COMMUNICATIONS: None.

REPORTS:

- 1) **ENGINEER:** Bob Church updated the Board regarding various paving projects. Next week, resurfacing would take place on Breakwater Road, from Bayshore to Fishing Creek Road in Lower Township, he said. Also, tentatively, in Upper Township, Stagecoach Road was scheduled to be worked on from Hope Corson to Tuckahoe Road. Traffic calming markings were being put down on Lafayette Street in Cape May near the circle by the C-View Tavern, due to the frequent occurrence of accidents in that location.

Next week, they were advertising for the resurfacing of Stagecoach Road from Tuckahoe Road to Old Tuckahoe Road. With the completion of that project all of Stagecoach Road would be resurfaced. Traffic calming improvements in Cape May Point was another project that would be advertised next week.

The two federal aid projects for 2022, Tyler Road and Beach Avenue were ready to go but needed federal authorization first, he finished.

- 2) **COUNTY COUNSEL:** Jeffrey Lindsay had no report.

- 3) **COUNTY TREASURER :** Brittany Smith had no report.

COMMISSIONER REPORTS:

- 1) COMMISSIONER MOREY: No report.
- 2) COMMISSIONER PIERSON: Mr. Pierson congratulated Commissioner Morey for his company's solar covered parking lot in Wildwood on Ocean Avenue between Juniper and Ocean Avenues. He complimented the project for its merits; it kept cars out of the hot sun in the summer and conserved energy at the same time.

Related to the health department and residents' well-being, he reported that rabies baits had been distributed throughout the county by way of air drops and ground transportation. Be mindful of house pets coming in contact with the baits, he advised. No rabid animals had been reported in the county so far this season, he said.

He reminded everyone to take precaution and fight biting mosquitos by using appropriate sprays and lotions on the body when going outside for any length of time.

He reported the County Health Department continued to see about 30 Covid-19 cases per day. The Cape Regional Health System reported seeing three cases per day. Covid-19 vaccination clinics had been made available for children to get the vaccine. A clinic was taking place today, July 12th and again on July 26th at the County Health Department, 6 Moore Road, CMCH, he said. The Rio Grande Fire Department was to host a clinic on July 19th from 11:00 1:00 pm. Both initial and booster vaccines were available. Walks in were welcome, ID and masks required, he ended.

- 3) COMMISSIONER HAYES: Recent news coming by way of Park & Zoo management had Commissioner Hayes advising the Board that a check had been received from Sturdy Savings Bank in the amount of \$5,565.00; proceeds from the Run Wild 5K hosted by Sturdy on April 24, 2022. This fundraiser 5K race was the first time participants were permitted to traverse through the zoo instead of using the walking trails only. The event turned out well, she said.

Representing the Board of County Commissioners on July 1st , she attended the swearing in of Ocean City Mayor Jay Gillian, and Council at-large members Peter Madden, Karen Bergman and Tony Polcini.

She reported the progress of the State's PACT (Protection Against Climate Threats) regulations and the subsequent model floodplain management ordinance were two topics of discussion at a meeting she attended with the DEP and local stakeholders on July 7th in Ventnor City. Cape May County Assistant Administrator Ron Simone and Engineer Robert Church were there to represent the county as well. Compromises and alternate agreeable resolutions were discussed with NJ Senator Polistina, NJDEP Deputy Commissioner Vincent Mazzei and other stakeholders from the NJDEP and local governing bodies of Atlantic and Cape May Counties. An updated floodplain management ordinance, including some amendments per the meeting discussions would be supplied by the NJDEP. Senator Polistina let it be known that he believed the regulations should be vetted through the legislative process due to their economic and political significance.

A third topic of discussion brought up by the County was the PP3 alignment of the Ocean Drive Bridge, she stated. As a result of the discussion Deputy Commissioner Mazzei agreed to intervene and assist the County with confirmation of both the alignment and the bridge route construction height. It was decided another meeting would be scheduled for September. She came out of the discussions feeling positive. The economic impact on both Atlantic and Cape May Counties was mainly the point they had tried to stress, she further stated. She asked Bob

Church and Ron Simone if they would like to add anything they had taken away from the meeting.

Mr. Church responded, consistent to what Commissioner Hayes reported, a specific topic brought up at the Thursday meeting was the alignment and concept development study that had been done on the Ocean Drive Bridges. He talked with Assistant DEP Commissioner Mazzei about it, and he seemed to believe because the County had obtained concept development approval, this should be sufficient to exempt them from the new regulations. Between Commissioner Mazzei and the NJ DOT Commissioner Diane Gutierrez-Scaccetti, who was involved also, Mr. Church was hoping for a favorable response.

Additionally, he told everyone at the meeting, that in his opinion the regulations would be an unfair burden on lower to moderate income people that own property on the Atlantic Coast or Delaware bayside. The Villas community and going up into Dennis Township would be especially impacted. People in these communities would not be able to afford to raise their homes and have no recourse if they were mandated to do it, he commented.

Mr. Simone gave a summary of the history of the Federal Emergency Management Agency (FEMA). FEMA created the National Flood Insurance Program (NFIP), he said. The Model Floodplain Management Ordinance was proposed by the NJDEP and FEMA to accelerate mitigation at a property in special flood hazard areas either by home elevation or by home acquisition, he explained.

He added, economically it was going to put a burden on communities, just as Mr. Church had indicated. Local community officials were now providing real world scenarios to the DEP so they could incorporate amendments into the model floodplain management ordinance, he finished.

4) COMMISSIONER DESIDERIO: No report.

5) COMMISSIONER THORNTON: No report.

RESOLUTIONS:

INTRODUCED BY MR. DESIDERIO, SECONDED BY MS. HAYES

450-22 Resolution appointing David DeWeese as Solicitor to the Pollution Control Financing Authority.

(This Resolution authorizes the appointment of David DeWeese as Solicitor to the Pollution Control Financing Authority.)

451-22 Resolution authorizing court-approved settlement of Claim Petitions #2011-11868, #2012-4786, and #2012-4792, pursuant to N.J.S.A. 34:15-20 and Dismissal of Claim Petition #2012-4783.

(This Resolution authorizes court-approved settlement of Claim Petitions #2011-11868, #2012-4786, and #2012-4792 pursuant to N.J.S.A. 34:15-20, and dismissal of Claim Petition #2012-4783 for total payments of \$24,500.00.)

452-22 Resolution amending the 2022 Budget for The Overdose Data to Action Operation Helping Hand Grant in the amount of \$52,631.57.

(This Resolution amends the 2022 Budget in the amount of \$52,631.57 for Overdose Data to Action Operation Helping Hands Grant.)

453-22 Resolution authorizing court-approved settlement of Claim Petition #2018-12561 pursuant to N.J.S.A. 34:15-20.

(This Resolution authorizes a court-approved settlement of CP #2018-12561 pursuant to N.J.S.A. 34:15-20 for total payments of \$10,000.00.)

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

- 454-22 Resolution appointing certain County employees to their permanent position in their respective offices. (Facilities & Services)
(This Resolution is appointing County employees to a permanent title from the New Jersey Civil Service Commission based upon a qualifying action.)
- 455-22 Resolution awarding Contract No. C2-119 to Atlantic Coast Alarm, Inc. to provide Countywide Security Systems Expansion and Maintenance.
(This Resolution awards Contract No. C2-119 to Atlantic Coast Alarm, Inc. to provide for Countywide Security Systems Expansion and Maintenance, for a term of two (2) years, commencing July 13, 2022, with three (3) one-year options.)
- 456-22 Resolution authorizing registration renewal of the cooperative pricing system (25CMaCP) between Cape May County (Lead Agency) and various local units.
(This Resolution authorizes application for renewal of the Cape May County Cooperative Pricing System (25CMaCP) and member local units.)
- 457-22 Resolution awarding Contract No. C2-115 to Brown & Connery, LLP and Contract No. C2-116 to Capehart & Scatchard, P.A. to provide Workers' Compensation Counsel Services on an as needed basis.
(This Resolution awards Contract No. C2-115 to Brown & Connery, LLP and Contract No. C2-116 to Capehart & Scatchard, P.A. to provide workers compensation counsel services, for a term of one (1) year, commencing July 24, 2022, with two (2) one-year options.)
- 458-22 Resolution authorizing use of Competitive Contracting to provide Environmental Land Use Consulting Services for County of Cape May.
(This Resolution authorizes the use of Competitive Contracting to solicit proposals for Environmental Land Use Consulting Services for County of Cape May pursuant to N.J.S.A. 40A:11-4.1 through 40A:11-4.5.)
- 459-22 Resolution awarding Contract No. C2-121 to JJ Metal Services, Inc. for Lead Removal and Range Restoration at Cape May County Public Safety Training Center in the amount of \$1.00.
(This Resolution awards Contract No. C2-121 to JJ Metal Services, Inc. for Lead Removal and Range Restoration at Cape May County Public Safety Training Center in the amount of \$1.00, commencing July 13, 2022, and expiring upon project completion, pursuant to N.J.S.A. 40A:11-15(9).)
- 460-22 Resolution amending Contract No. C1-55 with Legend & White Animal Health Corp. adjusting the unit costs per item for the Cape May County Animal Shelter & Adoption Center.
(This Resolution amends Contract No. C1-55 with Legend & White Health Corp., adjusting the line-item unit costs for various items for the Cape May County Animal Shelter & Adoption Center.)

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

- 461-22 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).)
- 462-22 Resolution accepting Delta Dental of New Jersey Foundation Grant for The Senior Oral Health Program for the period July 1, 2022 to June 30, 2023 in the amount of \$10,000.00.
(This Resolution accepts funding for Delta Dental of New Jersey Foundation in the amount of \$10,000.00.)

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

- 463-22 Resolution amending the 2022 Budget for Delta Dental of New Jersey Foundation Grant for The Senior Oral Health Program in the amount of \$10,000.00.
(This Resolution amends the 2022 Budget in the amount of \$10,000.00 for Senior Oral Health Program services.)
- 464-22 Resolution accepting Grant Award from New Jersey Department of Human Services, Division of Aging Services for The State Health Insurance Program (Ship) Grant No. DOAS22SHF007 for the period of April 1, 2022 to March 31, 2023 in the amount of \$37,000.00.
(This Resolution authorizes acceptance of a grant award from the New Jersey Department of Human Services for the period 04/01/22 to 03/31/23 in the amount of \$37,000.00 providing funds to support services offered to Cape May County residents.)
- 465-22 Resolution amending the 2022 Budget for The State Health Insurance Program (Ship) FY23 in the amount of \$37,000.00.
(This Resolution amends the 2022 Budget in the amount of \$37,000.00 for the State Health Insurance Program (SHIP) Grant for the period of 04/01/22 to 03/31/23 providing funds to support community-based services offered to Cape May County residents.)
- 466-22 Resolution rejecting all proposals submitted April 27, 2022, in response to 2022 Specification No. 17 for Nursing Home Operations Software for Crest Haven Nursing & Rehabilitation Center.
(This Resolution rejects all proposals received April 27, 2022, for 2022 Specification No. 17, pursuant to N.J.S.A. 40A:11-13.2(d) substantially revise the specifications.)

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

INTRODUCED BY MS. HAYES, SECONDED BY MR. DESIDERIO

- 467-22 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.)
- 468-22 Resolution authorizing the Board to hold a meeting excluding the public on July 12, 2022, at 3:30 p.m. or as soon thereafter as possible or as practicable.
Matters falling within attorney-client privilege, pursuant to N.J.S.A. 10:4-12(b)(7) and personnel matters, pursuant to N.J.S.A. 10:4-12(b)(8).
(This Resolution authorizes the Board of County Commissioners to conduct a meeting excluding the public at the stated time in accordance with the Open Public Meetings Act, N.J.S.A. 10:4-1, et seq.)
- 469-22 Resolution accepting Grant Award from The State of New Jersey Department of Military and Veterans Affairs for the Veterans Transportation Grant No. VL23T73 for the period of July 1, 2022 to June 30, 2023 in the amount of \$13,000.00.
(This Resolution accepts a grant award for the Veterans Transportation Program for the period of 7/1/2022 to 6/30/2023 in the amount of \$13,000.00 to provide veterans transportation to specific locations and facilities to receive services.)

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

- 470-22 Resolution amending the 2022 Budget for The Veterans Transportation Grant No. VL23T73 in the amount of \$13,000.00.
(This Resolution amends the 2022 Budget in the amount of \$13,000.00 to provide Veterans transportation to specific locations and facilities to receive services.)
- 471-22 Resolution authorizing Federal Fiscal Year 2021 Certifications and Assurances for FTA assistance applicable to 5310 and 5311 Programs.
(This Resolution is affirmed by County Counsel of the applicant's legal authority to certify compliance with said fiscal year's FTA funding assistance requirements applicable to 5310 and 5311 Programs.)
- 472-22 Resolution authorizing Federal Fiscal Year 2022 Certifications and Assurances for FTA assistance applicable to 5310 and 5311 Programs.
(This Resolution is affirmed by County Counsel of the applicant's legal authority to certify compliance with said fiscal year's FTA funding assistance requirements applicable to 5310 and 5311 Programs.)

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

- 473-22 Resolution appointing Casey Halverson to the Board of Education of the Special Services School District and the Vocational School District of the County of Cape May.
(This Resolution authorizes the appointment of Casey Halverson to the Board of Education of the Special Services School District and the Vocational School District of the County of Cape May. Term to expire 06/30/25.)
- 474-22 Resolution amending Resolution No. 76-22 authorizing Shared Services Agreement with the Atlantic County Improvement Authority to reflect the correct Property Block Number.
(This Resolution amends Resolution No. 76-22 authorizing Shared Services Agreement with the Atlantic County Improvement Authority to reflect the correct Property Block Number.)
- 475-22 Resolution authorizing an Indemnification Agreement with Lower Township Department of Parks & Recreation for its Coombs/Douglass Memorial Bay Run on August 13, 2022.
(This Resolution gives permission to Lower Township Department of Parks & Recreation to utilize County roads for a memorial run.)
- 476-22 Resolution appointing certain County employees to their permanent position in their respective offices. (Public Works)
(This Resolution is appointing County employees to a permanent title from the New Jersey Civil Service Commission based upon a qualifying action.)
- 477-22 Resolution authorizing the submission of a Grant Application for the Concept Development Study of the Townsends Inlet Bridge Replacement, City of Sea Isle and Borough of Avalon.
(This Resolution endorses that the Concept Development Study of the Townsends Inlet Bridge replacement be considered for Federal Infrastructure funding FY 2022.)
- 478-22 Resolution endorsing NJ Route 47 over Grassy Sound Bridge Rehabilitation Limited Scope Concept Development Study.
(This Resolution endorses NJ Department of Transportation NJ Route 47 over Grassy Sound Bridge Rehabilitation Limited Scope Concept Development Study.)

PUBLIC HEARING ON BOND ORDINANCE 6-22

Director: This is the date, time and place for a public hearing on Bond Ordinance No. 6-22.

Deputy Clerk of the Board reads by title Bond Ordinance No. 6-22.

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: The 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					X
Ms. Hayes	X				X	
Mr. Morey	X					
Mr. Pierson	X					
Mr. Thornton	X					

Director: I need a motion to adopt Bond Ordinance No. 6-22.

ADOPTION OF BOND ORDINANCE 6-22

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

Bond Ordinance providing for 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 SECOND READING
DATED: JULY 12, 2022**

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

PUBLIC HEARING ON BOND ORDINANCE 7-22

Director: This is the date, time and place for a public hearing on Bond Ordinance No. 7-22.

Deputy Clerk of the Board reads by title Bond Ordinance No. 7-22.

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: The 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 Bond Ordinance No. 7-22.

ADOPTION OF BOND ORDINANCE 7-22

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 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 SECOND READING
DATED: JULY 12, 2022**

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

MOTION TO PAY BILLS:

Commissioner Desiderio moved/ Commissioner Hayes seconded

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

PUBLIC COMMENTS-No public comment.

ADJOURN: 5:10 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