

**MINUTES OF THE REGULAR MEETING OF THE BOARD OF COUNTY
COMMISSIONERS HELD ON TUESDAY, NOVEMBER 9, 2021 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, Pierson (virtual) and Desiderio- (4)
Commissioner Thornton-Absent (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 Wednesday, January 6, 2021.”

MOMENT OF SILENCE- dedicated in memory of Pat Peterson. She was the first female to become a councilwoman in Middle Township.

FLAG SALUTE-Led by Commissioner Pierson.

MINUTES – MOTION TO APPROVE MINUTES OF THE 10/26/21 MEETINGS
Commissioner Hayes moved/ Commissioner Pierson seconded

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

The Women’s Community Club of Cape May was recognized for the celebration of its 100th Anniversary. Commissioner Hayes, a longtime member of the club, read Res. No. 767-21, describing the history and accomplishments of the organization. The organization was credited for providing 100 years of volunteer and philanthropic service to the Greater Cape May Community.

Other club members in attendance were Gail Quinn, president, Phyllis Laswell, coordinator of the anniversary celebration and Rita Rothberg, County Clerk. Rita acknowledged those women who had a role in the abolition and suffrage movements. This group grew out of those efforts, she noted. An official resolution was presented, and photographs were taken. Commissioners Morey and Pierson also commented.

COMMUNICATIONS: None.

REPORTS:

- 1) ENGINEER: Bob Church updated the Board on various projects.

The contractor was continuing the work on Bayshore Road in Lower Township. It was expected to finish on time.

They were finishing up drainage work on DeHirsch Avenue in Woodbine, after which the concrete work could begin.

MINUTES OF A REGULAR MEETING HELD NOVEMBER 9, 2021 (CONTINUED)

He had submitted the Local Bridges Future Needs funding applications for 2022. Three bridges were on the application which would bring approximately \$3 million in funding.

The County would be receiving a \$1 million federal aid grant for Tyler Road resurfacing in Dennis Township and Woodbine. He heard this yesterday at the SJTPO meeting, he said.

A few weeks ago, a problem arose on Ocean Drive in Avalon, between 42nd and 43rd Streets. The road had buckled due to an extreme high tide with no place for the water to drain. A permanent repair would be done in the spring, under a drainage contract.

2) COUNTY COUNSEL: Jeff Lindsay had no report.

3) COUNTY TREASURER: No report per Mr. Lare.

COMMISSIONER REPORTS:

1) COMMISSIONER MOREY: No report.

2) COMMISSIONER PIERSON: He reminded everyone of the various Veterans Day events on Thursday, some beginning as early as 9:00 a.m. he said. The County's ceremony would be held at the Naval Air Station Wildwood Museum at the Cape May County Airport in Erma, Lower Township. Doors would open at 1:00 p.m. with food provided, and an opportunity to tour the facility. The ceremony itself would take place from 2:00 to 2:45 p.m.

3) COMMISSIONER HAYES: She attended a presentation in Cape May last week, on the Negro Baseball League of Cape May. Mark Kulkowitz, owner of the Mad Batter Restaurant had organized the 3-day event, she informed. She also attended the Ocean City Halloween parade and participated in the Lower Township Veterans Day parade.

She reported the Boo at the Zoo event was very successful again this year at the County Park & Zoo. Princess and Pirates Day was coming up on November 13th. She encouraged more families to come on out and enjoy the free events.

The Women's Commission and Atlantic Cape Community College were sponsoring their annual Women of Wonder luncheon tomorrow, she said. Two hundred and thirty people had indicated they would attend. Doie Barnes, a 100-year-old retired Marine Sgt. from Ocean City, would be one of the honored guests. Also, Michele Gillian, Chase Jackson, and Marilyn Miller, would be recognized as Cape May County's 2021 Women of Wonder for their contributions to the local community.

Commissioner Hayes added she would attend another event for women later the same day. A Women of Achievement dinner was to take place at Auletto's in Woodbury, New Jersey at 7:00 p.m. This was sponsored by the Garden State Council of the Boy Scouts.

Tomorrow, the Women's Community Club of Cape May would be holding their 100th Anniversary celebration. Commissioner Pierson and his wife would attend, she finished.

4) COMMISSIONER DESIDERIO: He reported that Assemblyman McClellan and himself had attended an event on Sunday, November 7th at the VFW Post 1963 in

MINUTES OF A REGULAR MEETING HELD NOVEMBER 9, 2021 (CONTINUED)

Sea Isle City. Deborah McLendon, New Jersey Auxiliary President was there to pay tribute to Post 1963 for having the largest membership in the entire State of New Jersey.

He reminded everyone there were many ceremonies being held in the county on Veterans Day. He noted that in Cape May County Veterans were thought about and revered every day of the year.

Mr. Joe Griffies, Veteran Advocate was in the audience and acknowledged by Vice-Director Desiderio.

RESOLUTIONS:

INTRODUCED BY MR. PIERSON, SECONDED BY MS. HAYES

- 752-21 Resolution authorizing execution of a Shared Services Agreement between the County of Cape May and the Township of Middle for Dispatch Services.
(This Resolution authorizes a Shared Services Agreement with the Township of Middle for County Dispatch Services.)
- 753-21 Resolution applying to New Jersey Department of Law and Public Safety NJ Cares-Coordinator for Addiction Responses and Enforcement Strategies for FFY2021 Overdose Data to Action-Operation Helping Hands Grant in the amount of \$52,631.57.
(This Resolution authorizes an application for the period of 9/1/21 to 8/31/22 in the amount of \$52,631.57 to provide for law enforcement activities and programs.)
- 754-21 Resolution authorizing execution of contract between the County of Cape May and New Jersey Department of Human Services for Corrections Center Mat Program, for the period of July 1, 2021 through June 30, 2022 in the amount of \$300,000.00.
(This Resolution authorizes execution of contract for Corrections Center MAT Grant No. 22-916-ADA-B3 for the period of 7/1/21 through 6/30/22 in the amount of \$300,000.00.)
- 755-21 Resolution amending the 2021 Budget for the 2022 JailMat Grant in the amount of \$300,000.00.
(This Resolution amends the 2021 Budget in the amount of \$300,000.00 for the 2022 JAILMAT Grant.)
- 756-21 Resolution transferring funds in 2021 Budget.
(This Resolution authorizes the transfer of funds from one department to another department.)
- 757-21 Resolution authorizing the County of Cape May to cancel the grant account receivables and appropriations.
(This Resolution provides that the account receivables and unexpended balances of an appropriation be cancelled prior to end of year.)
- 758-21 Resolution authorizing purchase with Motorola Solutions, Inc. for Emergency Call Works 911 through New Jersey State Contract No. 83925 in the amount of \$93,366.31 for the Office of Emergency Management.
(This Resolution authorizes the purchase with Motorola Solutions, Inc. for Emergency Call Works 911, including one year of system support and onsite maintenance, through New Jersey State Contract No. 83925 in the amount of \$93,366.31 for the Office of Emergency Management.)
- 759-21 Resolution authorizing purchase with Wilmac Business Equipment, Co. for a Recording System Upgrade through New Jersey State Contract No. 83921 in the amount of \$40,860.00 for the Office of Emergency Management.

MINUTES OF A REGULAR MEETING HELD NOVEMBER 9, 2021 (CONTINUED)

(This Resolution authorizes the purchase with Wilmac Business Equipment, Co. for a NICE Inform Professional R10.0 recording system upgrade through New Jersey State Contract No. 83921 in the amount of \$40,860.00 for the Office of Emergency Management.)

760-21 Resolution authorizing Hospital/Facility Agreement with Cape May County Technical School District for Practical Nurse Training.

(This Resolution authorizes a hospital/facility agreement with the Cape May County Technical School and the Cape May County Health Department for the school year 2021-2022. No funds are involved.)

761-21 Resolution accepting Grant Awards from State of New Jersey Juvenile Justice Commission for New Jersey Juvenile Detention Alternatives Initiative Innovations Funding in the amount of \$120,000.00.

(This Resolution accepts award notices for the following grants: Juvenile Detention Alternatives Initiative Innovations Funding-Family Advocate \$80,000.00, Probation Enrichment, Incentive & Orientation Program \$40,000.00 for the period of 1/1/22 through 12/31/22.)

762-21 Resolution applying to New Jersey Department of Community Affairs for Homelessness Prevention and Rapid Re-Housing 2 2022 Grant No. 2022-02156-0397 for the period of January 1, 2021 to July 31, 2023 in the amount of \$100,000.00.

(This Resolution authorizes County of Cape May's application to the New Jersey Department of Community Affairs for Homelessness Prevention and Rapid Re-Housing 2 2022 Grant in the amount of \$100,000.00 with a \$10,000.00 (In-Kind Match) for the period of January 1, 2021 to July 31, 2023.)

763-21 Resolution accepting Grant Award from the New Jersey Family Planning League for FY21 Family Planning Grant Program in the amount of \$35,000.00.

(This Resolution accepts a grant award from the New Jersey Family Planning League in the amount of \$35,000.00 for the period of 7/1/2021 to 12/31/2021.)

764-21 Resolution amending the 2021 Budget for the New Jersey Family Planning League in the amount of \$35,000.00.

(This Resolution amends the 2021 Budget in the amount of \$35,000.00 for Family Planning Programs.)

765-21 Resolution awarding Contract No. C1-212 to Cape Regional Home Health Care, LLC for administration and management of Home Health Care Services for residents of Cape May County.

(This Resolution awards Contract No. C1-212 to Cape Regional Home Health Care LLC, for the administration and management of Home Health Care Services for the residents of Cape May County commencing on January 1, 2022, for a term of five years.)

766-21 Resolution authorizing amendment to Contract No. C0-218 with Atlantic Cape Family Support Organization for a Family Advocate Coordinator for County of Cape May.

(This Resolution authorizes amendment to Contract No. C0-218 with Atlantic Cape Family Support Organization for an adjustment to the funding amount and a reduction in the level of service for the Family Advocate Coordinator.)

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

INTRODUCED BY MR. MOREY, SECONDED BY MR. PIERSON

777-21 Resolution reappointing Andrew Bulakowski as a member to the Cape May County Planning Board.

(This Resolution authorizes the reappointment of Andrew Bulakowski to the Cape May County Planning Board for a term of three (3) years.)

MINUTES OF A REGULAR MEETING HELD NOVEMBER 9, 2021 (CONTINUED)

- 778-21 Resolution reappointing Alfred Natali as a member to the Cape May County Agriculture Development Board.
(This Resolution authorizes Alfred Natali to be reappointed to the Cape May County Agriculture Development Board for a term of three (3) years.)
- 779-21 Resolution authorizing execution of Agreement No. 21-DT-BLA-845 for 2016 CMAQ Improving Air Quality & Reducing Traffic Congestion Through Biking, City of Ocean City, County of Cape May.
(This Resolution establishes the terms for cost reimbursement of Federal funds for 2016 CMAQ Improving Air Quality & Reducing Traffic Congestion through Biking in Ocean City.)
- 780-21 Resolution authorizing execution of Agreement No. 21-DT-BLA-846 for 2014 SRTS Cape May Bikeway Network Expansion.
(This Resolution establishes the terms for cost reimbursement of Federal funds for 2014 SRTS Cape May Bikeway Network Expansion.)
- 781-21 Resolution closing the Shared Services Agreement between the City of Ocean City and the County of Cape May for Construction Management Services.
(This Resolution accepts the work and closes the shared services agreement.)
- 782-21 Resolution granting permission to the Township of Dennis to close a portion of Fidler Road (CR638) and Petersburg Road (CR610) on Thursday, December 2, 2021 for their Annual Christmas Parade.
(This Resolution gives permission to the Township of Dennis to close a portion of Fidler Road (CR638) and Petersburg Road (CR610) for their Annual Christmas Parade.)
- 783-21 Resolution granting permission to the Township of Dennis for the temporary placement of holiday wreaths above Dennisville-Petersburg Road and Main Street (CR610), Township of Dennis.
(This Resolution gives permission to the Township of Dennis to place holiday wreaths above Dennisville-Petersburg Road and Main Street (CR610) in the Township of Dennis.)
- 784-21 Resolution accepting the work and closing the contract of Gibson Associates, P.A. for Construction Testing Inspection Services for Hope Corson Road (CR671) Improvements from U.S. Route 50 to Stagecoach Road (CR667), Township of Upper.
(This Resolution accepts the work and closes the contract.)
- 785-21 Resolution accepting the work and closing the contract of Greenman-Pedersen, Inc. for Professional Engineering Services for Roosevelt Boulevard (CR623) Bridge Deck Rehabilitation.
(This Resolution accepts the work and closes the contract.)
- 786-21 Resolution authorizing Change Order No. 2 in the amount of \$0.00 to Landberg Construction, LLC for 2021 Miscellaneous Drainage Improvements I on an As-Needed Basis Throughout Cape May County.
(This Resolution authorizes a change order for extra work that was performed at 104th Street Bridge for timber abutment repair with no increase to the contract.)
- 787-21 Resolution accepting the work and closing the contract of Michael Baker International, Inc. for Professional Bridge Engineering Services for Design of Priority Structural Repairs at the Stone Harbor Boulevard (CR657) Bridge over Great Channel.
(This Resolution accepts the work and closes the contract.)
- 788-21 Resolution accepting the work and closing the contract of Pennoni Associates, Inc. for Professional Construction Engineering Services for Landis Avenue (CR619) and Gerald M. Thornton Way Improvements.
(This Resolution accepts the work and closes the contract.)

MINUTES OF A REGULAR MEETING HELD NOVEMBER 9, 2021 (CONTINUED)

- 789-21 Resolution accepting the work and closing the contract of Remington & Vernick Engineers, Inc. for Professional Construction Engineering Services for Lafayette Street (CR633) over Cape Island Creek Bridge Repairs.
(This Resolution accepts the work and closes the contract.)
- 790-21 Resolution accepting the work and closing the contract of Remington & Vernick Engineers, Inc. for Professional Construction Engineering Services for 2017 Priority Structural Repairs at the Stone Harbor Boulevard (CR657) Bridge over Great Channel, Township of Middle and Borough of Stone Harbor.
(This Resolution accepts the work and closes the contract.)
- 791-21 Resolution authorizing Change Order No. 1 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 May 13, 2023.)
- 792-21 Resolution accepting the work and closing the contract of Stantec Consulting Services, Inc. for Professional Engineering Services required for Design of Intersection Improvements on Woodbine-Ocean View Road (CR550) and U.S. Route 9, Township of Dennis.
(This Resolution accepts the work and closes the contract.)
- 793-21 Resolution accepting the work and closing the contract of Urban Engineers, Inc. for Professional Engineering Services associated with Upgrade of 104th Street Bridge in Stone Harbor.
(This Resolution accepts the work and closes the contract.)
- 794-21 Resolution accepting the work and closing the contract of Urban Engineers, Inc. for Professional Engineering Services for Improvements to Corsons Tavern Road and New Bridge Road (CR628), Townships of Dennis and Upper.
(This Resolution accepts the work and closes the contract.)
- 795-21 Resolution accepting the work and closing the contract of Urban Engineers, Inc. for Professional Engineering Services for Garden State Parkway Traffic Signal Elimination Coordination and Related Improvements.
(This Resolution accepts the work and closes the contract.)
- 796-21 Resolution amending Resolution No. 744-21 awarding 2021 Miscellaneous Drainage Improvements II on an As-Needed Basis Throughout Cape May County to Lafayette Utility Construction Co., Inc. based upon unit prices.
(This Resolution corrects the funding amount for the contract to include \$50,000.00 in encumbrance should there be any additional work needed for the project.)
- 797-21 Resolution awarding Contract No. C1-230 to Burns Construction Consulting LLC, to provide Owner’s Representative Services for Government Services Building Project at Cape May County Airport.
(This Resolution awards Contract No. C1-230 to Burns Construction Consulting, LLC, to provide Owner’s Representative Services for Government Services Building project at Cape May County Airport, in the amount not to exceed \$699,620.00 commencing November 10, 2021, and expiring upon project completion.)

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

INTRODUCTION OF BOND ORDINANCE 2-21

Bond Ordinance providing for various Bridge Improvements, by and in the County of Cape May, State of New Jersey; appropriating \$24,000,000 therefor (including a grant from the New Jersey Department of Transportation) and authorizing \$24,000,000 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 \$24,000,000, which sum includes \$3,015,992 as the amount of a grant received or expected to be received from the New Jersey Department of Transportation Trust Fund (Local Bridges Fund Program) (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 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 said \$24,000,000 appropriation until the Grant is received, negotiable bonds of the County are hereby authorized to be issued in the principal amount of \$24,000,000 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 \$24,000,000 are hereby authorized to be issued pursuant to and within the limitations prescribed by said Local Bond Law.

SECTION 3. (a) The improvements hereby authorized and purposes for the financing of which said obligations are to be issued are various County-wide bridge improvements which improvements shall include, but not be limited to, as applicable, design, demolition, reconstruction and/or restoration; and construction, reconstruction and/or improvements, as applicable, to culverts, cantilevered walkways and/or railings including, but not limited to, the following: Mill Creek/Upper Thorofare Bridge (Phase 3) (Lower Township); Hand Avenue Culverts (Middle Township); 21st And 25th Street Bridges (Avalon); Marshallville Road Pedestrian Bridge (Upper Township); Carnival Bay Bridge (Stone Harbor); Various Ocean Drive Bridges; Townsends Inlet Bridge (Avalon/Sea Isle); and various other miscellaneous bridge improvements as deemed necessary by the County; and also including 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.

(b) The estimated maximum amount of bonds or notes to be issued for said improvements or purposes is \$24,000,000.

(c) The estimated cost of said improvements or purposes is \$24,000,000.

SECTION 4. In the event the United States of America, the State of New Jersey, and/or a private entity make a loan, contribution or grant-in-aid to the County, including the Grant, 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, including the Grant, 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 23.56 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 \$24,000,000 and the said obligations authorized by this bond ordinance will be within all debt limitations prescribed by said Local Bond Law.

(d) An aggregate amount not exceeding \$4,800,000 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: NOVEMBER 9, 2021**

**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 3-21

Bond Ordinance providing for various Roadway and Drainage Improvements, by and in the County of Cape May, State of New Jersey; appropriating \$16,000,000 therefor (including a grant from the New Jersey Department of Transportation) and authorizing \$16,000,000 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 \$16,000,000, which sum includes \$3,404,726 as the amount of a grant received or expected to be received from the New Jersey Department of Transportation Trust Fund Authority 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 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 said \$16,000,000 appropriation until the Grant is received, negotiable bonds of the County are hereby authorized to be issued in the principal amount of \$16,000,000 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 \$16,000,000 are hereby authorized to be issued pursuant to and within the limitations prescribed by said Local Bond Law.

SECTION 3. (a) The improvements hereby authorized and purposes for the financing of which said obligations are to be issued 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); Railroad Avenue (Middle Township/Lower Township); Shunpike Road (Middle Township); Stagecoach Road (Upper Township); Dias Creek Road (Middle Township); New Bridge Road (Upper Township); Lighthouse and Cape Avenues (Cape May City); Ocean Drive from 80th to 99th Street (Stone Harbor); Pittsburgh and Washington Avenues (Cape May City); Sunset Drive (West Cape May); 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 \$16,000,000.

(c) The estimated cost of said improvements or purposes is \$16,000,000.

SECTION 4. In the event the United States of America, the State of New Jersey, and/or a private entity make a loan, contribution or grant-in-aid to the County, including the Grant, 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, including the Grant, 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 \$16,000,000 and the said obligations authorized by this bond ordinance will be within all debt limitations prescribed by said Local Bond Law.

(d) An aggregate amount not exceeding \$3,200,000 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: NOVEMBER 9, 2021**

**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		

MOTION TO PAY BILLS:

Commissioner Hayes moved/ Commissioner Pierson seconded

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

PUBLIC COMMENTS: No public comment.

MINUTES OF A REGULAR MEETING HELD NOVEMBER 9, 2021 (CONTINUED)

ADJOURN: 5:27 P.M.

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		

APPROVED

DIRECTOR

ATTEST:

CLERK OF THE BOARD