

**MINUTES OF THE REGULAR MEETING OF THE BOARD OF COUNTY  
COMMISSIONERS HELD ON TUESDAY, NOVEMBER 23, 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 to the Monihan family of Ocean City, in memory of three-year-old Renee and her mother, who tragically passed away.

FLAG SALUTE-Led by Commissioner Pierson.

MINUTES – MOTION TO APPROVE MINUTES OF THE 11/09/21 MEETINGS  
Commissioner Hayes moved/ Commissioner Pierson seconded

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

COMMUNICATIONS: None.

**REPORTS:**

- 1) ENGINEER: Bob Church updated the Board on the following projects: Bayshore Road Resurfacing from Charles Street to Townbank Road in North Cape May; Dehirsch Avenue Road Resurfacing in Woodbine; Pacific Avenue Resurfacing Improvements in Wildwood Crest; Tyler Road Resurfacing Project; 34<sup>th</sup> Street and West Avenue in Ocean City.
- 2) COUNTY COUNSEL: Jeff Lindsay had no report.
- 3) COUNTY TREASURER: Brittney Smith had no report.

**COMMISSIONER REPORTS:**

- 1) COMMISSIONER MOREY: No report.
- 2) COMMISSIONER PIERSON: Mr. Pierson informed his colleagues of his participation and/or experience at the following events: 100<sup>th</sup> Anniversary for the Women’s Community Club of Cape May; Cape May County Veterans Day Ceremony at Naval Air Station Wildwood; Cadet Military Academy interviews for Congressman Van Drew; Ocean City Executive Club’s Book of Golden Deeds

MINUTES OF A REGULAR MEETING HELD NOVEMBER 23, 2021 (CONTINUED)

Award dinner; David Spatz interview; Coast Guard Foundation Strategic Planning meeting.

3) COMMISSIONER HAYES: Ms. Hayes updated the Board with a summary of the Park & Zoo attendance and revenue for 2021. This county department finds itself at record levels of popularity, attendance and revenue coming out of the pandemic.

She reported the annual Park & Zoo tree lighting along with other holiday festivities would be held on Saturday, November 27<sup>th</sup>.

Ms. Hayes informed her colleagues of her participation and/or experience at the following events: Women of Wonder event at Flanders in Ocean City; Women of Achievement awards dinner for the Southern Division of the Boy Scouts, held in Deptford, NJ; Ocean City Chamber of Commerce awards dinner; Crest Bank of Cape May Court House ribbon cutting.

4) COMMISSIONER DESIDERIO: Vice-Director Desiderio congratulated Commissioner Pierson on the excellent Veterans Day Ceremony. It was a job well done, he said.

He reported that he had participated in a grave site ceremony last week, for a homeless veteran. Mr. Lindholm's funeral and burial took place at the Gerald M. Thornton Veterans Cemetery. The decedent was a 1959 graduate of Middle Township High School. Over 100 people were in attendance.

**RESOLUTIONS:**

**INTRODUCED BY MR. PIERSON, SECONDED BY MS. HAYES**

- 798-21 Resolution awarding Contract No. C1-231 to Ford, Scott & Associates, LLC for Auditing and Financial Services for Department of Finance and Purchasing.  
(This Resolution awards Contract No. C1-231 to Ford, Scott & Associates, LLC for Auditing and Financial Services for a term of one (1) year with two (2) additional one-year options commencing on January 1, 2022.)
- 799-21 Resolution authorizing use of Competitive Contracting to solicit proposals for a video surveillance system for the Sherriff's Office.  
(This Resolution authorizes use of Competitive Contracting to solicit proposals for a video surveillance system for the Sherriff's Office pursuant to N.J.S.A. 40A:11-4.1 through 40A:11-4.5 et seq.)
- 800-21 Resolution authorizing the purchase of CivicPlus, LLC software for annual hosting, support and AudioEye ALLY for the Department of Information Technologies in the amount not to exceed \$25,321.96.  
(This Resolution authorizes the purchase of CivicPlus, LLC software for annual hosting, support and AudioEye ALLY for the Department of Information Technologies for a term of one-year commencing December 1, 2021, in the amount not to exceed \$25,321.96.)
- 801-21 Resolution authorizing an Advertising Agreement with EffecTv for Department of Tourism in the amount not to exceed \$115,600.00.  
(This Resolution authorizes an agreement with EffecTv for County promotion and advertising for the Department of Tourism, for a term commencing on September 6, 2021, through June 18, 2022, in the amount not to exceed \$115,600.00 pursuant to N.J.S.A. 40A:11-5(1)(k).)
- 802-21 Resolution appointing Jeffrey R. Lindsay, Esquire as County Counsel.  
(This Resolution authorizes the appointment of Jeffrey R. Lindsay, Esquire as County Counsel for a term of three (3) years.)

MINUTES OF A REGULAR MEETING HELD NOVEMBER 23, 2021 (CONTINUED)

- 803-21 Resolution transferring funds 2021 Budget.  
(This Resolution authorizes the transfer of funds from one department to another department.)
- 804-21 Resolution accepting Grant Award from U.S. Department of Justice Bureau of Justice Assistance for the FY21 Bulletproof Vest Partnership Grant in the amount of \$16,400.00.  
(This Resolution is accepting a grant award from U.S. Department of Justice, Bureau of Justice Assistance for the FY21 Bulletproof Vest Partnership Grant in the amount of \$16,400.00 for the period of 4/1/21 to 8/31/23.)
- 805-21 Resolution amending the 2021 Budget for the FY21 Bulletproof Vest Partnership Grant in the amount of \$16,400.00.  
(This Resolution amends the 2021 Budget in the amount of \$16,400.00, funding to be used for the Bulletproof Vest Partnership Grant for the period 4/1/21 to 08/31/23.)
- 806-21 Resolution accepting Grant Award from New Jersey Department of Law and Public Safety for Victims of Crime, Sexual Assault Response Team (SART)/Forensic Nurse Examiner (FNE) Grant Program for the period of October 1, 2021 to September 30, 2022 in the amount of \$49,394.00.  
(This Resolution accepts a grant award from New Jersey Department of Law and Public Safety for SART/FNE Program in the amount of \$49,394.00 and in-Kind matching funds of \$17,306.00 to support sexual assault victims.)
- 807-21 Resolution amending the 2021 Budget for Victims of Crime, Sexual Assault Response Team (SART)/Forensic Nurse Examiner (FNE) Grant Program in the amount of \$49,394.00.  
(This Resolution amends the 2021 Budget in the amount of \$49,394.00 for Victims of Crime, Sexual Assault Response Team (SART)/Forensic Nurse Examiner (FNE) Grant Program.)
- 808-21 Resolution appointing Kevin Lare as County Administrator and Clerk of the Board of County Commissioners.  
(This Resolution appoints Kevin Lare as County Administrator and Clerk of the Board of County Commissioners for a concurrent term of three (3) years.)
- 809-21 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.)
- 810-21 Resolution authorizing the write-off of certain accounts receivable at Cape May County Department of Health.  
(This Resolution authorizes the Cape May County Department of Health to write-off uncollectible accounts receivable originating from the Family Planning Clinic dating back from 2017-2020.)
- 811-21 Resolution amending the 2021 Budget for the 2022 County Environmental Health Act (CEHA) in the amount of \$174,622.00.  
(This Resolution amends the 2021 Budget in the amount of \$174,622.00 for 2022 County Environmental Health Act (CEHA).)
- 812-21 Resolution applying to New Jersey Department of Human Services for the 2022 Statewide Respite Care Program No. DOAS22SRP007 in the amount of \$107,180.00.  
(This Resolution authorizes Grant Application for the 2022 Statewide Respite Care Program funding to support family or other uncompensated caregivers in meeting demands of daily care for the frail elderly and other functionally impaired persons for the period of 1/1/22 through 12/31/22 in the amount of \$107,180.00.)
- 813-21 Resolution authorizing an application to the Corporation for National and Community Service Grant No. 20SRANJ007 for the FY2022 Retired Senior Volunteer Program for the period of April 1, 2022 to March 21, 2023 in the amount of \$103,415.00.

MINUTES OF A REGULAR MEETING HELD NOVEMBER 23, 2021 (CONTINUED)

(This Resolution authorizes application for the FY2022 Retired Senior Volunteer Program; Federal Share \$62,523.00; Local Cash Match \$40,892.00.)

814-21 Resolution accepting Grant Award from New Jersey Department of Human Services Division of Aging Services for 2021 Area Plan Grant No. DOAS21AAA011 in the amount of \$2,546.00 for the period January 1, 2021 to December 31, 2021.

(This Resolution accepts a grant award for Area Plan Final Allocation funds in the amount of \$2,546.00 for the budget period of 1/1/21 to 12/31/21.)

815-21 Resolution amending the 2021 Budget for the 2021 Area Plan Grant in the amount of \$2,546.00.

(This Resolution amends the 2021 Budget for the Area Plan Grant in the amount of \$2,546.00 providing funding to further support older adults with services such as home meal delivery, state health insurance assistance, thus allowing them to maintain independence and quality of life.)

816-21 Resolution awarding Contract No. C1-213 to Acenda, Inc. for Intensive In-Home Supervision Program for Department of Human Services.

(This Resolution awards Contract No. C1-213 to Acenda, Inc. to provide an intensive in-home supervision program for a term of one (1) year with one (1) additional one-year option commencing on January 1, 2022.)

817-21 Resolution awarding Contract No. C1-235 to Cape May County Council on Alcoholism and Drug Abuse, Inc. dba Cape Assist for Station House Adjustment Programs for Department of Human Services.

(This Resolution awards Contract No. C1-235 to Cape May County Council on Alcoholism and Drug Abuse, Inc. dba Cape Assist to provide Station House Adjustment Programs for a term of one (1) year with one (1) additional one-year option commencing on January 1, 2022.)

818-21 Resolution awarding Contract No. C1-214 to Jersey Cape Diagnostic, Training and Opportunity Center, Inc. for Pathways to Employment Program for Department of Human Services.

(This Resolution awards Contract No. C1-214 to Jersey Cape Diagnostic, Training and Opportunity Center, Inc. to provide a Pathway to Employment Program for a term of one (1) year with one (1) additional one-year option commencing on January 1, 2022.)

819-21 Resolution extending Contract No. C9-175 with MatrixCare, Inc. through July 1, 2022, for Crest Haven Nursing and Rehabilitation Center.

(This Resolution extends Contract No. C9-175 with MatrixCare, Inc. through July 1, 2022, for MealTracker, EHR Elite and Training Assurance Plus software for Crest Haven Nursing & Rehabilitation Center.)

820-21 Resolution authorizing Change Order No. 04 to Professional Services Agreement with Excellence in Caring, LLC.

(This Resolution authorizes Change Order No. 04 to Contract C1-96 with Excellence in Caring extending the contract through December 31, 2021.)

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

Commissioners Pierson, Desiderio, Morey and Hayes congratulated both Jeffrey Lindsay, County Counsel and Kevin Lare, Administrator/Clerk of the Board on their appointments to their respective positions for the next 3 years. They all indicated they were looking forward to working with both gentlemen.

**INTRODUCED BY MS. HAYES, SECONDED BY MR. PIERSON**

- 821-21 Resolution supplementing the 2021 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.)
  
- 822-21 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).)
  
- 823-21 Resolution authorizing the Board to hold a meeting excluding the public on November 23, 2021 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.)
  
- 824-21 Resolution rejecting all proposals submitted November 10, 2021, in response to 2021 Specification 71 to Furnish, Deliver & Installation of Native Deciduous Trees for the Cape May County Park and Zoo.  
(This Resolution rejects all proposals submitted November 10, 2021, in response to 2021 Specification 71, pursuant to N.J.S.A. 40A:11-13.2(b) the lowest bid substantially exceeds the contracting unit’s appropriation.)
  
- 825-21 Resolution establishing adjusted per diem rate for employees involved in overnight travel on official County business.  
(This Resolution authorizes reimbursable allowances for meals taken while traveling on pre-authorized County business.)
  
- 826-21 Resolution authorizing payment to the Travelers Insurance Company for various claims in the total amount of \$10,499.00.  
(This Resolution authorizes payment to the Travelers Insurance Company, Property-Casualty Department for various claims.)
  
- 827-21 Resolution authorizing execution of an Agreement to participate in the Atlantic County Radio Network (ACRN).  
(This Resolution authorizes the Cape May County Office of Emergency Management to establish interoperability radio communications with Atlantic County using the Atlantic County 800 MHZ Radio Network.)
  
- 828-21 Resolution authorizing court-approved settlement of Claim Petition #2020-1747 pursuant to N.J.S.A. 34:15-20.  
(This Resolution authorizes a court-approved settlement of CP#2020-1747 for total payments of \$24,500.00.)

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**

- 829-21 Resolution approving contract documents for 2014 SRTS Cape May Bikeway Network Extension and authorizing the Clerk of the Board to advertise for bids for same.  
(This Resolution approves contract documents and authorizes advertisement.)

MINUTES OF A REGULAR MEETING HELD NOVEMBER 23, 2021 (CONTINUED)

- 830-21 Resolution approving contract documents for 2016 CMAQ Improving Air Quality & Reducing Traffic Congestion through Biking in Ocean City and authorizing the Clerk of the Board to advertise for bids for same.  
(This Resolution approves contract documents and authorizes advertisement.)
- 831-21 Resolution granting permission to the Lower Township Rotary Club to close a portion of Townbank Road (CR648) and Bayshore Road (CR603) in the Township of Lower on December 11, 2021 for their annual Christmas Parade.  
(This Resolution gives permission to the Lower Township Rotary Club to close portions of Townbank Road (CR648) and Bayshore Road (CR603) for their Annual Christmas Parade on December 11, 2021.)
- 832-21 Resolution granting permission to the Borough of West Cape May to close portions of Broadway/Seashore Road (CR626), Perry Street (CR606) and Fourth Avenue (CR635) on December 4, 2021 for their annual Christmas Parade.  
(This Resolution gives permission to the Borough of West Cape May to close portions of Broadway/Seashore Road (CR626), Perry Street (CR606) and Fourth Avenue (CR635) for their Christmas Parade.)
- 833-21 Resolution amending Resolution No. 786-21 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 corrects the amount shown in Resolution No. 786-21 for the previously authorized Change Order No. 2 with an amended amount of \$4,606.51.)
- 834-21 Resolution amending Resolution No. 741-21 authorizing Execution of an Addendum to the Shared Services Agreement between the County of Cape May and Atlantic County Improvement Authority for Project Management Services concerning the Government Services District at the Cape May County Airport.  
(This Resolution includes the funding source of amendment to the execution of an addendum to the Shared Services Agreement in Resolution 741-21 between the County of Cape May and Atlantic County Improvement Authority for Project Management Services concerning the Government Services District at the Cape May County Airport.)
- 835-21 Resolution awarding Contract No. C1-236 to WSP USA, Inc. for Professional Engineering Services for the Rehabilitation of the 96<sup>th</sup> Street (CR657) Bridge over Great Channel for the County of Cape May in the amount not to exceed \$2,984,969.51.  
(This Resolution awards Contract No. C1-236 to WSP USA, Inc. for Professional Engineering Services for the Rehabilitation of the 96<sup>th</sup> Street (CR657) Bridge over Great Channel, Borough of Stone Harbor/Township of Middle, Structure No. 0500-006 in the amount not to exceed \$2,984,969.51 for a term of two (2) years with three (3) additional one-year options commencing on November 24, 2021.)

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

**BOND ORDINANCE 2-21 (PUBLIC HEARING)**

**Vice-Director:** This is the date, time & place for the public hearing on Bond Ordinance 2-21 providing for various bridge improvements. Can I have a motion to open the public hearing?

MOTION TO OPEN PUBLIC HEARING:

MINUTES OF A REGULAR MEETING HELD NOVEMBER 23, 2021 (CONTINUED)

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		

**Deputy Clerk:** Reads Bond Ordinance 2-21 by title.

**Vice-Director:** The Public Hearing is now open. Is there any public comment on this bond ordinance?

**Vice-Director:** Seeing none and hearing none, may I have a motion to close the Public Hearing?

MOTION TO CLOSE PUBLIC HEARING:

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		

MOTION TO ADOPT BOND ORD. 2-21.

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		

**Vice-Director:** Bond Ord. 2-21 is passed.

**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 SECOND READING  
DATED: NOVEMBER 23, 2021**

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

**BOND ORDINANCE 3-21 (PUBLIC HEARING)**

**Vice-Director:** This is the date, time & place for the public hearing of Bond Ordinance 3-21 providing for various roadway and drainage improvements. Can I have a motion to open the public hearing?

MOTION TO OPEN PUBLIC HEARING:

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		

**Deputy Clerk:** Reads Bond Ordinance 3-21 by title.

**Vice-Director:** The Public Hearing is now open. Is there any public comment?

**Vice-Director:** Seeing none and hearing none, I ask for a motion to close the Public Hearing.

MOTION TO CLOSE PUBLIC HEARING:

Commissioner Hayes moved/ Commissioner Morey seconded

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

MOTION TO ADOPT BOND ORD. 3-21.

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		

**Vice-Director:** I declare Bond Ord. 3-21 adopted.

**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 80<sup>th</sup> to 99<sup>th</sup> 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 SECOND READING  
DATED: NOVEMBER 23, 2021**

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

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					X
Mr. Pierson	X					
Mr. Thornton				X		

PUBLIC COMMENTS: No public comment.

Administrator Lare thanked each Commissioner for the approval of Res. No. 808-21 which appointed him as Administrator/Clerk of the Board for a term of 3 years. He loved the job and was looking forward to working with them, he stated.

ADJOURN: 5:07 P.M.

Commissioner Hayes moved/ Commissioner Morey seconded



MINUTES OF A REGULAR MEETING HELD NOVEMBER 23, 2021 (CONTINUED)

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

APPROVED

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DIRECTOR

ATTEST:

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CLERK OF THE BOARD