

**AGENDA
BOROUGH OF CAPE MAY POINT
BOARD OF COMMISSIONERS**

BOROUGH MEETING – MAY 9, 2019 – 6:00 PM

MEETING CALLED TO ORDER / SUNSHINE STATEMENT

In compliance with the Open Public Meeting Act, Chapter 231, Public Laws of 1975, this meeting was properly advertised in the annual notice and duly posted at the Borough Hall bulletin board.

FLAG SALUTE

ROLL CALL: Commissioner Mullock, Commissioner vanHeeswyk, Mayor Moffatt

PRESENTATION OF ENVIRONMENTAL COMMISSION RECOMMENDATION ON PLANTINGS AT BOROUGH HALL RAIN GARDEN FOR GOVERNING BODY APPROVAL

COMMISSIONERS' REPORTS

APPROVAL OF MINUTES

March 23, 2019 Work Session
April 9, 2019 Work Session
April 11, 2019 Regular Meeting

ORDINANCES FOR INTRODUCTION / PUBLICATION

RESOLUTIONS

61-19 Resolution to Close a Portion of Yale Avenue on Saturday, July 6, 2019
62-19 Authorizing a Special Event Permit to Cape May Point Civic Club, Inc.
63-19 Award of Contract for Ocean, Pavilion & Central Avenues Drainage & Road Project
64-19 2019 Salary Resolution
65-19 Approval of Bill List

ORDINANCES FOR SECOND READING / PUBLIC HEARING / ADOPTION

03-2019 Bond Ordinance Providing for Various Capital Improvements in and by the Borough of Cape May Point, in the County of Cape May, New Jersey, Appropriating \$1,703,000 Therefor and Authorizing the Issuance of \$1,503,000 Bonds or Note of the Borough to Finance Part of the Cost Thereof (Supplemental Debt Statement - 0.463%)

MAYORAL APPOINTMENT

PLANNING BOARD

Eileen Leming, Alternate #2 – 2-year term expiring April 8, 2021

PUBLIC PORTION

ADJOURNMENT

**BOROUGH OF CAPE MAY POINT
COUNTY OF CAPE MAY
STATE OF NEW JERSEY**

RESOLUTION 61-19

**RESOLUTION TO CLOSE A PORTION OF
YALE AVENUE ON SATURDAY, JULY 6, 2019**

WHEREAS, the Cape May Point Civic Club is holding its 64th Annual Bazaar on Saturday, July 6, 2019, and has requested that Yale Avenue be closed between Ocean and Cape Avenues from 7 am until 1:30 pm; and

WHEREAS, the Borough will provide appropriate barricades and signage to make traffic aware of the temporary closure.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Borough of Cape May Point that the request to close Yale Avenue between Ocean and Cape Avenues on Saturday, July 6, 2019 from 7 am to 1:30 pm be and is hereby granted.

	MOTION	SECOND	YES	NO	ABSTAIN	ABSENT
Mullock						
vanHeeswyk						
Moffatt						

Certification

I hereby certify that the foregoing is a true copy of a Resolution duly passed and adopted by a majority of full membership of the Board of Commissioners of the Borough of Cape May Point, County of Cape May, New Jersey, at a meeting held on May 9, 2019.

Municipal Clerk

**BOROUGH OF CAPE MAY POINT
COUNTY OF CAPE MAY
STATE OF NEW JERSEY**

RESOLUTION 62-19

**AUTHORIZING SPECIAL EVENT PERMITS TO CAPE MAY POINT
CAPE MAY POINT CIVIC CLUB, INC.**

WHEREAS, the Cape May Point Civic Club, Inc. has applied for a Special Event Permit for using Borough buildings and Yale Avenue in connection with its annual Bazaar; and

WHEREAS, the applicant has supplied all documentation required under Ordinance No. 551-08, including the requisite Certificate of Insurance, and has further pledged to comply with all applicable rules and regulations pertaining to the conduct of said Special Event.

WHEREAS, the Civic Club has respectfully requested that the Governing Body waive the usual facilities use fees as they are a non-profit organization which benefits the community of Cape May Point; and

WHEREAS, the Board of Commissioners has considered the special request and agreed to waive the fees.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Borough of Cape May Point, County of Cape May, New Jersey that the Borough Clerk is hereby authorized to issue a Special Event Permit to the Cape May Point Civic Club, Inc. for use of the Pole Barn between June 24, 2019 and July 6, 2019 and Yale Avenue between Ocean and Cape Avenues on July 6, 2019 for the Annual Bazaar.

BE IT FURTHER RESOLVED that the fees for the event have been waived.

	MOTION	SECOND	YES	NO	ABSTAIN	ABSENT
Mullock						
vanHeeswyk						
Moffatt						

I hereby certify that the foregoing is a true copy of a Resolution duly passed and adopted by a majority of full membership of the Board of Commissioners of the Borough of Cape May Point, County of Cape May, New Jersey, at a meeting held on May 9, 2019.

Municipal Clerk

**BOROUGH OF CAPE MAY POINT
COUNTY OF CAPE MAY
STATE OF NEW JERSEY**

ORDINANCE 3-2019

BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS IN AND BY THE BOROUGH OF CAPE MAY POINT, IN THE COUNTY OF CAPE MAY, NEW JERSEY, APPROPRIATING \$1,703,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$1,503,000 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF.

BE IT ORDAINED BY THE BOROUGH BOARD OF COMMISSIONERS OF THE BOROUGH OF CAPE MAY POINT, IN THE COUNTY OF CAPE MAY, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) AS FOLLOWS:

Section 1. The several improvements described in Section 3 of this bond ordinance are hereby respectively authorized to be undertaken by the Borough of Cape May Point, in the County of Cape May, New Jersey (the "Borough") as general improvements. For the several improvements or purposes described in Section 3, there are hereby appropriated the respective sums of money therein stated as the appropriation made for each improvement or purpose, such sums amounting in the aggregate to \$1,703,000, and further including the aggregate sum of \$200,000 as the several down payments for the improvements or purposes required by the Local Bond Law. The down payments have been made available by virtue of provision for down payment or for capital improvement purposes in one or more previously adopted budgets.

Section 2. In order to finance the cost of the several improvements or purposes not covered by application of the several down payments, negotiable bonds are hereby authorized to be issued in the principal amount of \$1,503,000 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. The several improvements hereby authorized and the several purposes for which the bonds are to be issued, the estimated cost of each improvement and the appropriation therefor, the estimated maximum amount of bonds or notes to be issued for each improvement and the period of usefulness of each improvement are as follows:

<u>Purpose</u>	<u>Appropriation & Estimated Cost</u>	<u>Estimated Maximum Amount of Bonds & Notes</u>	<u>Period of Usefulness</u>
a) Road reconstruction on Ocean, Pavilion and Central Avenues, including drainage work and further including all work and materials necessary therefor and incidental thereto.	\$385,000	\$360,000	10 years
b) Road reconstruction on Pearl, Brainard and Yale Avenues, including drainage work and further including all and materials necessary therefor and incidental thereto.	\$428,000	\$403,000	10 years
c) Improvements to Lake Lily, including construction, restoration, engineering, sidewalks and benches, including all work and materials necessary therefor			

and incidental thereto and further including all related costs incidental thereto.	\$200,000	\$150,000	10 years
d) Road reconstruction on Yale Avenue and various water/sewer improvements, including water main and lateral replacements and further including all work and materials necessary therefor and incidental thereto.	\$690,000	\$590,000	10 years
Total:	<u>\$1,703,000</u>	<u>\$1,503,000</u>	

The excess of the appropriation made for each of the improvements or purposes aforesaid over the estimated maximum amount of bonds or notes to be issued therefor, as above stated, is the amount of the down payment for each purpose.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer; provided that no bond anticipation note shall mature later than one year from its date, unless such bond anticipation notes are permitted to mature at such later date in accordance with applicable law. The bond anticipation 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 bond anticipation notes issued pursuant to this bond ordinance, and the chief financial officer's signature upon the bond anticipation notes shall be conclusive evidence as to all such determinations. All bond anticipation notes issued hereunder may be renewed from time to time subject to the provisions of the Local Bond Law or other applicable law. The chief financial officer is hereby authorized to sell part or all of the bond anticipation notes from time to time at public

or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest 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 bond anticipation notes pursuant to this bond ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the bond anticipation notes sold, the price obtained and the name of the purchaser.

Section 5. The Borough hereby certifies that it has adopted a capital budget or a temporary capital budget, as applicable. The capital or temporary capital budget of the Borough is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. To the extent that the purposes authorized herein are inconsistent with the adopted capital or temporary capital budget, a revised capital or temporary capital budget has been filed with the Division of Local Government Services.

Section 6. 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. They are all improvements or purposes that the Borough may lawfully undertake as general improvements, and no part of the cost thereof has been or shall be specially assessed on property specially benefitted thereby.

(b) The average period of usefulness, computed on the basis of the respective amounts of obligations authorized for each purpose and the reasonable life thereof within the limitations of the Local Bond Law, is 10 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Borough as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$1,503,000, and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$255,500 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the purposes or improvements.

Section 7. The Borough hereby declares the intent of the Borough to issue bonds or bond anticipation notes in the amount authorized in Section 2 of this bond ordinance and to use the proceeds to pay or reimburse expenditures for the costs of the purposes or improvements described in Section 3 of this bond ordinance. This Section 7 is a declaration of intent within the meaning and for purposes of Treasury Regulations.

Section 8. Any grant moneys received for the purposes or improvements described in Section 3 hereof shall be applied either to direct payment of the cost of the improvements or to payment of the obligations issued pursuant to this bond ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are so used.

Section 9. The chief financial officer of the Borough 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 Borough and to execute such disclosure

document on behalf of the Borough. The chief financial officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the Borough 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 Borough 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 Borough fails to comply with its undertaking, the Borough shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

Section 10. The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Borough, and the Borough shall be obligated to levy *ad valorem* taxes upon all the taxable real property within the Borough for the payment of the obligations and the interest thereon without limitation of rate or amount.

Section 11. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

Final Adoption Vote	MOTION	SECOND	YES	NO	ABSTAIN	ABSENT
Mullock						
vanHeeswyk						
Moffatt						

Robert Mullock, Commissioner

Anita vanHeeswyk, Commissioner

Robert Moffatt, Mayor

ATTEST:

Elaine L. Wallace, Borough Clerk

FIRST READING: March 14, 2019

PUBLICATION: March 20, 2019

PUBLIC HEARING: April 11, 2019

PUBLICATION: April 17, 2019