

**CITY OF SEA ISLE CITY
NEW JERSEY**

**REGULAR MEETING – MARCH 28, 2023 – 10:00 AM
COUNCIL CHAMBERS – 3RD FLOOR - CITY HALL - 233 JFK BOULEVARD**

A G E N D A

**CALL TO ORDER
PLEDGE OF ALLEGIANCE AND PRAYER
ROLL CALL
APPROVAL OF MINUTES
OPEN PUBLIC MEETINGS ACT ANNOUNCEMENT
REPORTS–MAYOR & ADMINISTRATION
REPORTS - COUNCIL MEMBERS**

ORDINANCE – Second Reading and Public Hearing

1693 – AN ORDINANCE TO AMEND THE REVISED GENERAL ORDINANCES OF THE CITY OF SEA ISLE CITY, CHAPTER 3 ENTITLED “CONDUCT IN PUBLIC AND PRIVATE PLACES” TO REGULATE THE POSSESSION OF CERTAIN ITEMS IN PUBLIC AREAS WITHIN THE CITY

1694 - AN ORDINANCE TO AMEND THE REVISED GENERAL ORDINANCES OF THE CITY OF SEA ISLE CITY, CHAPTER 3 ENTITLED “CURFEW FOR JUVENILES UNDER 18 YEARS OF AGE” TO UPDATE SAID ORDINANCE CONSISTENT WITH CURRENT STATUTES

1695 - ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK

1696 – AN ORDINANCE TO AMEND THE REVISED GENERAL ORDINANCES OF THE CITY OF SEA ISLE CITY TO AMEND CHAPTER 7 ENTITLED “TRAFFIC” TO ESTABLISH LOWER SPEED LIMITS ON CERTAIN STREETS WITHIN THE CITY

**RESOLUTION - Second Reading and Public Hearing of the 2023 Local Municipal Budget
PUBLIC HEARING – As Introduced (Resolution #035) on 2-28-2023 and advertised 3-8-2023
RESOLUTION NO. 035A –Adoption of the 2023 Local Municipal Budget**

CITIZEN COMMENT ~ Resolution on Consent Agenda

RESOLUTION – Consent Agenda:

- 052 Approval of Vouchers
- 053 Authorizing Self Examination of the 2023 Budget
- 054 Authorizing a Release of a Performance Guarantee (A&L, LLC. 42nd Street & Landis \$8,908.00)
- 055 Authorizing Refunds of Unused Escrow Monies (Traci DeBlaso \$1,280.41, Hans Lampart \$1,062.23, Hans Lampart \$128.97)
- 056 Authorizing a Purchase Order for a Tourism Internet Marketing Plan (WPVI, \$22,168.14)
- 057 Authorizing an Amendment to the Integrated Parking Management System Contract (Parkmobile, user fee and merchant processing costs of \$0.65 per transaction)
- 058 Authorizing a Contract for Health Reimbursement Account Administration (Marsh and McLennan Agency, various services fees)

**PENDING BUSINESS
NEW BUSINESS
CITIZEN COMMENT
ADJOURNMENT**

**CITY OF SEA ISLE CITY
NEW JERSEY**

ORDINANCE NO. 1693 (2023)

**AN ORDINANCE TO AMEND THE REVISED GENERAL
ORDINANCES OF THE CITY OF SEA ISLE CITY, CHAPTER 3 ENTITLED
“CONDUCT IN PUBLIC AND PRIVATE PLACES” TO REGULATE THE
POSSESSION OF CERTAIN ITEMS IN PUBLIC AREAS WITHIN THE CITY**

WHEREAS, the Council of the City of Sea Isle City continues to review and update its ordinances; and

WHEREAS, the City has an interest in ensuring that all public areas are safe for citizens and visitors; and

WHEREAS, events around the Country where individuals, acting alone or in concert with others, have used improvised weapons to inflict injury on members of the public and law enforcement personnel, thereby posing a real and serious threat to life and safety; and

WHEREAS, individuals, acting alone or in concert with others, have utilized backpacks and similar items to carry items prohibited by state law, and used such prohibited items to inflict injury on members of the public and law enforcement personnel and to cause damage to real and personal property, thereby posing a real and serious threat to life and safety; and

WHEREAS, it is deemed necessary under current conditions to prohibit certain items, such as but not limited to, backpacks on the entire length of the City’s Promenade and beaches during certain hours; and

WHEREAS, the threat of ongoing congregation of youth and others that could turn violent mandates the adoption of this prohibition; and

WHEREAS, the imposition of restrictions on the possession of certain items while on the City’s Promenade does not materially affect attendees’ ability to enjoy the public areas.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Sea Isle City, County of Cape May, and State of New Jersey as follows:

SECTION I. Chapter 3 Section 21 of the Revised General Ordinances of the City of Sea Isle City, entitled “CONDUCT IN PUBLIC AND PRIVATE PLACES” is hereby amended to delete the following subsection in its entirety and replace same as follows:

**DELETED SECTION:
3-21 (RESERVED)**

**REPLACEMENT SECTION:
3-21 CERTAIN ITEMS PROHIBITED ON THE PROMENADE AND BEACHES.
3-21.1. Regulating the Possession of Certain Items On the Promenade.**

No person shall carry or possess any prohibited items or articles during the prohibited time while on the City’s Promenade, beaches, or beach street ends.

3-21.2 Prohibited Items.

All backpacks are prohibited on the Promenade, the beach, and beach street ends. No bag larger than eight inches by six inches by eight inches in depth (8”x6”x8”), approximately the size of a half a sheet of paper, such as but not limited to, bookbags, fanny packs, cinch bags, coolers, briefcases, luggage of any kind, computer bags and camera bags or any bag larger than the permissible size as set forth in this section are permitted to be carried on, placed on or be in the vicinity of the promenade between the hours of 10:00 p.m. to 1:00 a.m. the following day from May 15 to September 15 of each year.

3-21.3. Exceptions.

1. Medical devices necessary for the immediate assistance of the patient utilizing such device.
2. Essential equipment for any reporter for broadcast, electronic or printed media operating in a professional capacity for communication to the public.
3. Officers of the Sea Isle City Police Department shall be exempt from the provisions of this section when engaged in the conduct of official duties.
4. Active fishing on beach.

3-21.4. Warning Where Feasible.

When feasible, excluding exigent circumstances, two (2) warnings shall be given to juvenile and adult persons. Such warnings shall be sufficient if provided orally, by posted signs, or by amplified announcement. Any person, adult, or juvenile, found to be with a prohibited item shall be directed to the nearest exit of the promenade. The failure to comply with the directions of the enforcement City Official constitutes a breach of the peace.

The provisions of this ordinance shall be enforceable by the Police, Code Enforcement, and any employee of the Community Service Department.

3-21.5. Penalty.

1. Any adult person violating this section shall, upon conviction in the Municipal Court of the City, be liable for a penalty according to the following scheme.
 - a. For the first offense, a fine of not less than \$25.00 not more than \$50.00
 - b. For a second offense occurring within one (1) year of a prior violation, a fine of not less than \$35.00 nor more than \$65.00.
 - c. For a third or subsequent offense occurring within one (1) year of two (2) or more violations, a fine of not less than \$50.00 nor more than \$100.00.
2. Any juvenile violating this section shall be provided two (2) curbside warnings and opportunity to remove the item from the promenade and after the second curbside warning shall be subject to a stationhouse adjustment and having the juvenile's parent or guardian called to address the matter. In such case the juvenile's conduct constitutes a breach of the peace. No summons or juvenile delinquency charge shall be issued to a juvenile violating the provisions of this ordinance

SECTION II. Severability. If for any reason any section of this Ordinance shall be declared illegal by any Court of competent jurisdiction, the remaining section of the Ordinance shall remain in full force and effect, notwithstanding.

SECTION III. Repealer. Any Ordinance or provision thereof inconsistent with this Ordinance is hereby repealed to the extent of such inconsistency.

SECTION IV. Publication. This Ordinance shall take effect immediately upon the adoption and publication in accordance with the law.

Mary Tighe, Council President

Mayor Leonard C. Desiderio

I HEREBY CERTIFY THAT the foregoing ordinance was duly passed by the City Council of the City of Sea Isle City, New Jersey on first reading at the regular meeting of said Council held on the 28th day of February, 2023 and was taken up for second reading, public hearing and final passage at the regular meeting of said Council held on the 28th day of March, 2023, in City Hall, 3rd Floor Council Chambers, 233 JFK Blvd., Sea Isle City, New Jersey at 10:00 am.

Shannon D. Romano, Municipal Clerk

**CITY OF SEA ISLE CITY
NEW JERSEY**

ORDINANCE NO. 1694 (2023)

**AN ORDINANCE TO AMEND THE REVISED GENERAL
ORDINANCES OF THE CITY OF SEA ISLE CITY, CHAPTER 3 ENTITLED
“CURFEW FOR JUVENILES UNDER 18 YEARS OF AGE” TO UPDATE SAID
ORDINANCE CONSISTENT WITH CURRENT STATUTES**

WHEREAS, the Council of the City of Sea Isle City continues to review and update its ordinances; and

WHEREAS, the City has an interest in ensuring that all public areas are safe for citizens and visitors; and

WHEREAS, the City has an interest in reducing juvenile violence and crime; and

WHEREAS, the City has an interest in strengthening parental responsibility for children; and

WHEREAS, the City has an interest to promote the safety and well-being of the City's youngest citizens, persons under eighteen (18) years of age, whose inexperience renders them particularly vulnerable to becoming participants in unlawful activities, particularly unlawful drug activities, and to being victimized by older perpetrators of crime; and

WHEREAS, P.L. 1992, Chapter 132 (N.J.S.A. 40:48-2.52 et seq.) authorizes and empowers a municipality to enact an ordinance making it unlawful for a juvenile of any age under 18 years within the discretion of the municipality to be on any public street or in a public place between the hours of 10:00 p.m. and 6:00 a.m. unless accompanied by the juvenile's parent or guardian, or unless engaged in, or traveling from, a business or activity which the laws of this State authorize a juvenile to perform and making it unlawful for any parent or guardian to allow an unaccompanied juvenile to be on any public street or in any public place during those hours; and

WHEREAS, such an ordinance may also make it unlawful for any parent or guardian to allow an unaccompanied juvenile to be on any public street or in any public right-of-way during those hours; and

WHEREAS, the threat of ongoing congregation of youth and others that could turn violent mandates the adoption of this prohibition; and

WHEREAS, the imposition of a limited curfew of juvenile's does not violate the parent's ability to direct their children; and

WHEREAS, the limited exceptions provided are specific to limit the abundance of police officer discretion

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Sea Isle City, County of Cape May and State of New Jersey as follows:

SECTION I. Chapter § 3-8. entitled “CURFEW FOR MINORS UNDER 17 YEARS OF AGE” is hereby amended to delete the following subsection in its entirety and replace same as follows:

DELETED SECTION:

§ 3-8. CURFEW FOR MINORS UNDER 17 YEARS OF AGE

§ 3-8.1. Curfew Established; Hours. [1976 Code 17-1.1; Ord. No. 867 § 1]

A curfew shall be and hereby is established in accordance with the schedule below for those individuals 17 years of age and under.

a. From May 15 to September 15, curfew shall be 12:00 midnight until 6:00 a.m.

b. From September 16 to May 14, curfew shall be 9:30 p.m. until 6:00 a.m., Sunday through Thursday, and from 11:00 p.m. until 6:00 a.m., Friday and Saturday.

c. Beginning 72 hours prior to Halloween, curfew shall be 7:00 p.m. until 6:00 a.m., with the exception of Halloween night.

§ 3-8.2. Exceptions. [Ord. No. 867 § 2]

The provisions of this section shall not apply to any individuals 17 years of age or under who shall be accompanied by a parent or guardian or who shall be actually going to or returning home from employment, civic, athletic, educational, religious, and City sponsored recreational activities.

§ 3-8.3. Enforcement. [Ord. No. 867 § 3]

Any individual violating the terms of this section shall be cited as a juvenile in need of supervision and appropriate action shall be instituted by the Police Department, who shall have jurisdiction for the enforcement of this section.

REPLACEMENT SECTION:

§ 3-8. CURFEW FOR JUVENILES UNDER 18 YEARS OF AGE.

§ 3-8.1. Curfew Established; Hours.

The curfew shall be and hereby is established in accordance with the schedule below for those juveniles of any age under 18 years of age:

- a. From May 15 to September 15, curfew shall be 10:00 p.m. until 6:00 a.m. of the following day on any Monday through Sunday
- b. From September 16 to May 14, curfew shall be 11:00 p.m. until 6:00 a.m. on any Monday through Sunday.
- c. Beginning 72 hours prior to Halloween and on Halloween night, curfew shall be 10:00 p.m. until 6:00 a.m. of the following day.

§ 3-8.2. Definitions.

(1) "Emergency" refers to unforeseen combination of circumstances, or the status or condition resulting therefrom, requiring immediate action to safeguard life, limb or property. The term includes, but is not limited to, fires, natural disasters, automobile accidents, or other similar circumstances that require immediate action to prevent serious bodily injury or loss of life.

(2) "Serious Bodily Injury" refers to bodily injury that creates a substantial risk of death or that causes death, serious permanent disfigurement, or protracted loss or impairment of the function of any bodily member or organ.

(3) "Establishment" refers to any privately-owned place of business within the City operated for a profit, to which the public is invited, including, but not limited to any place of amusement or entertainment. With respect to such Establishment, the term "Operator" shall mean any person, and any firm, association, partnership (and the members or partners thereof) and/or any corporation (and the officers thereof) conducting or managing that Establishment.

(4) "Juvenile" refers to any person under eighteen (18) years of age who has not been emancipated in compliance with all New Jersey State regulations and procedures.

(5) "Law Enforcement Officer" refers to a police or other law enforcement officer charged with the duty of enforcing the laws of the State of New Jersey and/or the ordinances of the City of Sea Isle City.

(6) "Public Place" refers to any place to which the public or a substantial group of the public has access, including, but not limited to: streets, highways, roads, sidewalks, alleys, avenues, parks, and/or the common areas of schools, hospitals, apartment houses, office buildings, transportation facilities and shops.

(7) "Remain" refers to the following actions:

(1) to linger or stay at or upon a place; and/or

(2) to fail to leave a place when requested to do so by a law enforcement officer or by the owner, operator or other person in control of that place.

(8) "Parent" refers to:

(1) a biological parent(s), adoptive parent(s), or step-parent(s) of the juvenile (including either parent, if custody is shared under a court order or agreement)

(9) "Legal Guardian" refers to:

(1) any person, other than a parent or caretaker, who, under court order, is the guardian to whom legal custody of the juvenile has been given by court order; or

(2) a public or private agency with whom a juvenile has been placed by a court.

(10) "Caretaker" refers to an adult at least 18 years of age who is authorized by the juvenile's parent to be temporarily responsible for the parental care, custody, authority, safety, and any other parental responsibilities required to supervise the juvenile such as but not limited to baby-sitters.

(11) "Person" refers to an individual, not to any association, corporation, or any other legal entity.

(12) "Temporary care facility" refers to a non-locked, non-restrictive shelter located at the City of Sea Isle City Police district headquarters or substation, or other detainment area designated by the City of Sea Isle City Police Department which juveniles shall wait, under visual supervision, to be retrieved by a parent, legal guardian, or caretaker. No juveniles waiting in such facility shall be handcuffed and/or secured (by handcuffs or otherwise) to any stationary object.

(13) "Motor-Vehicle" refers to:

(1) A wheeled conveyance that does not run on rails and is self-propelled, esp. one powered by an internal-combustion engine, a battery or fuel-cell, or a combination of these; and/or

(2) An instrument of transportation or conveyance. 2. Any conveyance used in transporting passengers or things by land, water, or air.

§ 3-8.3. Offenses.

(1) It shall be unlawful for juveniles during the curfew hours to remain in or upon any Public Place within the City of Sea Isle City, to remain in any motor vehicle operating or parked therein or thereon, and/or to remain in or upon the premises of any Establishment within the City

(2) A parent, legal guardian, or caretaker of a juvenile commits an offense if they knowingly permit, allow, and/or encourage, or by insufficient control of the juvenile allow, the juvenile to remain in or upon any Public Place within the City of Sea Isle City, to remain in any motor vehicle operating or parked therein or thereon, and/or to remain in or upon the premises of any Establishment within the City during curfew hours.

(3) It shall be unlawful for a person who is the owner or driver of any motor vehicle to knowingly permit, allow or encourage a violation of this ordinance.

(4) It shall be unlawful for the Operator of any Establishment, or for any person who is an employee thereof, to knowingly permit, allow, or encourage a juvenile to remain upon the premises of the Establishment during curfew hours.

(5) It shall be unlawful for any person, including any juvenile, to give a false name, address, or telephone number to any officer investigating a possible violation of this section

§ 3-8.4. Defenses.

It shall be unlawful for juveniles during the curfew hours to remain in or upon any Public Place within the City of Sea Isle City, to remain in any motor vehicle operating or parked therein or thereon, and/or to remain in or upon the premises of any Establishment within the City, unless:

- (1) The juvenile is accompanied by a parent, legal guardian, or caretaker; or
- (2) The juvenile may remain out past curfew on a sidewalk and/or another property such as but not limited to a next-door neighbor directly abutting or adjacent a place where the juvenile resides with a parent, legal guardian, or caretaker until the property owner or a member of the general public complains of the juvenile's presence during curfew hours to the local law enforcement department; or
- (3) The juvenile may attend any recreational activities supervised by adults and sponsored by, held, or located at schools, religious organizations, any recreational activity sponsored by the City of Sea Isle City, or attend any other organizational function in the City of Sea Isle City so long as the organizational function assumes responsibility for the juvenile's care, safety, and well-being through providing adult supervision of the juvenile. The juvenile may travel unsupervised to and from these specified activities without detour during curfew hours; or
- (4) The juvenile is on an errand at the direction of the juvenile's parent, legal guardian, or adult temporarily responsible for the parental care, authority, and safety of said juvenile, without any detour or stop; or
- (5) The juvenile is involved in interstate travel in any means of transportation through, either beginning, throughout, or terminating, in the City of Sea Isle City; or
- (6) The juvenile is engaged in an employment activity or is going to or returning to their place of stay from such employment activity, without detour or stop; or
- (7) All travel necessary for the juvenile to attend employment and then to return back to their place of stay without detour; or
- (8) The juvenile is involved in an emergency; or
- (9) It is a defense to prosecution under Subsection § 3-8.3. "Offenses" of this ordinance that the owner, operator, or employee of an establishment or driver of a motor vehicle promptly notified the City of Sea Isle City Police Department that a juvenile was present on the premises of the establishment or in the motor vehicle during curfew hours and the juvenile refused to leave; or
- (10) The juvenile is exercising First Amendment rights protected by the United States Constitution, such as but not limited to the free exercise of religion, freedom of speech, and the right of assembly in which the juvenile or the juvenile's parent, legal guardian, or caretaker must notify the City of Sea Isle City Police Department at least twenty-four (24) hours in advance in order for the City of Sea Isle City to comply with all New Jersey State regulations such as but not limited to directives, executive orders, and enacted legislative acts.

§ 3-8.5. Penalty.

- (1) Any juvenile violating this section shall be provided at least two (2) curbside warnings by a law enforcement officer and an opportunity for the juvenile to leave the Public Place within the City of Sea Isle City, the motor vehicle operating or parked therein or thereon, and/or in or upon the premises of any establishment within the City before the law enforcement officer issues a stationhouse adjustment to the juvenile;
- (2) After the second curbside warning, or if the juvenile refuses to leave after a curbside warning, the juvenile shall be subject to having a stationhouse adjustment

and the juvenile's parent, legal guardian, or caretaker called to develop an appropriate resolution.

(3) No summons or juvenile delinquency charge shall be issued to a juvenile violating the provisions of this ordinance.

(4) Any parent, legal guardian, or caretaker violating this section shall, upon conviction in the Municipal Court of the City, be liable for a penalty according to the following scheme:

a. For the first offense, a fine of not less than \$250.00 not more than \$500.00

b. For a second offense occurring within one (1) year of a prior violation, a fine of not less than \$500.00 nor more than \$1,000.00.

c. For a third or subsequent offense occurring within one (1) year of two (2) or more violations, a fine of not less than \$1,000.00 nor more than \$1,500.00.

d. Any adult who violates a provision of this subchapter is guilty of a separate offense for each day, or part of a day, during which the violation is committed, continued, or permitted.

§ 3-8.6. Enforcement.

(1) The law enforcement officer shall not issue a curbside warning to juvenile or issuance of a summons to appear in the Municipal Court of the City to a parent, legal guardian, or caretaker under this section unless the law enforcement officer reasonably believes that an offense has occurred and that, based on any response and other circumstances, no defense in Subsection § 3-8.4. "Defenses" of this ordinance is present.

(2) Before taking any enforcement action hereunder, the law enforcement officer shall make an immediate investigation to establish such reasonable belief exists that an offense has occurred and no defenses in Subsection § 3-8.4. "Defenses" of this ordinance is presented or proffered for the purpose of ascertaining whether or not the presence of a juvenile in a Public Place, motor vehicle and/or Establishment within the City during the Curfew hours violates this section

(A) if such investigation reveals that the presence of said juvenile is in violation of this section then:

(i) the law enforcement officer shall ask the apparent juvenile offender's age and reason for being out in the Public Place within the City of Sea Isle City, in any motor vehicle operating or parked therein or thereon, and/or in or upon the premises of any establishment within the City; and

(ii) the law enforcement officer issues a curbside warning and shall ask the juvenile to leave the Public Place within the City of Sea Isle City, any motor vehicle operating or parked therein or thereon, and/or in or upon the premises of any establishment within the City, unless the juvenile continues to remain;

(iii) if the juvenile has not previously been issued a first or second curbside warning for any such curfew violation, then the officer shall issue a first or second curbside warning to the juvenile; or

(iv) if the juvenile has previously been issued at least a second curbside warning for any such curfew violation in Subsection § 3-8.5. "Penalty" of this ordinance or if the juvenile continues to remain in the Public Place within the City of Sea Isle City, any motor vehicle operating or parked therein or thereon, and/or in or upon the premises of any establishment within the City, the officer is empowered to engage in a stationhouse adjustment where the officer shall have the juvenile's parent, legal guardian, or caretaker called to develop an appropriate resolution. In such case the juvenile's continuing to remain in the Public Place within the City of Sea Isle City, any motor vehicle

operating or parked therein or thereon, and/or in or upon the premises of any establishment within the City constitutes a breach of the peace.

(v) As called for in section (iv) above, if a juvenile refuses to give a law enforcement officer his or her name and address, refuses to give the name and address of his or her parent(s), legal guardian(s), or caretaker(s), or if no parent, legal guardian, or caretaker can be located prior to the end of the applicable curfew hours, or if located, no parent, legal guardian, or caretaker appears to accept custody of the juvenile, the law enforcement officer shall be empowered to provide a stationhouse adjustment to the juvenile who shall be taken to a Temporary Care Facility as defined in Subsection § 3-8.2.

“Definitions” of this ordinance for a period not to exceed the remainder of the curfew hours to be dealt with in the manner and pursuant to such procedures as required by law so that the juvenile’s parent, legal guardian, or caretaker may retrieve the juvenile. In such case the juvenile’s conduct constitutes a breach of the peace.

(B) If such investigation reveals that such juvenile’s parent, legal guardian, or caretaker is in violation of this section pursuant to Subsection § 3-8.3. “Offenses” of this ordinance:

(1) A law enforcement officer shall be empowered to issue a summons to such juvenile’s parent, legal guardian, or caretaker where the juvenile’s parent, legal guardian, or caretaker shall appear in front of the Municipal Court of the City of Sea Isle City.

SECTION II. Severability. If for any reason any section of this Ordinance shall be declared illegal by any Court of competent jurisdiction, the remaining section of the Ordinance shall remain in full force and effect, notwithstanding.

SECTION III. Repealer. Any Ordinance or provision thereof inconsistent with this Ordinance is hereby repealed to the extent of such inconsistency.

SECTION IV. Publication. This Ordinance shall take effect immediately upon the adoption and publication in accordance with the law.

Mary Tighe, Council President

Mayor Leonard C. Desiderio

I HEREBY CERTIFY THAT the foregoing ordinance was duly passed by the City Council of the City of Sea Isle City, New Jersey on first reading at the regular meeting of said Council held on the 28th day of February, 2023 and was taken up for second reading, public hearing and final passage at the regular meeting of said Council held on the 28th day of March, 2023, in City Hall, 3rd Floor Council Chambers, 233 JFK Blvd., Sea Isle City, New Jersey at 10:00 a.m.

Shannon D. Romano, Municipal Clerk

CITY OF SEA ISLE CITY
NEW JERSEY
ORDINANCE NO. 1695 (2023)

CALENDAR YEAR 2023
ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO
ESTABLISH A CAP BANK
(N.J.S.A. 40A: 4-45.14)

WHEREAS, the local government Cap Law, N.J.S. 40A: 4-45.1 et seq. provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget to 2.5% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriation, subject to certain exceptions; and,

WHEREAS, N.J.S.A. 40a: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in
Either of the next two succeeding years; and,

WHEREAS, the City Council of the city of Sea Isle city in the County of Cape May finds it advisable and necessary to increase its CY 2023 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

WHEREAS, the City Council hereby determines that a 3.5% increase in the budget for said year, amounting \$695,370.87 excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

WHEREAS, THE City Council hereby determines that nay amount authorized herein above that is not appropriated, as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW THEREFORE BE IT ORDAINED, by the City Council of the City of Sea Isle City, in the County of Cape May, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2023 budget year, the final appropriations of the City of Sea Isle City shall, in accordance with this ordinance and N.J.S.A. 40a: 4-45.14, be increased by 3.5%, amounting to \$695,370.87, and that the CY 2023 municipal budget for the City of Sea Isle City be approved and adopted in accordance with this ordinance; and,

BE IT FURTHER ORDAINED, that any amount authorized herein above that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon; be filed with said Director within 5 days after such adoption.

Mary Tighe, Council President

Leonard C. Desiderio, Mayor

I HEREBY CERTIFY THAT the foregoing ordinance was duly passed by the City Council of the City of Sea Isle City, New Jersey, on first reading at the regular meeting of said Council held on the 28th day of February, 2023, and was taken up for second reading, public hearing and final passage at the regular meeting of said Council held on March 28, 2023, in City Hall, 3rd floor Council Chambers 233 John F. Kennedy Blvd., Sea Isle City, New Jersey at 10:00 a.m.

Shannon D. Romano, Municipal Clerk

Recorded Vote:

**CITY OF SEA ISLE CITY
NEW JERSEY**

ORDINANCE NO. 1696 (2023)

**AN ORDINANCE TO AMEND THE REVISED GENERAL ORDINANCES
OF THE CITY OF SEA ISLE CITY TO AMEND CHAPTER 7 ENTITLED
“TRAFFIC” TO ESTABLISH LOWER SPEED LIMITS ON CERTAIN
STREETS WITHIN THE CITY**

WHEREAS, the City of Sea Isle City seeks to ensure that its roads and right of ways are safe for pedestrian; and

WHEREAS, the City of Sea Isle City shall designate a lower speed limit on the entire length of Park Road from 41st Street to 48th Street in the City of Sea Isle City; and

WHEREAS, the City is permitted to adopt said ordinance pursuant to New Jersey law N.J. Stat. Ann. § 39:4-8 b (1).

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Sea Isle City, County of Cape May and State of New Jersey as follows:

SECTION I. Chapter 7 Section 19.1 of the Revised General Ordinances of the City of Sea Isle City, entitled “Speed Limits Designated” is hereby amended to add the following Street(s) to the end of the existing chart in its entirety as follows:

7-19.1 Speed Limits Designated.

All streets within the City of Sea Isle City shall have a speed limit of 25 mph (miles per hour), conditions permitting, unless designated herein as authorized under the provisions of N.J.S. 39:4-8 b (1).

Regulatory and warning signs shall be erected and maintained to effect the below designated speed limits.

Name of Street	Speed Limit (mph)	Location	Time of Year
Park Road 41 st Street (John F. Kennedy Boulevard) to 48 th Street	15	Entire length	Year-round

SECTION II. Severability. If for any reason any section of this Ordinance shall be declared illegal by any Court of competent jurisdiction, the remaining section of the Ordinance shall remain in full force and effect, notwithstanding.

SECTION III. Repealer. Any Ordinance or provision thereof inconsistent with this Ordinance is hereby repealed to the extent of such inconsistency.

SECTION IV. Publication. This Ordinance shall take effect immediately upon the adoption and publication in accordance with the law.

Mary L. Tighe, Council President

Mayor Leonard C. Desiderio

I HEREBY CERTIFY THAT the foregoing ordinance was duly passed by the City Council of the City of Sea Isle City, New Jersey on first reading at the regular meeting of said Council held on the 28th day of February, 2023 and was taken up for second reading, public hearing and final passage at the regular meeting of said Council held on the 28th day of March, 2023, in City Hall, 3rd Floor Council Chambers, 233 JFK Blvd., Sea Isle City, New Jersey at 10:00 a.m.

Shannon D. Romano, Municipal Clerk

CITY OF SEA ISLE CITY
NEW JERSEY

RESOLUTION NO. 052 2023

WHEREAS, N.J.S.A. 40A:5-17 provides for the approval of claims in manner provides by ordinance; and

WHEREAS, the City Council of Sea Isle City duly enacted Ordinances which provide a method for approval of claims, recordation thereof, and the payment of such claims by the City of Sea Isle City; and:

WHEREAS, The City Council have reviewed and considered invoices as follows:

PREVIOUS PAID BILLS:

SEA ISLE CITY PAYROLL 373,408.06

<u>VENDOR</u>	<u>AMOUNT</u>
AT & T	67.45
ALLEN, PATRICIA	5,000.00
ATLANTIC CITY ELECTRIC	7,699.21
AUTOZONE NORTHEAST	165.69
AVALON BOROUGH	159.13
ALLEGRA	175.00
ACT ENGINEERING	198.00
AED BRANDS	102.00
PAUL BALDINI PA	22,386.00
HORIZON BCBS	12,765.62
BEN SHAFFER RECREATION	27,287.55
CINTAS FIRST AID	191.98
COMCAST	1,351.19
C.M.C MUA	11,448.62
COMPUTER ACCESS & SYSTEMS	394.90
CHAPMAN FORD SALES	294.30
COLLIERS	11,234.01
CUMBERLAND COUNTY BOARD OF VOCATIONAL EDUCATION	3,000.00
COMTEMPORARY TECHNOLOGIES	5,389.00
DIAMOND TOOL	79.99
EASTERN LIFT TRUCK CO	1,492.50
FORD SCOTT & ASSOCIATES	5,000.00
FASTENAL	140.00
GARDNER TRUE VALUE	148.99
GENTILINI FORD	284,638.29
HOME DEPOT PRO	2,336.39
LAWMEN SUPPLY CO	1,659.00

LILLISTON DODGE	79.56
MURPHY FENCE COMPANY	24,621.04
MATHIS CONSTRUCTION	162,017.84
MGL FORMS	162.00
MUNICIPAL EQUIPMENT ENTERPRISE	33,166.64
MARSH & MCCLENNAN AGENCY	12,000.00
EQUITABLE LIFE INS	393.30
CHARLES MARANDINO LLC	189,814.04
NJ DEPARTMENT OF TRANSPORTATION	25.00
OCEAN CITY SENTINAL	509.00
ORIENTAL TRADING	435.49
OUTFRONT MEDIA	3,580.00
OFFSHORE TRAILER	10,395.00
PEDRONI FUEL	3,715.32
POSTNET	71.00
PRECISION ANALYTICAL	1,560.00
POWERDMS INC	6,862.13
PROTECTION ONE	711.07
RICHARD E PIERSON	27,464.54
ROWAN UNIVERSITY	50.00
SOUTH JERSEY GAS	13,347.79
SEVEN MILE PUBLISHING	2,999.17
SERVICE TIRE TRUCK CENTER	265.86
SMITH, HOWARD	2,306.28
SYMBOLARTS LLC	853.00
VAL-U AUTO SUPPLIES	768.01
VERIZON	6,858.68
W.B. MASON	28.87
WXPB	2,500.00
A&L LLC	8,943.19

1,294,716.69

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Sea Isle City, NJ as follows:

1. All of those invoices as set forth above (with the exception of those items containing a line drawn through them and relisted to paragraph 2 below) are hereby approved. The Municipal Clerk is hereby authorized (as per section 6 of Ordinance 716) to indicate said approval on each invoice and to record same in the official minutes.

2. All of the following invoices are disapproved by this Council:

VENDOR AMOUNT:

The Municipal Clerk is hereby directed to appropriately record the disapproval of the invoices noted in this paragraph in the official minutes.

3. All of those invoices listed in the recital as set forth above containing the initials of not more than one council Person immediately to the left of each line shall be deemed approved (as per paragraph number one above) by a majority vote of the remaining Council members. Those invoices listed in the recital as set forth above containing a line drawn through the vendor's name and amount and relisted in paragraph 2 shall be deemed a rejection of said invoices and shall not be paid.

Recorded Vote:

Mary L. Tighe, Council President

Council	Yes	No	Abstain	Absent	Moved	Second
Edwardi						
Feeley						
Gibson						
Kehner						
Tighe						

I HEREBY CERTIFY THAT the foregoing resolution was duly adopted by the City Council of Sea Isle City, New Jersey, at the regular meeting held on Tuesday March 28, 2023.

Shannon D. Romano, Municipal Clerk

**CITY OF SEA ISLE CITY
NEW JERSEY**

RESOLUTION NO. 053 (2023)

AUTHORIZING SELF-EXAMINATION OF BUDGET RESOLUTION

WHEREAS, N.J.S.A. 40A:4-78b has authorized the Local Finance Board to adopt rules that permit municipalities in sound fiscal condition to assume the responsibility, normally granted to the Director of the Division of Local Government Services, of conducting the annual budget examination; and

WHEREAS, N.J.A.C. 5:30-7 was adopted by the Local Finance Board on February 11, 1997; and

WHEREAS, pursuant to N.J.A.C. 5:30-7.2 through 7.5, the *[insert name of municipality]* has been declared eligible to participate in the program by the Division of Local Government Services, and the Chief Financial officer has determined that the local government meets the necessary conditions to participate in the program for the 20__ budget year.

NOW THEREFORE BE IT RESOLVED by the governing body of the *[insert name of municipality]* that in accordance with N.J.A.C. 5:30-7.6a & 7.6b and based upon the Chief Financial Officer's certification, the governing body has found the budget has met the following requirements:

1. That with reference to the following items, the amounts have been calculated pursuant to law and appropriated as such in the budget:
 - a. Payment of interest and debt redemption charges
 - b. Deferred charges and statutory expenditures
 - c. Cash deficit of preceding year
 - d. Reserve for uncollected taxes
 - e. Other reserves and non-disbursement items
 - f. Any inclusions of amounts required for school purposes.
2. That the provisions relating to limitation on increases of appropriations pursuant to N.J.S.A. 40A:4-45.2 and appropriations for exceptions to limits on appropriations found at N.J.S.A. 40A:4-45.3 et seq., are fully met (complies with CAP law).
3. That the budget is in such form, arrangement, and content as required by the Local Budget Law and N.J.A.C. 5:30-4 and 5:30-5.
4. That pursuant to the Local Budget Law:
 - a. All estimates of revenue are reasonable, accurate and correctly stated,
 - b. Items of appropriation are properly set forth
 - c. In itemization, form, arrangement and content, the budget will permit the exercise of the comptroller function within the municipality.
5. The budget and associated amendments have been introduced and publicly advertised in accordance with the relevant provisions of the Local Budget Law, except that failure to meet the deadlines of N.J.S.A. 40A:4-5 shall not prevent such certification.
6. That all other applicable statutory requirements have been fulfilled.

BE IT FURTHER RESOLVED that a copy of this resolution will be forwarded to the Director of the Division of Local Government Services upon adoption.

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to the Director of the Division of Local Government Services.

Mary L. Tighe, Council President

Recorded Vote:

Council	Yes	No	Abstain	Absent	Moved	Second
Feeley						
Edwardi						
Kehner						
Tighe						
Gibson						

I HEREBY CERTIFY THAT the foregoing resolution was duly adopted by the City Council of the City of Sea Isle City, New Jersey, at the regular meeting held on Tuesday, March 28, 2023.

Shannon D. Romano, Municipal Clerk

CITY OF SEA ISLE CITY
CAPE MAY COUNTY, NEW JERSEY

CERTIFICATION OF APPROVED BUDGET

It is hereby certified that the Approved Budget complies with the requirements of law and approval is given pursuant to N.J.S.A. 40A:4-78(b) and N.J.A.C. 5:30-7.

It is further certified that the municipality has met the eligibility requirements of N.J.A.C. 5:30-7.4 and 7.5, and that I, as Chief Financial Officer, have completed the local examination in compliance with N.J.A.C. 5:30-7.6.

Dated: _____

By: _____
Jen McIver, Chief Financial Officer

This certification form and resolution of the governing body executing such certification should be annexed to the adopted budget (N.J.A.C. 5:30-7.6(e))

**CITY OF SEA ISLE CITY
NEW JERSEY**

RESOLUTION NO. 054 (2023)

**AUTHORIZING RELEASE OF A PERFORMANCE GUARANTEE
Project at 42nd Street & Landis Avenue, Sea Isle City, NJ
Block 41.02, Lot(s) 1.01, 4.04, 8.01, 1.02, 2.01 & 4.01
*A & L, LLC.***

WHEREAS, a Performance Guarantee was posted in the form of an *Irrevocable Standby Letter of Credit No. 2018-16 (issued 6/13/2018)* in the amount of \$157,760.00; and

WHEREAS, the Engineer or appropriate authority has performed final inspections of the referenced property and notified the Board Secretary and City Clerk that the remaining performance guarantee may be released; and

WHEREAS, upon approval by the governing body, the City Clerk is instructed to notify the Finance Department that the remaining Performance Guarantee in the amount of \$8,908.00, with accrued interest of \$43.19, may be released; and

NOW THEREFORE BE IT RESOLVED, by the City Council of the City of Sea Isle City, in the County of Cape May, of the State of New Jersey, that it hereby authorizes the release of the balance of the Performance Guarantee as so approved.

Mary L. Tighe, Council President

Recorded Vote:

Council	Yes	No	Abstain	Absent	Moved	Second
Edwardi						
Feeley						
Gibson						
Kehner						
Tighe						

I HEREBY CERTIFY THAT the foregoing resolution was duly adopted by the City Council of Sea Isle City, New Jersey, at the regular meeting held on Tuesday, March 28, 2023.

Shannon D. Romano, Municipal Clerk

CITY OF SEA ISLE CITY

COUNTY OF CAPE MAY
STATE OF NEW JERSEY

RESOLUTION NO. 055 2023

RESOLUTION AUTHORIZING REFUND OF UNUSED ESCROW MONIES

WHEREAS, The Planning/Zoning Board Secretary has notify the City Clerk of unused Escrow Monies; and

NOW THEREFORE BE IT RESOLVED, by the City Council of the City of Sea Isle City, County of Cape May, State of New Jersey, that the Chief Financial Officer be and is hereby authorized and directed to make the following refunds:

<u>Refund to:</u>	<u>Amount of Refund:</u>
Tracy DeBIASO (1800 Landis Avenue ZB app) 199 Rosenhayn Avenue, Bridgeton, NJ 08302	\$ 1,280.41
Hans LAMPART (Lampart & Fiocchi ZB app # 1) 1873 Brookfield Street, Vineland, NJ 08361	\$ 1,062.23
Hans LAMPART (Lampart ZB app # 2) 1873 Brookfield Street, Vineland, NJ 08361	\$ 128.97

Mary L. Tighe, Council President

Recorded Vote:

Council	Yes	No	Abstain	Absent	Moved	Second
Edwardi						
Feeley						
Gibson						
Kehner						
Tighe						

I HEREBY CERTIFY THAT the foregoing resolution was duly adopted by the City Council of Sea Isle City, New Jersey, at the regular meeting held on March 28, 2023.

Shannon D. Romano, Municipal Clerk

CITY OF SEA ISLE CITY
NEW JERSEY

RESOLUTION NO. 056 (2023)

**AUTHORIZING A PURCHASE ORDER FOR A TOURISM INTERNET MARKETING
PLAN**

WHEREAS, Tourism plans to market on the internet with WPVI (Vendor), 4100 City Avenue, Philadelphia, PA 19131 throughout the year for approximately \$22,168.14; and

WHEREAS, Vendor is uniquely positioned to reach Tourism’s target audience online; and

WHEREAS, Vendor has completed and submitted a Business Entity Disclosure Certification and a Political Contribution Disclosure form; and

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Sea Isle City that the above recitals are wholly incorporated into this Resolution and granted the full force of law; and

BE IT FURTHER RESOLVED that City employees may issue purchase orders to the Vendor for approximately \$22,168.14; and

BE IT FURTHER RESOLVED that City employees may issue change orders as necessary that result in minor price increases or decreases to the original anticipated value of purchase orders, or any of their parts, pursuant to N.J.S.A. 5:30-11.4.

By signing below, the Chief Financial Officer (CFO) certifies that there are sufficient uncommitted appropriations available in the Tourism trust (T-13-56-876-000-925) to provide for payment(s).

Jennifer McIver, CFO

Mary L. Tighe, Council President

Recorded vote:

<u>Council</u>	<u>Yes</u>	<u>No</u>	<u>Abstain</u>	<u>Absent</u>	<u>Moved</u>	<u>Second</u>
Tighe						
Kehner						
Feeley						
Gibson						
Edwardi						

I HEREBY CERTIFY THAT the foregoing Resolution was duly adopted by the City Council of the City of Sea Isle City at the meeting held on March 28, 2023.

Shannon D. Romano, Municipal Clerk

CITY OF SEA ISLE CITY
NEW JERSEY

RESOLUTION NO. 057 (2023)

**AUTHORIZING AN AMENDMENT TO THE INTEGRATED PARKING
MANAGEMENT SYSTEM CONTRACT**

WHEREAS, Resolution No. 049 (2021) authorized the City to enter into a national co op contract with Parkmobile, 1100 Spring St NW, Suite 200, Atlanta, GA 30309 for an integrated parking management system through March 22, 2023; and

WHEREAS, Parkmobile has been successfully integrated into the City’s metered parking, and continuing with it is critical to the efficient and uniform operation of metered parking; and

WHEREAS, Parkmobile has prepared a formal written amendment based upon the National Cooperative Purchasing Alliance (NCPA) contract number 05-50 for user fees and merchant processing costs of \$0.65 per transaction (paid by the app user) and successive one-year periods; and

WHEREAS, use of this national co op contract lowers administrative costs and increases accessibility to important goods and services; and

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Sea Isle City that the above recitals are wholly incorporated into this Resolution and granted the full force of law; and

BE IT FURTHER RESOLVED that the Mayor may sign this formal written amendment and any others that are in the City’s best interest; and

BE IT FURTHER RESOLVED that Parkmobile may continue to be used to help manage metered parking.

Mary L. Tighe, Council President

Recorded vote:

<u>Council</u>	<u>Yes</u>	<u>No</u>	<u>Abstain</u>	<u>Absent</u>	<u>Moved</u>	<u>Second</u>
Tighe						
Kehner						
Feeley						
Gibson						
Edwardi						

I HEREBY CERTIFY THAT the foregoing Resolution was duly adopted by the City Council of the City of Sea Isle City at the meeting held on March 28, 2023.

Shannon D. Romano, Municipal Clerk

CITY OF SEA ISLE CITY
NEW JERSEY

RESOLUTION NO. 058 (2023)

**AUTHORIZING A CONTRACT FOR HEALTH REIMBURSEMENT ACCOUNT
ADMINISTRATION**

WHEREAS, Marsh and McLennan Agency (Vendor), PO Box 477, 510 Bank Street Commons St 200, Cape May, NJ 08204-0477 has prepared a formal written contract for administering the City's health reimbursement accounts; and

WHEREAS, the term of the contract shall be for successive one-year periods and pricing is based upon the attached "Exhibit B: Services Fees"; and

WHEREAS, Vendor has previously completed and submitted a Business Entity Disclosure Certification and a Political Contribution Disclosure form; and

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Sea Isle City that the above recitals are wholly incorporated into this Resolution and granted the full force of law; and

BE IT FURTHER RESOLVED that the Mayor may sign the formal written contract and any addenda that are in the City's best interest; and

Mary L. Tighe, Council President

Recorded vote:

<u>Council</u>	<u>Yes</u>	<u>No</u>	<u>Abstain</u>	<u>Absent</u>	<u>Moved</u>	<u>Second</u>
Tighe						
Kehner						
Feeley						
Gibson						
Edwardi						

I HEREBY CERTIFY THAT the foregoing Resolution was duly adopted by the City Council of the City of Sea Isle City at the meeting held on March 28, 2023.

Shannon D. Romano, Municipal Clerk