

LEGALS

BOROUGH OF WEST CAPE MAY
COUNTY OF CAPE MAY
STATE OF NEW JERSEY
ORDINANCE NO. 560-19

AN ORDINANCE AMENDING SECTION 3-15 OF THE BOROUGH OF WEST CAPE MAY CODE REGULATING PEDDLING, HAWKING AND VENDING

WHEREAS, Section 3-15 of the Borough Code prohibits peddling, hawking or vending at Borough-sponsored events and in any location within 200 feet of the perimeter of those events, while those events are being held, unless the vendor is a participant in the event who has registered with the Borough and paid the appropriate fee to have a stall or location at the event; and

WHEREAS, because of concerns involving safety and operation of potential vendors within the Borough, the Borough Commission of the Borough of West Cape May deems it in the best interest of the Borough and its citizens to require licensure and designate locations where such activity may occur throughout the Borough.

NOW, THEREFORE, be it ORDAINED by the Borough Commission of the Borough of West Cape May as follows:

Section 1. The averments of the preamble are incorporated herein. Section 2. Section 3-15 of the Borough of West Cape May Code is deleted in its entirety and replaced with the following:

3-15 VENDING, HAWKING AND PEDDLING.
3-15.1 Definitions.

Borough-sponsored event shall mean any event, open to the public, which takes place in Wilbraham Park, at the West Cape May Municipal complex, or on the public sidewalks or streets, or on any other public property of the Borough of West Cape May. The term shall include the Lima Bean Festival, the Tomato Festival, the West Cape May Christmas Parade, and all other similar events.

Peddling, hawking or vending shall mean the carrying, conveying or transporting of goods, wares, merchandise, meats, fish, vegetables, fruits, flowers, food, ice cream, fruit ices, soda water, garden farm products or provisions or similar items, by any person, whether or not a resident of the Borough, traveling by foot, wagon, bicycle, pushcart, automotive vehicle or any other type of conveyance, including but not limited to mobile food vendors or food trucks, and the offering of such items for sale to purchasers.

3-15.2 License and Registration Required.
It shall be unlawful for any person to engage in the business of peddling, hawking, or vending within the corporate limits of the Borough, unless such person is a resident of the State of New Jersey and is either (i) a person who has been honorably discharged from the active military service of the United States, or (ii) is an exempt member of a volunteer fire department of any municipality or fire district in the State of New Jersey, and in either case holds and has in his possession a valid license permitting peddling issued pursuant to and in accordance with the provisions of N.J.S.A. 45:24-9 et seq.

A licensed person must also annually register with the Borough by producing a license issued to him by a County Clerk, pursuant to Title 45 of the Revised Statutes of New Jersey, complete and sign a registration form made available by the Borough and pay an annual \$150.00 mercantile license fee.

3-15.3 Location of Licensed Vendors.
A person licensed pursuant to Section 3-15.3, may conduct peddling, hawking, or vending only in the Commercial Zoning Districts within the Borough. No peddler shall be permitted to operate in any congested area where operations would impede or inconvenience the public.

No peddler shall violate any traffic parking law, ordinance or regulation, or operate in such a manner as to restrict the continued maintenance of a clear passageway for vehicles and pedestrians.
3-15.4 Time and Use Restrictions.
No person shall sell, offer for sale, hawk or peddle in the Borough before 9:00 a.m. or after 5:00 p.m. No person shall set up, park, or place any cart, equipment, or vehicle on the public streets for the purposes of vending prior to 8:00 a.m. and after 6:00 p.m.

No peddler shall use or operate any loudspeaker, public address system, sound amplifier, horn, bell, radio, record player, tape player, CD player, musical instrument or any similar device used to attract the attention of the public.
No peddler shall station, place, set up or maintain his cart or goods against display windows of fixed location businesses, nor shall they be within 35 feet from an entrance to any fixed location business.

3-15.5 Inspection of Equipment.
The equipment used or employed by peddlers of ice cream, foods, beverages, confections and other related commodities shall be maintained in a clean and sanitary manner and be subject to the inspection of the Cape May County Health Department or its authorized agents. Any violation found and not immediately corrected shall be grounds for revocation of the peddler's registration.

3-15.6 Insurance.
It shall be unlawful for any person to engage in the business of a peddler within the corporate limits of the Borough without first obtaining comprehensive general liability insurance, with combined single coverage for bodily injury and property damage which may arise from operations under or in connection with the peddling, hawking or vending in an amount not less than \$500,000, or such policies and amounts of coverage as recommended by the Joint Insurance Fund or current Borough insurance carrier. The Borough shall be named as an additional insured on all such policies. All such insurance policies shall also include a provision to the effect that the same will be noncancelable except upon not less than 30 days' prior written notice to the Borough. Copies of all policies or certificates of insurance shall be provided to the Borough.

3-15.7 Prohibitions; Exceptions for Participants at Borough Sponsored Events.
Peddling, hawking or vending is prohibited at Borough-sponsored events and in any location within 200 feet of the perimeter of those events, while those events are being held, unless the vendor is a participant in the event who has registered with the Borough and paid the appropriate fee to have a stall or location at the event. Vendors registering for Borough-sponsored events are not required to meet the conditions of licensing contained in Section 3-15.2.

3-15.8 Violations.
Any person violating any of the provisions of this ordinance shall, upon conviction in a court of proper jurisdiction, be punished by a fine not exceeding \$1,250 or by imprisonment not exceeding 90 days, or both. If a violation is immediately correctable by moving the vending unit, failure to do so upon the request of a police officer or Zoning Officer shall constitute a separate offense and may subject the vendor to arrest and the towing of his vending unit. Every day that a violation of this article exists shall constitute a separate offense.

Section 3. Repealer. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed to the extent of that conflict.
Section 4. Severability. Should any portion of this ordinance be declared unconstitutional or invalid, the remaining portion of this ordinance shall not be affected thereby and shall remain in full force and effect, and to that end the provisions of this ordinance are declared to be severable.

Section 5. Effective Date. This ordinance shall take effect 20 days after final passage according to law.

NOTICE OF PENDING ORDINANCE
The foregoing Ordinance was introduced at a Regular Meeting of the Board of Commissioners of the Borough of West Cape May held on January 2, 2019, when it was read for the first time and then ordered to be published according to law. This Ordinance will be further considered for final passage by the Board of Commissioners of the Borough of West Cape May at a meeting to be held at Borough Hall, 732 Broadway, West Cape May, New Jersey on January 23, 2019 at 7:00pm or as soon thereafter as possible, at which time and place, all persons interested will be given an opportunity to be heard concerning such ordinance.

Suzanne M. Schumann, RMC
Municipal Clerk

1/9, pf \$118.42 12

LEGALS

BOROUGH OF WEST CAPE MAY
HISTORIC PRESERVATION COMMISSION
2019 MEETING DATES

January 10, 2019
February 14, 2019
March 14, 2019
April 11, 2019
May 9, 2019
June 13, 2019
July 11, 2019
August 8, 2019
September 12, 2019
October 10, 2019
November 14, 2019
December 12, 2019

2020 Reorganization Meeting
January 9, 2020

All meetings are scheduled for 7:00pm at:
Borough Hall - Caucus Room
732 Broadway, West Cape May

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LEGALS

BOROUGH OF WEST CAPE MAY
SHADE TREE COMMISSION
2019 MEETING DATES

January 8, 2019
February 5, 2019
March 5, 2019
April 2, 2019
May 7, 2019
June 4, 2019
July 2, 2019
August 6, 2019
September 10, 2019

October 1, 2019
November 5, 2019
December 3, 2019

2020 Reorganization Meeting
January 7, 2020

Meetings are held the first Tuesday of the month unless otherwise noted

All meetings are scheduled for 6:30pm at:
Borough Hall - Caucus Room
732 Broadway, West Cape May

1/9, pf \$20.46 17

LEGALS

NOTICE OF APPLICATION AND HEARING

PLEASE TAKE NOTICE that an application has been made to the Local Alcoholic Beverage Control Issuing Authority of the Borough of West Cape May for a new Plenary Retail Consumption License No. 0512-33-002-001 to West Cape Liquor, LLC, a New Jersey limited liability company, trading as Exit Zero Filling Station, with its registered office at 29 Perry Street, Cape May, New Jersey 08204. The License will be situated at 110 Sunset Boulevard, West Cape May, New Jersey 08204.

PLEASE TAKE FURTHER NOTICE that a hearing on this matter is scheduled to occur in the Municipal Building, 732 Broadway, West Cape May, Cape May County, New Jersey 08204, on Wednesday, January 23, 2019, at 7:00 PM, prevailing time.

The names and addresses of shareholders, members, officers and directors of West Cape Liquor, LLC, are as follows: Curtis Bashaw, 29 Perry Street, Cape May, New Jersey 08204 with a ninety-nine (99.00%) percent interest; Jack Wright, 783 Stimpson Lane, Cape May, New Jersey 08204 with a remaining one (1.00%) percent interest.

Objections, if any, should be made immediately in writing to Suzanne M. Schumann, RMC/CMR, Borough Clerk, Borough of West Cape May, 732 Broadway, West Cape May, New Jersey 08204.

Publication dates: January 9, 2019
January 16, 2019

1/9, 1/16, pf \$44.64 18

LEGALS

TOWNSHIP OF LOWER
NOTICE OF A PENDING ORDINANCE
ORDINANCE #2019-01

An Ordinance to Exceed the Municipal Budget Appropriation Limits and to Establish a Cap Bank
This Ordinance is required every year to establish the Township's Cap Bank

ORDINANCE #2019-02
An Ordinance Amending Chapter 600-6, Towing and Storage, Towing and Storage Fee Schedule, of the Code of the Township of Lower

This Ordinance amends the daily fee schedule for storage services. Notice is hereby given that Ordinances 2019-01 & 2019-02 were introduced and passed on first reading at the Lower Township Council meeting held January 2, 2019 and ordered published in accordance with the law. Said Ordinances will be considered for final reading and adoption at a meeting to be held WEDNESDAY, January 23, 2019 - 7:00PM at the Municipal Building, 2600 Baysshore Road, Villas, at which time all persons interested may appear for or against the passage of said Ordinances. Copies of the Ordinances may be picked up at the Township Clerk's Office during normal business hours up to and including January 23, 2019.

Julie A Picard, RMC
Township Clerk

1/9, pf \$21.08 20

LEGALS

ZONING BOARD OF ADJUSTMENT OF THE
TOWNSHIP OF LOWER
RESOLUTION #19-5-ZBA

WHEREAS, the Zoning Board of Adjustment of the Township of Lower, Cape May County, New Jersey is a contracting unit as defined by the Local Public Contracts Law, NJSA 40A:11-1 et seq; and

WHEREAS, there exists a need for legal services for the Zoning Board of Adjustment's business from time to time, which services are "professional services" as defined in said law; and

WHEREAS, funds are available for this purpose; and

WHEREAS, the Local Public Contract Law requires that the resolution authorizing the award of contracts for "professional services" without competitive bids must be publicly advertised;

NOW, THEREFORE, BE IT RESOLVED by the Zoning Board of Adjustment of the Township of Lower, Cape May County, New Jersey as follows:

1. The Chairmember and Secretary of the Zoning Board of Adjustment are hereby authorized and directed to enter into an agreement with ANTHONY HARVATT, II for the performance of such services, for the calendar year of 2019.

2. This contract will be awarded without competitive bidding as a "professional service" under the provisions of the Local Public Contracts Law because it is a contract for services performed by a person authorized by law to practice a recognized profession and that it was not possible to obtain competitive bids.

3. A copy of this resolution shall be published in the Township's official newspaper, as required by law, within ten (10) days of its passage.

4. A copy of the resolution and any contract pursuant hereto are on file and available for public inspection in the office of the Clerk of the Township of Lower.

The foregoing is a true copy of a resolution adopted by the Zoning Board of Adjustment at its meeting held on January 3, 2019

William J. Galestok, PP,AICP
Director of Planning

1/9, pf \$31.00 27

LEGALS

NOTICE OF AWARD OF PROFESSIONAL CONTRACT

The CITY OF CAPE MAY has awarded Contract(s) without competitive bidding as professional service(s) pursuant to N.J.S.A. 40A: 11-5(1)(a). The Contract(s) and authorizing Resolution(s) are available for public inspection in the Office of the Municipal Clerk.

Name Nature of Service Solicitor

Frank L. Corrado, Esq. Barry Corrado & Grassi 2700 Pacific Avenue Wildwood, NJ 08260

Michael A. Sorensen, Esq Public Defender Term of Contract Per Contract

Cape May Ct. Hs., NJ 08210

Gruccio Pepper Gruccio, Pepper Desanto Collective Bargaining Term of Contract Per Contract

Ruth, PA 817 Landis Av. Vineland, NJ 08360

Polistina & Associates Special Inspection Engineer Planning/Zoning Board Term of Contract Per Contract

Craig R. Hurless 6684 Washington Av. Egg Harbor Twp., NJ 08234

Mott MacDonald, LLC Municipal Engineer Term of Contract Per Contract

833 Route 9, North Cape May Ct. Hs., NJ 08210

James M. Rutala Consulting Services Term of Contract Per Contract

Associates, LLC 717 River Drive Linwood, NJ 08221

Marsh & McLennan Agency Risk Management Consultant-MCMJIF Term of Contract Per Contract

510 Bank Street Commons Cape May, NJ 08204

McManimon & Scotland, LLC Bond Counsel Term of Contract Per Contract

75 Livingston Avenue Roseland, NJ 07068

Ford, Scott & Assoc., LLC City Auditor Term of Contract Per Contract

1535 Haven Avenue Ocean City, NJ 08226

Kyle D. Weinberg, Esq. Municipal Prosecutor Term of Contract Per Contract

Blaney & Karavan, P.C. 2123 Dune Drive, Suite 11 Avalon, NJ 08202

Vito A. Gagliardi, Jr. Special Council Term of Contract Per Contract

Porzio Bromberg & Newman, P.C. 100 Southgate Parkway PO Box 1997 Morristown, NJ 07962

Kyle J. Trent Special Council Term of Contract Per Contract

Apruzzese, McDermott, Mastro & Murphy, P.C. Collective Bargaining Term of Contract Per Contract

Craig Hurless, PE, PP, CME Special Inspections Term of Contract Per Contract

Polistina Associates Planning/Zoning Term of Contract Per Contract

6684 Washington Avenue Egg Harbor Township, NJ 08234

Patricia Harbora, RMC City of Cape May

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LEGALS

Notice of Special Meeting

Please be advised that the Commissioners of Fire District No. 1 in the Township of Lower, County of Cape May, shall hold a special meeting on Thursday, January 17, 2019 at 7:30 p.m. at the Villas Firehouse, 1619 Baysshore Road, Villas, NJ for the purpose of discussing the 2019 budget. Formal action shall be undertaken.

The Commissioners of Fire District No. 1 Township of Lower, County of Cape May

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LEGALS

LOWER CAPE MAY REGIONAL SCHOOL DISTRICT
CAPE MAY COUNTY
NEW JERSEY
NOTICE TO BIDDERS

Notice is hereby given that on Wednesday, January 30, 2019, sealed request for proposals will be received by the LOWER CAPE MAY REGIONAL SCHOOL DISTRICT at 687 Route 9, Cape May, New Jersey, at the hour of 10:00 a.m. prevailing time, for the 2019 ANNUAL LANDSCAPE MAINTENANCE CONTRACT RFP FOR LOWER CAPE MAY REGIONAL HIGH SCHOOL AND RICHARD M. TEITELMAN MIDDLE SCHOOL, LOWER TOWNSHIP, CAPE MAY COUNTY, NJ, at which time and place the said bids will be publicly opened and read.

Specifications & Plans may be inspected at the Administrative office 687 Route 9, Cape May, New Jersey. They may also be obtained for a fee of \$25.00 to cover the cost of preparation, no part which will be refunded, from Engineering Design Associates, 5 Cambridge Road, Ocean View, N.J.

Bids must be enclosed in a sealed envelope and plainly marked in the lower quadrant: the "2019 ANNUAL LANDSCAPE MAINTENANCE CONTRACT RFP FOR LOWER CAPE MAY REGIONAL HIGH SCHOOL AND RICHARD M. TEITELMAN MIDDLE SCHOOL, LOWER TOWNSHIP, CAPE MAY COUNTY, NJ". The name and address of the bidder shall be on the envelope.

The form of bid supplied by the Specifications must be used in bidding. Bids must be submitted prior to the time designated above for receipt and opening of bids, and must be submitted either by mail or in person by the bidder or his agent. No bids will be received after the time designated above for their receipt.

Bids must be addressed to Mark Mallett, Business Administrator, Lower Cape May Regional School District, 687 Route 9, Cape May, NJ 08204. Each bidder must deposit with his bid a certified check, cashier's check, or bid bond in the amount of ten (10) percent of the total lump sum bid. The right is reserved to reject any or all bids or to waive minor irregularities in any bid presented. Award, if any, will be made to the lowest and most responsible bidder at a formal meeting of Lower Cape May Regional Board of Education.

No bidder may withdraw his bond within 60 days after the actual date of opening. Bidders are required to comply with the requirements of N.J.S.A. 105-31 (P.L. 1975, C.127, as amended, Law Against Discrimination Affirmative Action Supplement)

Bidders are required to submit a statement of ownership with the bid, in compliance with N.J.S. 52:25-24.2 (P.L. 1977, C.33).

Bidder attention is called to the requirements of P.L. 2004, C.57 concerning registration with the State of New Jersey in order to do business with local contracting agencies. Proof of registration in the form of a copy of the Business Registration Certificate must be submitted at time of bid submission by all bidders and named or listed subcontractors. Failure to comply will result in mandatory bid rejection.

BY ORDER OF THE LOWER CAPE MAY REGIONAL BOARD OF EDUCATION
Mark Mallett, Business Administrator 21

1/9, pf \$48.36

LEGALS

NOTICE OF DECISION
Lower Township Zoning Board of Adjustment

The Lower Township Zoning Board of Adjustment, as a regularly scheduled meeting held on January 3, 2019 at the Lower Township Municipal Building, took the following action on applications submitted for development and considered at that time:

1. Use variance application to allow an office building and public storage facility, submitted by TB Storage, LLC for the location known as Block 499.01, Lot 23.01, 24.01 & 26.03, 669 Townbank Road, was denied.

2. Technical final major subdivision application for the creation of six (6) newly described lots. Preliminary approval was approved on November 1, 2018. Use variance previously approved for residential use in a General Business zone on September 6, 2018. Submitted by Mark Platzer for the location known as Block 820, Lot 2.05, 8100 Bayview Drive, was CONTINUED UNTIL THE FEBRUARY 7, 2019 MEETING AT THE APPLICANT'S REQUEST.

3. Use & hardship variance applications to convert the 2nd floor of a detached garage into a bedroom and bathroom. Variances needed for front & side yard setbacks, submitted by Lawrence & Barbara Ann Wind for the location known as Block 115, Lot 3, 97 Millman Lane, was withdrawn.

4. Use variance application to allow 21 single family dwellings in the Conservation and R-3 Zone, submitted by Marcello Mogavero for the location known as Block 494.01, Lot 28, 10 Shawmount Road, was continued until the February 7, 2019 meeting.

5. Minor site plan application to construct a 36 x 48 pole barn with a 10 x 48 overhang for a landscape business, submitted by Ryan Douglas for the location known as Block 741.01, Lots 13.01 & 13.02, 682 Petticoat Creek Lane, was conditionally approved.

6. Use variance application to operate a small linen cleaning business within the residence, submitted by Irene Hober for the location known as Block 505, Lot 18.03, 837 Seashore Road, was continued until the February 7, 2019 meeting.

7. The following resolutions concerning applications heard on December 6, 2018, were approved:

Boyle: Block 69, Lots 1-4, Block 110, Lot 6 & Block 1, Lot 2 Carino/Wenger: Block 129, Lot 1

Copies of each determination of resolution of the Board will be filed in the Planning and Zoning Office and will be available for inspection by the public.

William J. Galestok, PP,AICP
Director of Planning

1/9, pf \$38.44 26

LEGALS

ZONING BOARD OF ADJUSTMENT OF THE
TOWNSHIP OF LOWER
RESOLUTION #19-7-ZBA

BE IT RESOLVED by the Zoning Board of Adjustment of the Township of Lower, Cape May County, New Jersey, that:

(a) In compliance with Chapter 231 of the Laws of New Jersey 1975, this notice is submitted to advise the public of the time and place at which the Zoning Board of Adjustment shall meet to consider the business of the public body;

(b) The days, times and places at which the Zoning Board of Adjustment of the Township of Lower shall meet on a regularly scheduled basis, during the ensuing twelve (12) month period are as follows:

February 7, 2019 August 1, 2019

March 7, 2019 September 5, 2019

April 4, 2019 October 3, 2019

May 2, 2019 November 7, 2019

June 6, 2019 December 5, 2019

July 11, 2019 January 9, 2020

The meeting scheduled to be held in January 2019 shall be the re-organization meeting;

© The meetings will be held at the Township of Lower Municipal Building meeting room, 2600 Baysshore Road, Villas, NJ at 7:00 P.M. prevailing time;

(d) Unless otherwise specifically provided by law, the meetings identified herein shall be open to the public;

BE IT FURTHER RESOLVED that a copy of this resolution be published as a legal advertisement in the Township's official newspaper within ten (10) days from the date of its adoption;

BE IT FURTHER RESOLVED that in the event of an emergency, meetings may be called on forty-eight (48) hours notice thereof to the media.

William J. Galestok, PP,AICP
Director of Planning

1/9, pf \$30.38 29

LEGALS

NOTICE FOR THE SOLICITATION OF PROPOSALS FOR PROFESSIONAL SERVICES UNDER A FAIR AND OPEN PROCESS FOR THE BOROUGH OF WEST CAPE MAY

Notice is hereby given that sealed proposals for professional services in accordance with N.J.S.A. 19-44A-24, et seq., and P.L. 2005 c.271, will be received by the Municipal Clerk of the Borough of West Cape May on January 23, 2019 no later than 10:00am. The sealed proposals will be opened and recorded January 23, 2019 at 10:00am, by the Borough Clerk and witnessed and recorded by the Deputy Clerk. Qualifications for the following professional services will be accepted:

Municipal Land Use Board Solicitor

Each submission to be considered shall comport to the criteria set forth in the qualification packets and as found in the Code of the Borough of West Cape May. The qualification packets may be obtained in the Office of the Municipal Clerk and sent by regular U.S. Mail or they can be found and printed out from the official web site of the Borough of West Cape May, WWW.WESTCAPEMAY.US under Municipal Clerk – Request for Proposals section of the website. The Municipal Appointing Authority shall thereafter publicly select the professional or business entity for the position so advertised which shall thereafter be confirmed or approved as required by law, Resolution or Ordinance. Proposals, which the Borough of West Cape May is requesting a total of three (3), must be hand delivered and submitted to the Municipal Building of the Borough of West Cape May, 32 Broadway, West Cape May, New Jersey 08204. Proposals mailed must be submitted to the Municipal Building of the Borough of West Cape May, 732 Broadway, West Cape May, New Jersey 08204 and arrive prior to 10:00am on Wednesday, January 23, 2019.

Proposals received after said opening, whether by mail or otherwise, will be returned unopened. Proposals must be submitted in a sealed envelope with the name of the RFP clearly marked on the outside of the envelope. Proposals may NOT be faxed, transmitted by phone or emailed. The Borough of West Cape May assumes no responsibility for delays in any form of carrier, mail or delivery service causing the proposal to be received at the Borough of West Cape May Municipal Building later than the above-referenced scheduled opening. Nothing herein is intended to exclude any responsible party or in any way restrain or restrict competition. All responsible firms are encouraged to submit proposals.

Suzanne Schumann
Municipal Clerk

1/9, pf \$36.58 23

LEGALS

ZONING BOARD OF ADJUSTMENT OF THE
TOWNSHIP OF LOWER
RESOLUTION #19-6-ZBA

WHEREAS, the Zoning Board of Adjustment of the Township of Lower, Cape May County, New Jersey is a contracting unit as defined by the Local Public Contracts Law, NJSA 40A:11-1 et seq; and

WHEREAS, there exists a need for engineering services for the Zoning Board's business from time to time, which services are "professional services" as defined in said law; and

WHEREAS, funds are available for this purpose; and

WHEREAS, the Local Public Contracts Law requires that the resolution authorizing the award of contracts for "professional services" without competitive bids must be publicly advertised;

NOW, THEREFORE, BE IT RESOLVED by the Zoning Board of Adjustment of the Township of Lower, Cape May County, New Jersey as follows:

1. The Chairmember and Secretary of the Zoning Board of Adjustment are hereby authorized and directed to enter into an agreement with Mott MacDonald Engineers for the performance of engineering services, for such compensation as may be reasonable for such services, for the calendar year 2019.