

**WORKSESSION/REGULAR MEETING
OF CITY COUNCIL OF THE CITY OF CAPE MAY, NJ
Tuesday, April 7, 2015, 1:00 P.M.**

Present: Mayor Edward J. Mahaney, Jr.
Councilmember Shaine P. Meier
Councilmember Beatrice Gauvry-Pessagno
Deputy Mayor Terri L. Swain
Councilmember Jack Wichterman

Also Present: City Attorney Anthony Monzo
City Clerk Louise Cummiskey
Deputy Clerk Patricia Harbora

Absent: City Manager Bruce MacLeod

Mayor Mahaney announced that under the Open Public Meetings Law, notice of this meeting was sent to the Cape May County Herald and The Press and a copy of the agenda was delivered to each Member of Council and was posted on the City Hall Bulletin Board.

Minutes do not reflect the actual order in which the events occurred.

AGENDA ADDITION/DELETION OF LATE AGENDA ITEMS TO BE CONSIDERED FOR ACTION:

City Council Closed Session Meeting Minutes dated 3/3/15 **REMOVED FROM AGENDA**

Motion: Mahaney
Second: Wichterman
Roll Call:
Meier Yes
Pessagno Yes
Swain Yes
Wichterman Yes
Mahaney Yes

ENGINEER REPORT

Ed Walberg, RV&W, presents his engineer's report as follows:

USDA Water Tank/Standpipe Expansion Improvement – The new slurry tank is ordered and will be installed on April 13, 2015.

Hughes Street (Decatur Street to Ocean Street) - Mr. Walberg talks about a gas main issue on Hughes Street and notes that a new gas line had to be installed. The Storm sewer is 90% complete.

FY2014 NJDCA Small Cities Grant East Lyle Lane, Mansion Street Reconstruction (Perry Street to Jackson Street) – Water line installation and concrete curbing is complete. The installation of the brick pavers has begun.

Mayor Mahaney introduces Thomas Thornton, Lead Engineer from Hatch Mott & MacDonald, the City's new Engineer. The Mayor comments that the City met with said firm to update them on the present and future projects in the City of Cape May.

Mr. Thornton thanks Council for the opportunity to work with the City of Cape May and is looking forward to the new challenges ahead of him.

CLERK'S ANNOUNCEMENTS

Blood Drive, Tuesday, May 12, 2015, 10:00 A.M. to 3:00 P.M.

Financial Disclosure Statements due April 30, 2015.

CMC is offering Free Rabies Clinics. For dates and times, contact the County Board of Health Department or the City Clerk's Office.

REGULAR MEETING BUSINESS:

RESOLUTIONS:

86-04-2015 – Resolution Approving Refund of Overpaid 2015 Taxes

87-04-2015 – Resolution Authorizing Tax Title Lien Redemption

88-04-2015 – Resolution Authorizing Tax Title Lien Redemption

89-04-2015 – Resolution of the City of Cape May Authorizing Change Order No. 2 for Contract with Fred Schiavone Construction, Inc. for FY 2014 Utility and Road Program – Contract No. 2 – Hughes Street

90-04-2015 – Resolution Authorizing the Execution of the Sub recipient Agreement for the New Jersey Economic Development Authority Stronger NJ Neighborhood and Community Revitalization (NER) Program Development and Public Improvement Projects

91-04-2015 – Resolution Providing for a Meeting Not Open to the Public in Accordance with the Provisions of the New Jersey Open Public Meetings Act, N.J.S.A. 10:4-12- Litigation, Police Department

92-04-2015 – Resolution Approving Professional Services Agreement between Preservation Design Partnership, LLC and the City of Cape May

93-04-2015 – Resolution Approving Agreement Between Encore Series, Inc. and the Philly POPS and the City of Cape May

94-04-2015 – Resolution Authorizing Legal Defense for City Officials and Employees

95-04-2015 – Resolution of the City of Cape May Authorizing Change Order No. 2 – Final for Contract with Ricky Slade Construction, Inc. for FY 2013 Road and Utility Program – Cape May and Delaware Avenue Roadway Improvements

96-04-2015 – Payment of Bills "A"

96-04-2015 – Payment of Bills "B" **REMOVED FROM CONSENT AGENDA**

97-04-2015 – Resolution Authorizing Utility Bill Adjustment Due to Catastrophic Occurrence

98-04-2015 – Resolution Authorizing Encroachment Agreement Upon Cape May City Property Known as 2 Pharo Lane, Block 1061.04, Lot 1

Jerry Gaffney, 810 Columbia Avenue Cape May asks Mr. Monzo to explain Resolution No. 92-04-2015 Authorizing Legal Defense for City Officials and Employees.

Mr. Monzo explains that the Resolution will protect and provide officials and employees with legal representation in any matters pertaining to City investigations, as long as the employee has not committed fraud, misconduct or intentional wrong doing.

Mr. Gaffney asks if the employees are covered under the City's JIF policy and whether Mr. Monzo could represent a City employee. Mr. Gaffney is concerned about legal costs.

Mr. Monzo advises that the JIF will cover actions against employees and the City Solicitor may not represent City employees.

Charles Hendricks, 106 Trenton Avenue, Cape May asks why Resolution 94-04-2015 had not previously been adopted.

Mr. Monzo advises that recently, several City employees have been contacted by the Office of the County Prosecutor to be questioned about the Police matter.

Mr. Hendricks asks Council to reject Resolution 94-04-2015.

Patricia Hendricks, 106 Trenton Avenue, Cape May thanks Mr. Monzo for his explanation on the Resolution and asks what the legal representation will cover.

Councilmember Meier asks Mr. Monzo if he is available to give legal advice to the Officials and Employees.

Mr. Monzo advises that in most cases, he can legally advise Officials and Employees.

Laura DeCamillo, 1350B Virginia Avenue, Cape May feels an attorney should not be needed if the truth is spoken.

Councilmember Meier agrees with Ms. DeCamillo. Mr. Meier supports the Resolution on Legal Defense for City Officials and Employees.

Councilmember Pessagno feels Council should protect their employees.

Motion:	Mahaney
Second:	Swain
Roll Call:	
Meier	Yes
Pessagno	Yes
Swain	Yes
Wichterman	Yes
Mahaney	Yes

96-04-2015 – Payment of Bills “B”

Motion: Mahaney
Second: Meier

Roll Call:
Meier Yes
Pessagno Yes
Swain Abstain
Wichterman Yes
Mahaney Yes

MINUTES:

City Council Closed Session Meeting Minutes dated March 3, 2015 **REMOVED**

REPORTS RECEIVED BY THE CLERK:

City of Cape May Environmental Commission Meeting Minutes dated March 24, 2015
City of Cape May Fire Department Fire and EMS Incident Report dated March 2015
City of Cape May Overtime Report for the month of February 2015 dated March 31, 2015
City of Cape May Tax Assessor Monthly Report dated April 2, 2015

Motion: Meier
Second: Wichterman

Roll Call:
Meier Yes
Pessagno Yes
Swain Yes
Wichterman Yes
Mahaney Yes

NEW BUSINESS:

- A) City Attorney
- B) City Manager
- C) City Clerk
- D) Councilmembers – Councilmember Swain welcomes Mr. Wichterman back on Council.

Councilmember Wichterman thanks Mayor and Council for his appointment and looks forward to serving on Council until the General Election.

Mayor Mahaney announces that the NJDOT awarded \$350,000.00 in grant money to the City of Cape May for the Safe Routes to School Program. The Mayor thanks the Washington Street Mall BID and all the merchants for their participation in the Easter Stroll. The event was a great success with over 500 people in attendance. Mayor Mahaney announces that Cape May City was named as one of the top ten beaches in the Country by a CNN News survey.

Mayor Mahaney asks Council to change the Worksession Meeting on May 5, 2015 from 1:00 P.M. to 7:00 P.M. Council agrees.

Anita DeSatnick, 1307 Trenton Avenue, Cape May is concerned about the Firemen and EMT personnel. Ms. DeSatnick would like Council to find funding to hire more employees in that Department.

Deputy Mayor Swain comments on her family's personal need for EMT's in the City of Cape May.

Councilmember Pessagno and Mayor Mahaney agree with Ms. DeSatnick and report that Council is presently doing a study regarding the matter.

John Van de Vaarst congratulates Councilmember Wichterman and welcomes him back on Council. Mr. Van de Vaarst asks of the City's position regarding Low Speed Vehicles. Mr. Van de Vaarst talks about the merger between Environmental Commission, the Shade Tree Commission and the Green Team.

Mayor Mahaney explains that he introduced the Low Speed Vehicle matter to Council last year and to the new Council this year and there was no interest in pursuing LSV in the City of Cape May. The Mayor advises that the City is moving forward on meeting with the Environmental Commission, the Shade Tree Commission and the Green Team on merging.

Councilmember Wichterman is in favor of LSV in the City of Cape May.

Helen McDevitt-Smith, 1100 New Jersey Avenue, Cape May is concerned about the limited staff in the Fire and Police Departments and she talks about the legal expenses impacting the taxpayers.

PUBLIC PORTION: Those wishing to publicly comment shall come forward, give their name and address and speak into the microphone. Each speaker will be limited to five (5) minutes.

Jerry Gaffney, 810 Columbia Avenue, Cape May, is a volunteer CCA member and asks what the status is for the Franklin Street School.

Mayor Mahaney advises that he met with CCA and explains that Stockton is still interested in leasing the building. The CCA will still be involved even if Stockton decides to lease the building.

Charles Hendricks, 106 Trenton Avenue, Cape May is concerned about the manpower issue in the Fire Department. Mr. Hendricks asks why the Deanna Martin Concert was canceled and will the City have to pay a fee for the cancellation.

Mr. Monzo replies that to his knowledge the cancellation was between the City Manager and Deanna Martin's Producer. The City will honor the performance fee cost.

John Fleming, 1484 Washington Street, Cape May talks about the service agreement the City has with the USCG Fire Department and the lack of volunteers. Mr. Fleming asks the City to advertise more and give more incentives to attract volunteer firemen.

Lydia Inderwies, 911 Philadelphia Avenue, Cape May is concerned about response time by the Cape May City Fire Department and her family's health.

Dennis DeSatnick, 1307 Trenton Avenue, Cape May asks City Attorney Tony Monzo, the legal term of an Engineering contract with the City of Cape May. Mr. DeSatnick thanks the City for the approval of his deck permit.

Mr. Monzo advises that the State Statute provides that a City Engineer may be appointed for a three year term and that the City ordinance provides for a one year term.

Mr. DeSatnick talks about the Fire Departments study and feels short term Firemen/Volunteers should be hired. Also, Mr. DeSatnick talks about the missing crosswalks sign in front of Wawa.

Jerry Inderwies, 159 Indiana Avenue, Cape May asks the Mayor to Read Resolution 93-04-2015 in full. Mr. Inderwies asks if the 2014 Philly Pop's Concert was sold out and if complimentary tickets were given to employees.

Mayor Mahaney replies that the Philly Pop's Concert was not sold out. Mayor Mahaney and Deputy Mayor Swain bought personal tickets and made them available to Veterans and people around town.

Mr. Inderwies asks how the City will cover the cost of the Concert if the Concert tickets do not sell out.

Mayor Mahaney explains that the Tourism Utility budget takes the load off the taxpayers. The Mayor advises that the Philly POPS CEO and the Mayor are contributing a significant amount toward the Concert. Further, the Mayor advises that he, Ms. Swain, Ms. Pessagno, and Mr. Monzo also raise funds through a sponsorship program.

Bob Boyd, Former Police Chief, 1009 Washington Street, Cape May speaks of the failure of Council to appoint Rob Sheehan as Police Chief.

Jim Brody, 922 Benton Avenue, Cape May asks for an update on the school funding Formula and the new Councilmembers' opinion on this issue.

Mr. Monzo advises that the City is waiting for a legal decision from the State of New Jersey before moving forward.

Councilmember Wichterman advises he has worked on the School funding formula for the past three years and is still in favor of moving forward. Mr. Wichterman advises that all legal requirements have been met and the City is waiting for a Court date.

Deputy Mayor Swain comments that she is keeping an open mind and awaiting information regarding the Court's upcoming decision.

Councilmember Pessagno states that Council had a very good meeting with the Attorneys who recommended that we wait to see what happens next.

Councilmember Meier feels that families cannot afford to live in Cape May and is not in favor of changing the school funding formula.

Jim Brody, 922 Benton Avenue, Cape May thanks Council for their personal opinions on the school funding matter.

Mayor Mahaney comments that Council was advised to wait until similar cases were completed.

Councilmember Wichterman comments that when Jerry Gaffney was on Council, he and Mr. Gaffney went to the Cape May Regional Board of Education asking them to pass a resolution changing the school funding formula, which never happened.

Terry Shields, 11 Gurney Street, Cape May talks about removing the temporary restroom at the foot of Gurney Street on Beach Avenue. Mr. Shields complains that the restroom blocks his view of the Ocean.

Mayor Mahaney replies that the City is moving forward with the new restroom facility.

Mr. Shields feels that if the City leases the Rickers Building, the City can bring in revenue to help cover the cost to hire more Firemen. Mr. Shields is a volunteer fireman in the City of Cape May and is concerned about public safety. Also, Mr. Shields feels that his part of town is economically deprived and would like Council to look into making the area more attractive. Finally, Mr. Shields asks about Frank's Theater and wants to know if any plans are in place for that building.

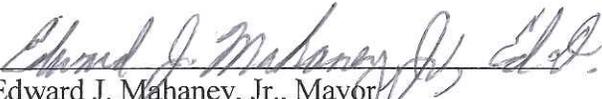
Patricia Hendricks, 106 Trenton Avenue, Cape May questions the cost for the cancellation of the Deanna Martin Concert. Ms. Hendricks would like Council to work as a team with public issues.

CLOSED SESSION

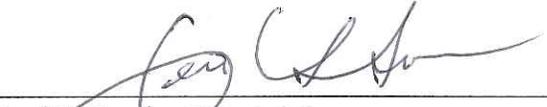
Motion made by Deputy Mayor Swain, seconded by Councilmember Pessagno, to go into Closed Session at 3:25 P.M.

ADJOURNMENT

Motion made by Councilmember Meier seconded by Deputy Mayor Swain to adjourn. The meeting adjourned at 5:55 P.M.



Edward J. Mahaney, Jr., Mayor



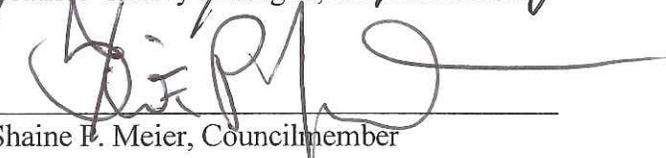
Terri L. Swain, Deputy Mayor



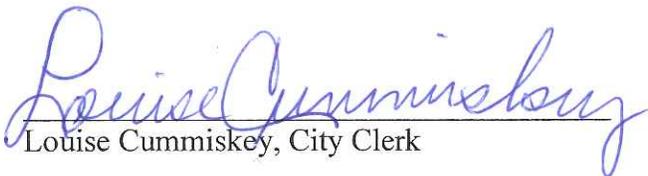
Jack Wichterman, Councilmember



Beatrice Gaurvy-Pessagno, Councilmember



Shaine P. Meier, Councilmember



Louise Cummiskey, City Clerk