

**WORKSESSION/REGULAR MEETING
OF CITY COUNCIL OF THE CITY OF CAPE MAY, NJ
Tuesday, August 4, 2015, 1:00 P.M.**

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

Also Present: City Attorney Anthony P. Monzo
City Manager Bruce A. MacLeod
City Clerk Louise Cummiskey
Deputy Clerk Patricia Harbora

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.

COUNCIL COMMENTS

Mayor Mahaney asks for a moment of silence in remembrance of Carl Schupp, former Mayor of Cape May Point.

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

194-08-2015 – Payment of Bills **AMENDED**
194-08-2015 – Payment of Bills “B” **ADDED**

PROCLAMATION

Proclamation - USCG 225th Anniversary

Mayor Mahaney announces that the USCG in celebration of their 225th Anniversary, a Sunset Parade will be held tonight at the Cape May Coast Guard Base at 7:41 P.M.

ENGINEER REPORT

Thomas R. Thornton of Hatch, Mott, McDonald, presents his engineer’s report as follows:

Welcome Center Lighting and Parking – Mr. Thornton advises that the lighting evaluation report has been completed and the parking concept plan has been submitted to Mr. Gerry Fahey, New Jersey Transit. The engineer will have feedback within two months from New Jersey Transit and at that time, will be able discuss the parking plan. Mr. Thornton will coordinate with Johnson Controls to obtain the most cost-effective and

timely approach for this project. Mr. Thornton provided three price quote options, including engineer fees, to City Council.

Councilmember Meier suggests adding an Entrance area from Lafayette Street.

The City Manager asks if angle parking is an option and Mr. Thornton will look into angle parking.

Mayor and Council discuss parking and lighting options for the Welcome Center with Mr. Thornton.

Green Acres Surveys (811 and 817 St. John's Place) – Mr. Thornton reports that the survey of 817 St. Johns Place has been completed. Mr. Thornton will proceed with the survey of 811 St. Johns Place upon the signing of an agreement of sale and direction from Council.

Preliminary Assessment (801 Lafayette Street, 811 & 817 St. Johns Place) – Mr. Thornton reports that research has been performed for historical activities at the properties and an environmental database radius report has been ordered. Site inspections will be conducted and soil samples will be collected. The completion of the preliminary assessment for 817 St. Johns Place and the Lafayette Street properties is scheduled for August 20, 2015. The 811 St. Johns Place property assessment will be completed subject to an agreement of sale.

City Hall Water Infiltration – Mr. Thornton reports that a thorough survey of the City Hall building has been completed and a draft report including observations, analysis and recommendations was submitted on July 29, 2015.

FY2015 Road and Utility Improvements (Cape May Avenue South from Reading Avenue to Pittsburgh Avenue; Missouri Avenue from Trenton Avenue to Pittsburgh Avenue; and Hughes Street from Franklin Street to Ocean Street.) The three road utility projects are scheduled to be advertised for bids in September 2015 with a projected completion date of May, 2016.

Capehart Lane Access Easement – This project is under review at this time. Mr. Thornton spoke with residents about their concerns. Mr. Thornton would like to meet with the City Manager to discuss his findings.

Water System SCADA Upgrades – Mr. Thornton reports that he has met with the City Manager and Water Superintendent regarding plans and specifications for needed upgrades.

Third Party Verification of Energy Savings Plan – Mr. Thornton reports that the City has requested a proposal for a third party verification for an energy savings plan which Johnson Controls will be performing.

ROTARY PARK UPDATE

Curtis Bashaw gives Council an update on the project to Restore Rotary Park. Mr. Bashaw announces that a themed fund raiser entitled *A Mid Summer Night's Dream* will be held on Friday, August 7, 2015 at 9:45 P.M. One hundred fifty tickets have been sold, and Mr. Bashaw is hoping to get donations for a few additional park benches.

Councilmember Wichterman asks Mr. Bashaw if he has spoken to Jay Schatz regarding the trees in the park and Mr. Bashaw responds in the affirmative.

Kathleen Wyatt, 292 Windsor Avenue, Cape May asks if the City of Cape May is coordinating the lighting project with the Historical Presentation Commission and the Mayor responds in the affirmative.

CITY MANAGER ITEMS

Bruce MacLeod – Report on Attorney's Fees

Mr. MacLeod reports on Legal Fees incurred by the City of Cape May for the year 2014 through July 31, 2015.

Jerry Gaffney, 810 Columbia Avenue, Cape May questions the City Manager on the total spent on Legal fees and the balance remaining in the current fund and Mr. MacLeod responds.

Mr. Gaffney asks Mr. Monzo about the amount of money paid to Capehart Scatchard and Mr. Monzo advises that a large portion of that money was used for forensic engineers for a Certificate of Merit. Mr. Monzo advises that the City's lawsuit is asking to recover all costs and fees associated with the litigation.

Mr. Gaffney asks if all attorneys get retainer fees and if the amount budgeted for attorney's fees in this year's budget will be enough to get us through 2015. Mr. MacLeod advises that he feels that the budgeted amount will be sufficient.

Bob Boyd, 1009 Washington Street, Cape May comments on the legal fees to be paid for employees involved in the pending law suit.

REGULAR MEETING BUSINESS:

Patricia Hendricks, 106 Trenton Avenue, Cape May requests that all the Resolutions be read in full for this meeting since they were posted late on the City website.

Mr. Monzo explains the terms and conditions of the Settlement Agreement between the City of Cape May and the Borough of West Cape May.

RESOLUTIONS:

189-08-2015– Resolution Accepting Settlement Agreement By and Between the City of Cape May and the Borough of West Cape May

- 190-08-2015– Resolution Providing for the Insertion of a Special Item of Revenue in the Budget Pursuant to Chapter 159 PL 1948
- 191-08-2015– Resolution Fixing the Date of Delinquency for Taxes due for the Third Quarter 2015
- 192-08-2015– Resolution of the City of Cape May Approving the Corrective Action Plan for the year 2014
- 193-08-2015- 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 – Fire Department
- OFFICIAL ACTION MAY OR MAY NOT BE TAKEN**
- 194-08-2015– Payment of Bills **AMENDED BY ADDING PAYMENT OF BILLS “B”**

Mr. MacLeod explains Resolution 191-08-2015 advising that the grace period to pay real estate taxes for the third quarter is August 31, 2015.

PUBLIC PORTION ON RESOLUTIONS

Jerry Gaffney, 810 Columbia Avenue, Cape May asks for clarification of the amount being paid by West Cape May as a result of the settlement agreement. Mr. MacLeod goes over the terms and conditions.

Patricia Hendricks, 106 Trenton Avenue, Cape May asks about the Closed Session Resolution and specifically about the pending litigation category. Mr. Monzo clarifies that the City Clerk has been receiving threatening emails and therefore, there will be discussion in closed session regarding that topic. Ms. Hendricks asks if a Rice Notice was given to the employee who will be discussed in closed session and Mr. MacLeod advises no.

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

194-08-2015 – Payment of Bills “B” **ADDED**

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

REPORTS RECEIVED BY THE CLERK:

City of Cape May Occupancy Tax Budget Projection dated July 20, 2015
City of Cape May Overtime Report for June, 2015

Motion: Wichterman
Second: Meier
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 Meier announces "National Night Out" tonight at the Elementary School from 6:00 P.M. to 9:00 P.M.

Councilmember Pessagno announces that flyers will be on the table tonight for "A Mid Summer Night's Dream Party" if anyone is interested.

Deputy Mayor Swain comments that she and her husband attended the "Herman's Hermits" Concert at Convention Hall and the Concert was excellent with a well attended crowd.

Councilmember Wichterman asks about the date for the Chuck Lear hearing.

Mr. Monzo advises that telephone conference has been scheduled for August 5, 2015 at 5:00 P.M. and we should have a date thereafter.

Councilmember Wichterman talks about the school funding formula legal fees in the budget. Also, Mr. Wichterman announces that a Council seat will be available for the next General Election and paperwork can be picked up in the City Clerk's Office.

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.

Carol Boyd, 1009 Washington Street, Cape May, would like the City's official newspaper to be changed back to the Star and Wave.

Julius Rauch, 1010 New York Avenue, Cape May comments on the recent celebration of our Veterans at Convention Hall over the past weekend. Mr. Rauch thanks the City Clerk

for her courteous responses to his OPRA requests but is concerned about the rising number of requests and how the City is impacted financially as a result of those requests.

Mr. Monzo reports that in past years, the requests for OPRA have been minimal. Recently, the requests seem to be an orchestrated attempt to harass the City Clerk. Mr. Monzo reports that the legal fees by line item for OPRA for this year are \$2,100.00.

Mayor Mahaney talks about the OPRA Laws in the State of New Jersey.

Kate Wyatt, 292 Windsor Avenue, Cape May comments that the structure and framework for Municipalities is found in the "Best Practice Policy and Procedure." Ms. Wyatt feels that if the City followed the policy, OPRA requests would be minimal. Ms. Wyatt comments on the requirement to file a Financial Disclosure Statement and whether those statements were on the City website. Ms. Cummiskey advises that the State now requires everyone to file a Financial Disclosure Statement electronically and every FDS is listed on the State website. Ms. Wyatt asks if the city website has a link to the State website and Ms. Cummiskey advises that if not, she will see that a link is supplied.

Patricia Hendricks, 106 Trenton Avenue, Cape May suggests that the City hire an employee to handle OPRA requests. Ms. Hendricks thanks City Manager for the breakdown on legal fees but would like a total for the year 2015. Ms. Hendricks asks how many law suits are currently filed against the City of Cape May. Mr. Monzo responds. Ms. Hendricks asks again as to current legal costs and Mr. MacLeod responds.

Councilmember Meier advises that all city invoices and bills are presented to Council in advance of every Council meeting.

Laura DeCamillo, 1350B Virginia Avenue, Cape May would like to see Captain Sheehan reinstated to Chief of Police.

CLOSED SESSION – Personnel - Fire Department; Possible Litigation

Motion made by Mayor Mahaney, seconded by Councilmember Wichterman to go into Closed Session at approximately 3:20 P.M.

Open Session at 4:40 P.M.

Mayor Mahaney speaks about Fire Chief Coulter's past year of service as Chief, citing his great leadership, dedication, intelligence, training and expertise in leading the Cape May Fire Department.

There is a Motion made by Mayor Mahaney, seconded by Councilmember Meier authorizing Alex Coulter to continue in his current status as provisional Fire Chief, subject to his passing the Civil Service examination which will be offered some time in November, 2015.

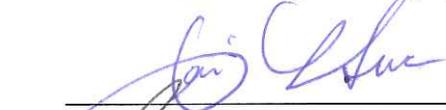
Motion: Mahaney
Second: Meier
Roll Call:
Meier Yes
Pessagno Yes
Swain Yes
Wichterman Yes
Mahaney Yes

ADJOURNMENT

Motion made by Councilmember Pessagno seconded by Councilmember Meier to adjourn. The meeting adjourned at 4:45 P.M.



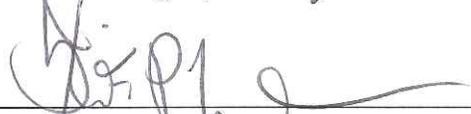
Edward J. Mahaney, Jr., Mayor



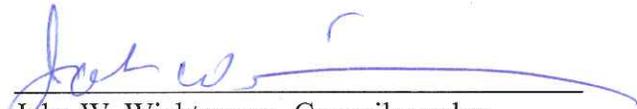
Terri L. Swain, Deputy Mayor



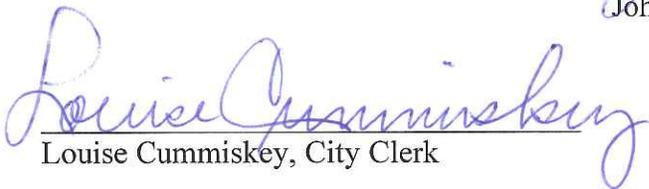
Beatrice Pessagno, Councilmember



Shaine P. Meier, Councilmember



John W. Wichterman, Councilmember



Louise Cummiskey, City Clerk