

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

Present: Councilmember Roger M. Furlin
Mayor Edward J. Mahaney, Jr.
Councilmember Shaine P. Meier
Councilmember Beatrice Pessagno
Deputy Mayor Terri L. Swain

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.

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

ENGINEER REPORT

Thomas R. Thornton, PE, CME, of Hatch, Mott, McDonald, presents his report as follows:

Welcome Center Lighting and Parking – Mr. Thornton reports on a conference call regarding the approval of additional parking in the railroad bed with Mr. Fahey and his representatives from New Jersey Transit. Mr. Fahey reported that the existing lease does not preclude the City from using the railroad bed adjacent to the Welcome Center parking area. Mr. Thornton will keep Seashore Lines informed as to the plans and specifications for this project and Hatch Mott MacDonald will proceed with the cost estimate to City Council.

City Hall Water Infiltration – The Engineer will have a final report by the end of this month.

FY 2015 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 bids for all three road utility projects were received on Friday, November 6, 2015 and the bid report was submitted on Wednesday, November 11, 2015. The bid awards are on the Agenda for today's meeting.

Councilmember Furlin asks about the Hughes Street upgrade and the houses that will be affected by jack hammering the concrete.

Mr. Thornton advises that the property owners are aware of the excavation work of the project.

Mr. MacLeod advises that the Cape May Avenue project is fully covered by a state road aid grant.

Capehart Lane Access Easement – Mr. Thornton reports that the site was visited and he is preparing a proposal for City Council prior to the December 15, 2015 Council Meeting.

Water System Supervisory Control and Data Acquisition (SCADA) Upgrades – Mr. Thornton received bids on Friday, November 20, 2015 and submitted the engineer report to Council on Tuesday, November 24, 2015. Hatch Mott and MacDonald recommended an award to the low bidder, Marino Industrial System and Services.

Third Party Verification of Energy Savings Plan – Mr. Thornton reports that the meeting for the baseline workshop with Johnson Controls was held on October 23, 2015 and advises that the project is moving forward as planned. The next meeting with City Officials and Johnson Controls is scheduled for Thursday, December 10, 2015.

Beach and Surf Zone Grading Feasibility Study – Mr. Thornton reports that he has been in contact with the Army Corps of Engineer regarding the documentation and the grain size analysis from Stockton University. Mr. Thornton will prepare a report and present the report to Council by the next Council meeting.

Councilmember Meier asks exactly what will be included in the report and asks Mr. Thornton to include how the sand will be applied.

Mr. Thornton replies that the report will include the wave break shape, grain size and a recommendation for a pilot project to push the sand and modify the beach slope.

Mayor Mahaney advises that a pilot project is not the direction the City wants to go with and Council will need to further discuss the project.

Public Works Storage Tank (AST) leak – Mr. Thornton reports that when a runoff into the dirt occurs, calling the NJDEP hotline is required. The City received two quotes from contractors for the removal of the old tank, and the cleaning of the area and installation of the temporary tank. HMM will present a proposal to Council for the replacement of the existing tanks with one single tank to handle both diesel and gas fuel.

Mr. MacLeod comments that NJDEP has been in contact with the City of Cape May on the report.

CITY MANAGER ITEMS

Mr. MacLeod provides a detailed report on Legal expenses paid by the City of Cape May for the month of November 2015. Mr. MacLeod also reports that the Occupancy Tax received through November, 2015, as compared to the same time period in 2014, shows an increase of \$78,798.00.

Finally, Mr. MacLeod asks Council to consider a Resolution to authorize the City to go out to bid for Cell phone Antenna Leases at the next City Council Meeting.

CLERK'S ANNOUNCEMENTS

Ms. Patricia Harbora provides a report on the Blood Drive held on Friday, November 23, 2015.

REGULAR MEETING BUSINESS:

ORDINANCE FOR INTRODUCTION:

299-2015 AN ORDINANCE APPROVING AGREEMENT OF SALE BY AND BETWEEN CITY OF CAPE MAY AND BRENDA E. ROBINSON, TRUSTEE OF BRENDA E. ROBINSON LIVING TRUST, AUTHORIZING THE ACQUISITION OF REAL PROPERTY KNOWN AS BLOCK 1061, LOT 47, ON THE TAX MAP OF THE CITY OF CAPE MAY

City Manager, Bruce MacLeod, explains the purpose of Ordinance 299-2015 regarding the property purchased by the City of Cape May at 811 St. Johns Street in the amount of \$441,000.00. Mr. Macleod also advises that the City of Cape May has been awarded funding through NJDEP Green Acres and Blue Acres programs for up to 50% of the acquisition cost.

Councilmember Furlin confirms that the funding from Green Acres and Blue Acres is 50% of the appraised value.

Mr. Monzo advises that the 50% funding includes the incidental costs associated with the acquisition, survey costs, appraisal costs, title insurance, etc.

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

RESOLUTIONS:

249-12-2015 Resolution Authorizing Refund of Overpaid 2015 Utilities
250-12-2015 Resolution Authorizing Refund of Overpaid 2015 Utilities
251-12-2015 Resolution to Award Bid for Reconstruction of Cape May Avenue – Contract M-2
252-12-2015 Resolution to Award Bid for Reconstruction of Missouri Avenue – Contract M-1
253-12-2015 Resolution to Award Bid for Water and Sewer Replacement Project - Hughes Street and Stockton Place – Contract M-3

- 254-12-2015 Resolution in Support of Senate Bill 2775 and Assembly Bill 4215 Calling for an Increase in Shore Protection Funding from \$25 Million to \$50 Million from the Collection of Realty Transfer Fees
- 255-12-2015 Resolution Authorizing Professional Services Contract with Employee Care for an Employee Assistance Program - \$2,876.00
- 256-12-2015 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
- 257-12-2015 Resolution of the City of Cape May Approving Agreement with the Borough of Cape May Point for Law Enforcement and Dispatching Services
- 258-12-2015 Resolution of the City of Cape May Approving Agreement with the Borough of West Cape May for Law Enforcement and Dispatching Services
- 259-12-2015 Resolution to Award Bid for SCADA System Upgrades at Cape May City Water Treatment Plant – Contract M-4
- 260-12-2015 Payment of Bills “A” **REMOVED FROM CONSENT**
- 260-12-2015 Payment of Bills “B” **REMOVED FROM CONCENT**

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

260-12-2015 – Payment of Bills “A”

Motion: Mahaney
 Second: Meier
 Roll Call:
 Furlin Abstain
 Meier Yes
 Pessagno Yes
 Swain Yes
 Mahaney Yes

260-12-2015 – Payment of Bills “B”

Motion: Mahaney
 Second: Meier
 Roll Call:
 Furlin Yes
 Meier Yes

Pessagno Yes
Swain Abstain
Mahaney Yes

REPORTS RECEIVED BY THE CLERK:

City of Cape May Occupancy Tax Budget Projection Report dated September, 2015

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

NEW BUSINESS:

- A) City Attorney
- B) City Manager – Mr. MacLeod, announces that seasonal beach tags are now on sale in the Tax Office. The pre-season cost for seasonal tags is \$20.00 from December 1, 2015 to March 31, 2016. Tags may be purchased by mail with an addition \$3.00 handling fee.
- C) City Clerk
- D) Councilmembers – Councilmember Meier talks about the payment of bills “A” and “B” on the Consent Agenda.

Mayor Mahaney announces that the Cape May City Christmas tree lighting ceremony will be held at Rotary Park with the “Cape Harmonaires” beginning the festivities on Friday, December 4, 2015 at 7:00 P.M. The West Cape May Christmas Parade will take place on Saturday, December 5, 2015 beginning at 5:00 P.M. Hospitality night will be held on the Washington Street Mall on December 10 and 11, 2015. The Cumberland County College Jazz Band and Wind Symphony Concert will be held at Convention Hall on Saturday, December 12, 2015 at 7:00 P.M. The City of Cape May Holiday Reception and free Concert will be held at Convention Hall on Saturday, December 19, 2015 at 7:00 P.M.

Mayor Mahaney announces that the City of Cape May has a semi-annual (fall and spring) newsletter, which was distributed to all property owners with updated information. Also, the beach slope study report will be discussed at the next Council meeting on Tuesday, December 15, 2015.

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.

Ruth Leo, 237 Capehart Lane, Cape May thanks City Council and the City Engineer for the proposed repairs and extension of Capehart Lane. Also, Ms. Leo thanks Council for continuing to

preserve the open space and the history of the City. Finally, Ms. Leo comments on all the enjoyable concerts and activities at the new Convention Hall.

Jerry Gaffney, 810 Columbia Avenue, Cape May talks about Ordinance 299-2015 for the purchase of 811 St. Johns Street and the purchase price. Mr. Gaffney asks how the purchase of the property is being funded.

Mr. MacLeod explains that the funding is based on two independent appraisals which are required by the state. Mr. MacLeod advises that 50% of \$370,000.00 is covered through the green and blue acres program and the other 50% is from the City's open space program.

Mr. Gaffney asks about the Sheehan litigation with the City of Cape May and would like it resolved as soon as possible.

Mr. Monzo advises that there is no change in the status of that litigation and that the exchange of discovery still needs to be undertaken. There has been no settlement discussion and no management conference at this time.

Patricia Hendricks, 106 Trenton Avenue, Cape May thanks the City Manager for the detailed legal expense report. Ms. Hendricks talks about having the boards and commission meetings on live stream. Ms. Hendricks asks if the City received the ruling from the Government Records Council on the Lear Complaint.

Mr. Monzo advises that a mistake was made in the ruling and he spoke to the State Executive Director of Government Records so that the order can be modified.

Ms. Hendricks has a discussion with Council regarding closed sessions.

CLOSED SESSION

Motion made by Councilmember Pessagno, seconded by Councilmember Meier to go into Closed Session at 2:20 P.M.

ADJOURNMENT

Motion made by Councilmember Pessagno seconded by Councilmember Meier to adjourn. The meeting adjourned at 2:51 P.M.



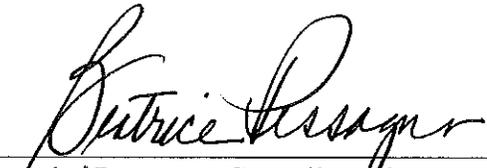
Edward J. Mahaney, Jr., Mayor



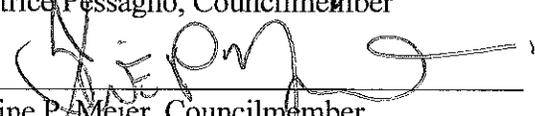
Terri L. Swain, Deputy Mayor



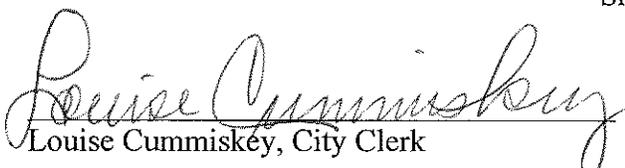
Roger M. Durlin, Councilmember



Beatrice Pessagno, Councilmember



Shaine P. Meier, Councilmember



Louise Cummiskey, City Clerk