

**REGULAR MEETING  
OF CITY COUNCIL OF THE CITY OF CAPE MAY, NJ  
Tuesday, December 15, 2015, 7:00 P.M.**

Present: Councilmember Roger M. Furlin  
Mayor Dr. Edward J. Mahaney, Jr.  
Councilmember Beatrice Gauvry Pessagno  
Deputy Mayor Terri L. Swain

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

Absent: Councilmember Shaine P. Meier

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.**

Mayor Mahaney announces that the City of Cape May was awarded a competitive Small Cities Grant (CDBG) in the amount of \$400,000.00. The money will be used to reconstruct the 400 block of Lyle Lane and the project will go out for bid advertisement on December 26, 2015. Mayor Mahaney announces that the “2016 Summer Concert Series” tickets go on sale Wednesday, December 16, 2015 at Convention Hall or by ordering them on the Cape May City Website. The Mayor mentions that this year’s Memorial Day Holiday Concert will be held on Saturday, May 28, 2016, featuring Country Grammy Award winner, Tonya Tucker. Mayor Mahaney talks about Cape May City Ordinance 295-2015, amending Chapter 199 of the Cape May City Code regarding Construction Permit Fees which became effective today. The Mayor asks Council to agree to defer the enforcement of the Ordinance until April 1, 2016 because of some confusion about some of the terms and conditions of the new Ordinance and also asks Mr. MacLeod to reach out to the local Contractors and Realtors to schedule meetings to help educate all on the new City policy.

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

**PRESENTATION:**

Beach Slope Study – Cape May City Engineer, Hatch Mott MacDonald

Mayor Mahaney introduces Mr. Thomas Thornton, Mr. Douglas Gaffney and Katlin Wallings, Hatch Mott, MacDonald Engineers.

Mr. Gaffney begins the presentation by providing a history of the facts surrounding the “Cape May City Evaluation of the Surf Zone Conditions”.

Mr. Gaffney sets forth the purpose of the feasibility study, showing a slide show presentation. The presentation will explain the existing conditions and then explain how modifications to the beach slopes would be made by reducing the prevalence of plunging waves on the beaches in the City of Cape May. If this project is undertaken, Mr. Gaffney recommends beginning the project in the spring and then explains how the project would be undertaken.

A review of the Evaluation of Surf Zone conditions presentation can be found on the Cape May City Website [www.capemaycity.com](http://www.capemaycity.com)

Tom Thornton gives an estimated cost for implementing the project including construction costs, engineering costs and monitoring costs.

- a) Base project (Queen Street to Grant Street) \$850,000.00.
- b) Expanded project (375' West of Grant Street and East of Queen Street) \$1,060,000.00.

### **PUBLIC PORTION ON THE BEACH SLOPE STUDY**

Shaun Deignan, 1028 Illinois Avenue, Cape May comments that the engineer focused on the two foot wave but believes the wave height will have different wave breaks on Cape May beaches as opposed to the Delaware beach study. Mr. Deignan asks how the crashing wave size changes within the study.

Mr. Gaffney explains that the different wave heights will create different wave breaks in the spilling region which will then create a plunging wave region. The study shows that beyond two foot waves, no spinal injuries occurred.

Dennis DeSatnick, 1307 Trenton Avenue, Cape May thanks the City Engineers for their presentation on the beach slopes and feels more research needs to be completed on the beach slope study. Mr. DeSatnick asks if the City contacted the Army Corps of Engineers regarding other area beach slope projects and whether they are having the same problems as the City of Cape May. Mr. DeSatnick provides pictures to Council on the beach slopes at low tide on Grant Street. Mr. DeSatnick is concerned about safety with beach injuries in the City of Cape May.

Mr. Gaffney reports that the Army Corps of Engineer attended the meeting in Delaware with the Cape May City Engineers.

Herb Pharo, 108 Trenton Avenue, Cape May asks Council if the City has a plan for the work proposed to be completed on the beaches in Cape May. Mr. Pharo asks if anyone has viewed drawings and plans from the 1900s, before the inlet was created. Mr. Pharo asks if an extension of the Jetty would solve the problem.

Mayor Mahaney recommends that Council review all the documentation offered tonight, so that a discussion on this topic can take place at the next Council Meeting on January 5, 2016.

### **REGULAR MEETING BUSINESS:**

**ORDINANCES FOR SECOND READING AND ADOPTION**

298-2015 BOND ORDINANCE PROVIDING FOR VARIOUS IMPROVEMENTS TO THE WATER AND SEWER UTILITY IN AND BY THE CITY OF CAPE MAY, IN THE COUNTY OF CAPE MAY, NEW JERSEY, APPROPRIATING \$500,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$500,000 BONDS OR NOTES OF THE CITY TO FINANCE THE COST THEREOF.

City Manager, Bruce MacLeod, explains Ordinance 298-2015 in detail.

**OPEN PUBLIC HEARING**

Motion: Pessagno  
Second: Swain

**CLOSE PUBLIC HEARING**

Motion: Pessagno  
Second: Swain

Motion: Swain  
Second: Pessagno

Roll Call:

Furlin Yes  
Meier Absent  
Pessagno Yes  
Swain Yes  
Mahaney Yes

**RESOLUTIONS:**

261-12-2015 –Resolution Adopting the Washington Street Mall Management Co., Inc. Business Improvement District 2016 Annual Budget

Laura DeCamillo, 1315B Virginia Avenue, Cape May asks about this year’s holiday decorations on the Washington Street Mall.

Mayor Mahaney advises that the WSMMC has a décor committee and asks Ms. DeMayo to talk about the seasonal decorations on the mall this year.

Dawn DeMayo, WSMMC President, explains that this year the committee decided to put uplighting in the flower beds. The committee then realized that it wasn’t enough light so the committee appropriated the funds to add more lighting for the Holidays.

Mayor Mahaney asks that Council approve the WSMMC Budget tonight, but cautions about the miscellaneous category in next year’s budget and suggests that the WSMMC allocate monies in a specific category in next year’s budget.

Councilmember Pessagno advises that she attended the WSMMC meeting last night and the miscellaneous category was discussed so that next year there will be specific line item categories in the budget.

Deputy Mayor Swain and Councilmember Furlin agree with Mayor Mahaney

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

- 262-12-2015 Resolution Authorizing Refund of Overpaid 2016 Taxes
- 263-12-2015 Resolution Authorizing the Application for and the Execution of a Subcontract with the County of Cape May for the Municipal Alliance Program
- 264-12-2015 Resolution Providing for the Insertion of a Special Item of Revenue in the Budget Pursuant to Chapter 159 PL 1948
- 265-12-2015 Resolution – Amusement Games License – Peter Tiburzio, Jr. – 732-736 Beach Avenue
- 266-12-2015 Resolution – Amusement Games License – Peter Tiburzio, Jr. – 406 Beach Avenue
- 267-12-2015 Resolution Fixing Rate of Interest on Delinquent Taxes and Assessments and Fixing a Six (6%) Percent Penalty on Delinquent Taxes and Municipal Charges – 2016
- 268-12-2015 Resolution Authorizing Refund of Overpaid 2015 Utilities
- 269-12-2015 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-Boards and Commissions and Professionals
- 270-12-2015 Resolution Approving Donation of Personal Property to West Cape May Volunteer Fire Company
- 271-12-2015 Resolution Approving Professional Services Agreement between Hatch Mott MacDonald and the City of Cape May for Preparation of an Application for an Emergency NJDEP Permit – Queen Street Outfall Repair
- 272-12-2015 Resolution Approving Cancellation of Outstanding Checks – Clearing Account
- 273-12-2015 Resolution Approving Cancellation of Outstanding Checks – Payroll Account
- 274-12-2015 Resolution Authorizing Bidding for the Installation of Cellular Communication Antennas and Other Related Equipment on the Canning House Lane Water Tower
- 275-12-2015 Resolution Authorizing Transfers of Appropriations – 2015 Budget
- 276-12-2015 Resolution Requesting Approval of the Director of the Division of Local Government Services to Establish a Dedicated Trust by Rider for the Receipt and Disbursement of Street Opening Escrow Fees Required by N.J.S.A. 40:55D-53.1
- 277-12-2015 Resolution Requesting Approval of the Director of the Division of Local Government Services to Establish a Dedicated Trust by Rider for the Receipt and Disbursement of Small Cities Revolving Loan Funds

- 278-12-2015 Payment of Bills "A"
- 278-12-2015 Payment of Bills "B" **REMOVED FROM CONSENT**
- 279-12-2015 Resolution Approving Professional Services Agreement between Hatch Mott MacDonald and the City of Cape May – Extension of Capehart Lane
- 280-12-2015 Resolution Authorizing Cancellation of Appropriated Reserves for Federal and State Grants
- 281-12-2015 Resolution Authorizing Cancellation of Grant Receivable Balances

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

278-12-2015 -- Payment of Bills "B"

Motion: Mahaney  
 Second: Pessagno

Roll Call:  
 Furlin Yes  
 Meier Absent  
 Pessagno Yes  
 Swain Abstain  
 Mahaney Yes

**MINUTES:**

City Council Worksession/Regular Meeting Minutes dated November 2, 2015

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

City Council Closed Session Meeting Minutes dated December 1, 2015

Motion: Mahaney  
 Second: Pessagno  
 Roll Call:  
 Furlin Yes

Meier Absent  
Pessagno Yes  
Swain Yes  
Mahaney Yes

**REPORTS RECEIVED BY THE CLERK:**

City of Cape May Tax Assessor's monthly report dated December 4, 2015  
City of Cape May Monthly Report of Tax Collections for the period September 30, 2015  
Cape May Fire Department Fire Service Incidents and EMS Incidents for November, 2015  
City of Cape May Environmental Commission Meeting Minutes dated November 24, 2015  
City of Cape May Tax Collector Report of Tax Lien Sale dated December 10, 2015  
City of Cape May Overtime Report dated November, 2015

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

**NEW BUSINESS:**

- A) City Attorney – Mr. Monzo wishes everyone a Merry Christmas and thanks Council for their dedication, hard work and perseverance this year.
- B) City Manager – Mr. MacLeod thanks everyone for their attendance and participation throughout the year. Mr. MacLeod wishes everyone a Happy Holiday Season and a Happy New Year.
- C) City Clerk – Ms. Cumiskey wishes everyone a Happy Holiday Season.
- D) Councilmembers – Ms. Pessagno wishes everyone a Merry Christmas and thanks everyone for all they have done for the City of Cape May.

Councilmember Furlin wishes everyone a Merry Christmas and looks forward to an exciting New Year with Council and the residents of the City of Cape May.

Deputy Mayor Swain agrees with Mr. Monzo, stating that it has been a hard year for everyone and wishes everyone Happy Holidays.

Mayor Mahaney thanks West Cape May for an outstanding 50<sup>th</sup> Annual Christmas Parade. Mayor Mahaney thanks the DPW for decorating the City's float for the Christmas Parade. Finally, Mayor Mahaney announces that the bids packages for the Lafayette Street Park Project will be available at the Clerk's Office on Friday, December 18, 2015 and the Rotary Park bids will be available after the Holidays.

**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.

Ms. Dawn DeMayo, WSMMC President and Lienna Geylani, Treasurer have a discussion with Council on the WSMMC budget for the year 2016.

Patricia Hendricks, 106 Trenton Avenue, Cape May informs Council that the live stream was not working tonight. Ms. Hendricks would like a technical person at the meetings to correct the live stream issues because the information is important to the public that cannot attend.

Bill Murray, 1012 Kearney Avenue, Cape May asks the City Solocitor about the Sheehan case and specifically if the case management conference has been scheduled, if discovery has started and if there have been any settlement discussions.

Mr. Monzo replies that that a case management conference has been requested but not scheduled, discovery has been started and there has been no settlement discussion.

Mr. Murray wishes everyone a Merry Christmas and Happy Hanukah!

Dennis DeSatnick, 1307 Trenton Avenue, Cape May asks Council to do their homework on the beach slope surf zone conditions. Mr. DeSatnick is concerned about beach safety.

Mayor Mahaney reports that there is legislation to place an additional 1% tax on the lodging industry and the Mayor is on record as opposing that legislation.

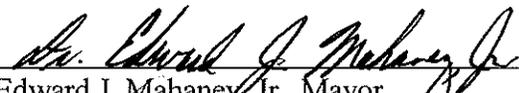
Mayor Mahaney wishes everyone a Merry Christmas and Happy New Year!

**CLOSED SESSION:**

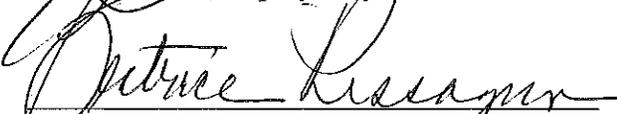
Motion: Pessagno  
Second: Swain

**ADJOURNMENT**

Motion made by Mayor Mahaney seconded by Councilmember Pessagno to adjourn. The meeting adjourned at 9:35 P.M.

  
Edward J. Mahaney, Jr., Mayor

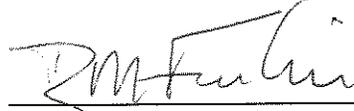
  
Terri L. Swain, Deputy Mayor

  
Beatrice G. Pessagno, Councilmember

ABSENT

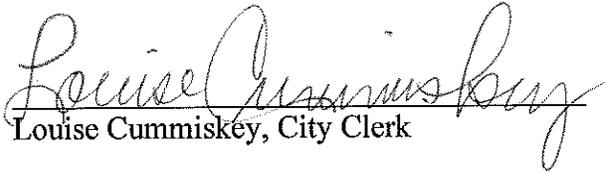
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Shaine P. Meier, Councilmember



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Roger M. Furlin, Councilmember



Louise Cumiskey, City Clerk