

**REGULAR MEETING
OF CITY COUNCIL OF THE CITY OF CAPE MAY, NJ
Tuesday, July 21, 2015, 7:00 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 asks for a moment of silence after the Pledge of Allegiance in memory of Nick Swain, Deputy Mayor Swain's brother.

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:

188-07-2015 - Resolution of the City of Cape May for Legal Defense of City Clerk, Louise Cummiskey **ADDED**

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

PROCLAMATION

National Night Out, August 4, 2015

REGULAR MEETING BUSINESS

RESOLUTIONS:

174-07-2015 – Resolution Certifying the 2014 City of Cape May Annual Audit

- 175-07-2015 – Resolution Approving Liquor License Renewals for the 2015-2016 License Year
- 176-07-2015 – Resolution Releasing Performance Guarantee for Henry’s Jewelers-Zuma Enterprise, Block 1043, Lot 3, 407 Washington Street, Cape May
- 177-07-2015 – Resolution Authorizing Utility Bill Adjustment Due to Catastrophic Occurrence
- 178-07-2015 – Resolution Supporting Bicycle and Pedestrian Safety Planning From the New Jersey Department of Transportation
- 179-07-2015 – Resolution of the City of Cape May Authorizing Change Order No. 1 for Contract No. 3 with Landberg Construction, LLC for the Philadelphia Avenue Storm Drain Replacement
- 180-07-2015 – Resolution Approving New Collective Bargaining Agreement with UAW Local 2327 Representing City of Cape May Lifeguards
- 181-07-2015 – Resolution Approving New Collective Bargaining Agreement with UAW Local 2327 Representing City of Cape May Lifeguard Lieutenants
- 182-07-2015 – Resolution Approving New Collective Bargaining Agreement with Local 59 Police Benevolent Association Representing City of Cape May Police Officers
- 183-07-2015 – Resolution Approving Professional Services Agreement Between Remington Vernick & Walberg Engineers and the City of Cape May for Reconstruction of E. Lyle Lane (Jackson Street to Decatur Street) and Renovations to Rotary Park
- 184-07-2015 – Payment of Bills “A”
- 184-07-2015 – Payment of Bills “B” **REMOVED FROM CONSENT AGENDA**
- 185-07-2015 – Resolution of the City of Cape May for Legal Defense of City Manager Bruce MacLeod
- 186-07-2015 – Resolution Approving Professional Services Agreement between Remington Vernick & Walberg Engineers and the City of Cape May for New City Well
- 188-07-2015 - Resolution of the City of Cape May for Legal Defense of City Clerk, Louise Cummiskey **ADDED TO CONSENT AGENDA**

Jerry Gaffney, 810 Columbia Avenue, Cape May questions Council on Resolution 185-07-2015 regarding Legal Defense of City Manager Bruce MacLeod, and whether the City will pay a retainer fee. Mr. Gaffney asks why the City Solicitor cannot represent Mr. MacLeod.

Anthony Monzo, City Solicitor, advises that Council cannot comment on an open investigation. Mr. Monzo states that there is no retainer fee and the hourly fee is \$150.00. Mr. Monzo advises that he cannot represent City employees due to a conflict of interest. Mr. Monzo explains the Resolution adopted prior to this meeting on this matter.

Patricia Hendrick, 106 Trenton Avenue, Cape May talks about the ongoing investigation with the City of Cape May and comments on Resolution 185-07-2015 of the City of Cape May for the Legal Defense of City Manager Bruce MacLeod.

Bob Boyd, 1009 Washington Street, Cape May speaks against the adoption of Resolution 185-07-2015 and asks why the City Manager needs legal advice.

Charles Hendricks, 106 Trenton Avenue, Cape May talks about Cape May City legal fees and Captain Rob Sheehan’s demotion.

Linda Steenrod, 1011 Washington Street, Cape May asks the City Manager about the legal fees in the 2015 budget.

Mr. MacLeod explains the appropriations for legal fees in the 2015 City budget.

Mike Costello, 819 Beach Avenue, Cape May, talks about liability insurance for city employees and legal fees. Mr. Costello is against the adoption of Resolution 185-07-2015.

Philip Rogers, 1275 Lafayette Street, Cape May asks why the City Attorney is not providing legal advice to the City Manager.

Mr. Monzo again explains the reason he cannot give Mr. MacLeod legal advice.

Patricia Hendricks, 106 Trenton Avenue, Cape May questions Resolution 188-07-2015 of the City of Cape May for Legal Defense for the City Clerk, Louise Cummiskey.

Mr. Monzo advises that Ms. Cummiskey has been asked to provide information and has asked the City to provide her with legal representation.

Linda Steenrod, 1011 Washington Street, Cape May questions the previous projects with Remington and Vernick & Walberg Engineers.

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

184-07-2015 – Payment of Bills “B”

Motion: Mahaney
Second: Swain

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

MINUTES:

City Council Worksession/Regular Meeting Minutes dated June 1, 2015

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

REPORTS RECEIVED BY THE CLERK:

City of Cape May Assessor's Office Monthly Report dated July 6, 2015
City of Cape May CFO's Report of Sale of \$4,500,000 Bond Anticipation Notes

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

NEW BUSINESS:

- A) City Attorney
- B) City Manager – Mr. MacLeod explains Resolution 186-07-2015 Approving Professional Services Agreement between Remington Vernick & Walberg Engineers and the City of Cape May for a new City Well. Mr. McLeod announces that a Public Hearing is scheduled for August 19, 2015 at 7:00 P.M.
- C) City Clerk – Ms. Cummiskey announces that packets are available in the City Clerk's Office for the vacant Council seat.
- D) Councilmembers – Councilmember Meier explains to the public that current City investigations must be kept confidential.

Councilmember Pessagno agrees with Mr. Meier on confidentiality.

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.

Joe Carney, 411 Beach Avenue, Cape May reports that the Prosecutors Office has been in touch with him and obstruction of justice is a concern.

Patricia Hendricks, 106 Trenton Avenue, Cape May talks about previous Council meetings and the reinstatement of Captain Rob Sheehan.

Tom Keene, 813 Lafayette Street, Cape May, talks about the Prosecutors investigation report and asks Council to make a motion to reappoint Rob Sheehan as Chief of Police.

Councilmember Meier makes a motion, seconded by Councilmember Wichterman, to reinstate Rob Sheehan to Chief of Police for the City of Cape May.

Roll Call:

Meier	Yes
Pessagno	No
Swain	No
Wichterman	Yes
Mahaney	No

Jerry Inderwies, Jr., 1159 Indiana Avenue, Cape May, talks about Captain Sheehan's responsibilities and salary in the Police Department. Also, Mr. Inderwies talks about the vote at a previous Council Meeting to demote Mr. Sheehan. Mr. Inderwies asks if Rob Sheehan is in charge of the Police Department.

Mr. MacLeod replies that Captain Rob Sheehan is the highest ranking Officer in the Police Department and has a discussion with Mr. Inderwies on this matter.

Mike Costello, 819 Beach Drive, Cape May, is concerned about legal fees. Mr. Costello talks about Captain Sheehan and Lieutenant Lear and the investigation.

Jerry Inderwies, Sr., 911 Philadelphia Avenue, Cape May, feels that the City of Cape May residents are divided with the Council decisions and he is not happy with the way the City is being run.

Jerry Gaffney, 810 Columbia Avenue, Cape May would have liked a majority vote tonight to reinstate Rob Sheehan as Chief of Police.

Jim Moffatt, 806 Sewell Avenue, Cape May supports Mayor Mahaney, Deputy Mayor Swain and Councilmember Pessagno. Mr. Moffatt comments that there are many residents in the City that agree with the three Councilmembers.

Lydia Inderwies, 911 Philadelphia Avenue, Cape May, questions Council's trust in Rob Sheehan to run the City of Cape May.

Councilmember Pessagno replies that the matter is not about trust but is a contractual matter.

Suzanne Taylor, Tuckerton, NJ talks about Civil Service and the New Jersey State Law.

Bob Boyd, 1009 Washington Street, Cape May asks Council if the work has been completed on Lyle Lane from Jackson to Perry. Mr. Boyd comments that a raised curb needs to be repaired on Lyle Lane.

Mayor Mahaney will have City Manager look into repairing the curb.

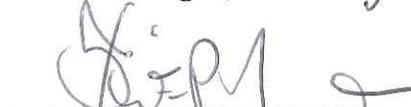
ADJOURNMENT

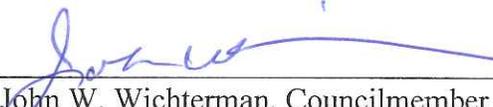
Motion made by Deputy Mayor Swain seconded by Councilmember Pessagno to adjourn. The meeting adjourned at 8:30 P.M.

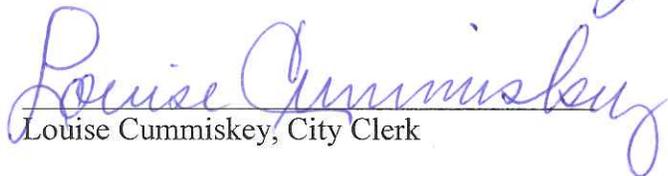

Edward J. Mahaney, Jr., Mayor


Terri L. Swain, Deputy Mayor


Beatrice Pessagno, Councilmember


Shaine P. Meier, Councilmember


John W. Wichterman, Councilmember


Louise Cummiskey, City Clerk