

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

CALL TO ORDER -- ROLL CALL -- Pledge of Allegiance to the Flag

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'S ANNOUNCEMENT "Open Public Meetings Law"

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

164-07-2015 – Resolution Authorizing Johnson Controls to Prepare an Energy Saving Plan –
DELETE FROM AGENDA (DUPLICATE)

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

DISCUSSION

Energy Savings Improvement Program – James M. Rutala

Mr. Rutala talks about Energy Savings Improvement Programs and how they can benefit municipalities and schools by helping them save money on energy. Mr. Rutala advises that the City of Cape May received a Grant for energy saving improvements. Based upon the receipt of that Grant, RFPs were advertised and two responses were received. A selection committee was organized and the committee interviewed both respondents. Mr. Rutala advises that the committee unanimously chose Johnson Controls and today, there is a Resolution on the Agenda to award Johnson Controls the contract to prepare an energy savings program for the City of Cape May. Mr. Wichterman asks of the cost to the City and Mr. Rutala advises there is no cost to the City and in fact, Mr. Rutala's fees are being paid for with the Grant money. Mr. Wichterman asks of the

downside of this project and Mr. Rutala responds that at this time, there is none. Mayor Mahaney looks at this program as a component of the City's overall effort at sustainability and resiliency.

Permit fees for Construction Office - Lou Vito

Mayor Mahaney advises that a comprehensive review of the City's Construction fees was conducted by the City Manager and the City Construction Official. City Council was presented with a draft document outlining the review performed by Mr. MacLeod and Mr. Vito. The entire section was restructured as a result of this review and broken out between local ordinance and UCC requirements. Mr. Vito advises that the last change in fees was made in 2009. In the past six years, some of the State fees have increased above City fees and it is the goal of the City to make all the fees consistent and make the Construction Office self-sustaining.

Mr. MacLeod advises that this review process and restructuring was conducted in tandem with the Department of Community Affairs which provides oversight to Construction Offices throughout the State and while not required, the State has approved the proposed changes. Mr. MacLeod describes in detail the two areas of major change. Mr. MacLeod describes additional changes in the draft document.

Mr. Vito talks about the plumbing sub-code changes, electrical sub-code changes, and fire-suppression system changes. Mr. MacLeod explains those changes in detail.

Mayor Mahaney advises that where UCC fees have gone up, the State has asked our fees to go up to support self-sufficiency. The Mayor asks Mr. MacLeod and Mr. Vito to comment on the new aspects contained in the document and to specifically cover the Certificate of Occupancy, Certificate of Continued Occupancy and Certificate of Compliance.

Mr. Vito advises that a Certificate of Continued Occupancy is required when a property changes ownership and there is a fee for a CCO. A Certificate of Compliance covers the inspection of appliances, refrigeration systems, heating systems and plumbing systems. A Certificate of Approval indicates that a structure is habitable.

Mr. MacLeod states that the Certificate of Zoning Compliance and other fees is a new section that allows a Zoning Officer to look at a property and make sure it complies with the City's Zoning Ordinance. Mr. MacLeod advises that the City had input from the State on this section and was asked to separate City fees from UCC fees. All fees in this proposed Ordinance have been reviewed at the State level and the State is satisfied that the City is within range, comments Mr. MacLeod.

Mayor Mahaney makes a recommendation that the document, as proposed, be sent to the City Solicitor with the addition of language regarding a Certificate of Elevation and also language regarding compliance with FEMA requirements.

Affiliation of Environmental Commission and Green Team

Mayor Mahaney speaks about building a relationship between the Environmental Commission, the Shade Tree Commission and the Green Team. The Mayor would like to appoint a cross-member between the Environmental Commission and the Shade Tree Commission and have

decided to ask Tim Swanson. Mayor Mahaney asks Councilmember Pessagno, as liaison to the Environmental Commission, and Deputy Mayor Swain, as liaison to the Green Team, to work with the two groups to increase communication. The Mayor comments that a major function of the Environmental Commission is to review plans before the Zoning and Planning Boards and look at them from an environmental and sustainability standpoint. Mayor Mahaney advises that he has asked Evelyn Lovitz of the Environmental Commission to act as a liaison with the four municipalities on the creation of a bike path.

ENGINEER REPORT

Thomas Thornton, City Engineer, presents his report.

Welcome Center and Lighting – field survey has been completed and we are preparing a base map. Lighting options and proposed parking in that area will be discussed. Report and analysis will be available by June 14, 2016.

Green Acres Surveys – Lots on St. Johns Place. One has been completed and we await direction from the City to proceed with the second lot.

Water Infiltration City Hall – We are working on a plan and we will contact the City for an appointment to come in and look at the situation.

Road Programs – Utility Upgrades. Surveys are being performed today. Designs will be created for a start date in September.

Capehart Lane – proceeding with research of the Deeds to piece together the background.

Scada System – meeting with Bruce MacLeod and Carl Behrens. A plan will be developed to upgrade the system.

CITY MANAGER ITEMS

Fire Department Staffing Committee Report – Mr. MacLeod advises that on May 5, 2015, a Committee was established to review Fire Department Staffing. Councilmembers Meier and Pessagno, Chief Coulter and City Manager Bruce MacLeod were the members of the Committee. Mr. MacLeod gives a detailed explanation of the current workings of the Fire Department and shares all the information collected by the Committee for the benefit of City Council and the public and also explains the monetary impact of hiring additional personnel. Finally, Mr. MacLeod advises that the Committee's recommendation is to increase each team of firefighters to six per shift. Chief Coulter comments that the increase will greatly help. Councilmember Pessagno states that this addition in personnel is historic as the City has never had six people on the street at once. Councilmember Meier is pleased and thanks all who contributed. There is discussion about the Budget.

Chief Boyd asks if we have a list of candidates. Mr. MacLeod advises that we do have a list.

ATTORNEY ITEMS

Mr. Monzo explains Resolution 171-07-2015.

CLERK'S ANNOUNCEMENTS

Ms. Cumiskey announces that the Sanitary Landfill in Woodbine will extend their hours of operation between June 22, 2015 and August 31, 2015. Monday through Friday from 6:30 A.M. to 4:00 P.M. and Saturdays 6:30 A.M. to 12:00 P.M.

REGULAR MEETING BUSINESS:

RESOLUTIONS:

- 154-07-2015 – Resolution Appointing Fund Commissioner
- 155-07-2015 – Resolution Approving Agreement between City of Cape May and ACIR Professional
- 156-07-2015 – Resolution Approving Refund of Deposit for Sidewalk Repair
- 157-07-2015 – Resolution Authorizing Tax Title Lien Redemption
- 158-07-2015 – Resolution Approving Submission of Fiscal year 2016 Small Cities Public Facilities Application
- 159-07-2015 – Resolution Authorizing the Adoption of State Model Citizen Participation Plan for DCA Small Cities Program
- 160-07-2015 – Resolution Identifying Small Cities Fair Housing Officer
- 161-07-2015 – Resolution Approving Public Facilities Grant Management Plan
- 162-07-2015 – Resolution Approving an Agreement between the City of Cape May and Mark Blauer for Consulting Services
- 163-07-2015 – Resolution Awarding Energy Savings Improvement Program of the City of Cape May to Johnson Controls
- 164-07-2015 – Resolution Authorizing Johnson Controls to Prepare an Energy Saving Plan
- 165-07-2015 – Resolution Authorizing a Grant Agreement with the State of New Jersey, Office of Emergency Management
- 166-07-2015 – Resolution of the City of Cape May Approving and Authorizing the Execution of a Professional Services Contract with Honorable Richard Williams, J.S.C. (Ret.)
REMOVED FROM CONSENT
- 167-07-2015 – Resolution Authorizing Hatch Mott MacDonald Engineers to Perform Preliminary Assessments
- 168-07-2015 – 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, Contract Negotiations Lifeguards, Lifeguard Lieutenants and PBA
- 169-07-2015 – Resolution Authorizing the City Clerk to Issue Bingo and Raffle Licenses throughout the Year to Qualified Organizations
- 170-07-2015 – Resolution Authorizing Change Order No. 2 – Final for Contract with Landberg Construction, LLC for the FY 2014 Utility and Road Program – Contract 1 – Delaware and Cape May Avenues
- 171-07-2015 – Resolution Authorizing the City of Cape May to File a Declaratory Judgment Action in the Superior Court of New Jersey Seeking a Judicial Declaration that the Housing Plan of the City of Cape May is Presumptively Valid as Presenting a Realistic Opportunity to Provide Its Fair Share of Its Housing Region's Present and Prospective Need for Low and Moderate Income Housing and Authorizing Anthony P. Monzo, Esquire, Solicitor for the City of Cape May to File Such Action

172-07-2015 – Payment of Bills

173-07-2015 – Resolution Confirming the Increase in the Bid Threshold and Quote Threshold Based Upon the City of Cape May Having a Qualified Purchasing Agent

Jerry Gaffney asks questions about the Resolution appointing Judge Williams as a Hearing Officer.

Bob Boyd questions Council's reasons for going into Executive Session and suggests the City should edit their Closed Session Resolution by including language that says action may or may not be taken.

Resolutions 154 through 173, excluding Resolution 166-07-2015

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

166-07-2015 – Resolution of the City of Cape May Approving and Authorizing the Execution of a Professional Services Contract with Honorable Richard Williams, J.S.C. (Ret.)

Motion: Meier
Second: Pessagno
Roll Call:
Meier No
Pessagno Yes
Swain Yes
Wichterman Yes
Mahaney Yes

CORRESPONDENCE

Ms. Cummiskey reads a thank you letter from Jacobs Music

MINUTES:

City of Cape May Official Special Meeting Minutes dated June 22, 2015

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

Wichterman Yes
Mahaney Yes

REPORTS RECEIVED BY THE CLERK:

City of Cape May Tax Collection Monthly Reports for March 31, 2015, April 30, 2015 and May 31, 2015

City of Cape May Environmental Commission Meeting Minutes dated June 23, 2015

City of Cape May Fire Department EMS and Fire Service Incidents for June, 2015

City of Cape May Occupancy Tax Budget Projection dated May 26, 2015

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

NEW BUSINESS:

A) City Attorney

B) City Manager – Mr. MacLeod speaks about the Community Block Grants. Mr. MacLeod advises that tax bills will be processed and at the next Council Meeting, we will announce a grace period for the payment of taxes. Mr. MacLeod announces the events scheduled throughout the City.

C) City Clerk

D) Councilmembers – Mr. Meier advises that it is not easy to disagree with other members of Council but he feels he must do what is responsible.

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.

Pat Frigo, 106 First Avenue, Cape May, NJ speaks today to call attention to construction at 108 First Avenue. She feels the home is being built on wetlands and should not be permitted to be built.

Mike Costello, 819 Beach Avenue, Cape May, talks about Compensatory time in the State of New Jersey and asks questions about the Faulkner Act.

Tom Keane, 832 Lafayette Street, Cape May compliments the Public Works Department for filling a pot hole in front of his house on a County Road. Mr. Keane asks about the amount of money spent on legal expenses and also asks about Captain Sheehan and when the issue will be resolved.

Jerry Gaffney, 810 Columbia Avenue, Cape May asks about the removal of Resolution 138-06-2015 at the last meeting and wants to know who directed Mr. Monzo to prepare that Resolution.

Mayor Mahaney asks Mr. Gaffney to move forward. Mr. Gaffney talks about a man-of-war that washed up on the beach in Cape May and he thinks the public should be made aware of the fact.

Linda Steenrod, 1011 Washington Street, Cape May, thanks Mr. MacLeod for addressing her concerns with overhanging trees and vines. Ms. Steenrod thanks the Mayor for his efforts in talking with the Environmental Commission, the Shade Tree Commission and the Green Team. Ms. Steenrod asks for a review of Mercantile License fees and talks about tents. Finally, Ms. Steenrod applauds the Committee that worked on the Fire Department staffing.

Jules Rauch, 1010 New York Avenue, Cape May speaks about the inspection fees and believes there should be a re-inspection fee added to the Ordinance. Mr. Rauch believes all homes should be inspected for proper fire prevention alarms and tools. Mr. Rauch believes the Mercantile License Ordinance should be updated. Mr. Rauch comments on how the town of Jersey City changed their Ordinance by re-defining "hotels" to equalize the cost of licensing. A discussion ensues between Mayor Mahaney and Mr. Rauch regarding the matter.

Patricia Hendricks, 106 Trenton Avenue, Cape May asks whether the fee for a Zoning Compliance Certification will stay the same or go up and Mr. MacLeod advises that it will now cost \$75.00. Ms. Hendricks asks if there is any additional certification required by a seller in the City of Cape May and Mr. MacLeod advises that a CCO will be required and there is a fee for that certification. Ms. Hendricks asks if an Elevation Certification will now be required when ownership of a property changes and the answer is yes. Ms. Hendricks would like to know if all of the required Certifications will be on line and Mayor Mahaney advises that he cannot commit to putting them all on line at this time but would like to see that in the future.

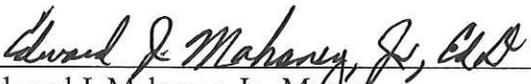
Ms. Hendricks talks about legal fees and asks for a report at the next worksession. Mayor Mahaney agrees.

CLOSED SESSION

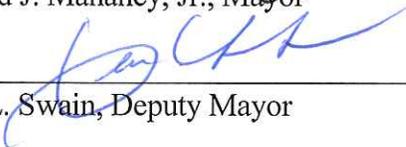
Motion made by Councilmember Meier, seconded by Councilmember Pessagno to go into Closed Session at 4:20 P.M.

ADJOURNMENT

Motion made by Deputy Mayor Swain seconded by Councilmember Meier to adjourn. The meeting adjourned at 5:20 P.M.

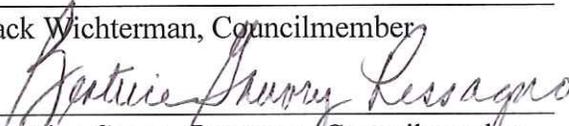


Edward J. Mahaney, Jr., Mayor

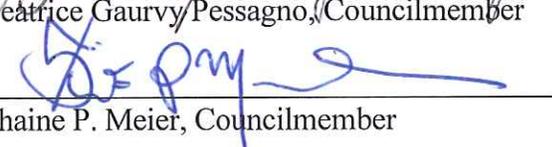


Terri L. Swain, Deputy Mayor

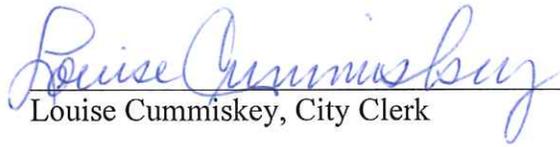
Jack Wichterman, Councilmember



Beatrice Gaurvy Pessagno, Councilmember



Shaine P. Meier, Councilmember



Louise Cumiskey, City Clerk