

**REGULAR MEETING
OF CITY COUNCIL OF THE CITY OF CAPE MAY, NJ
Tuesday, June 16, 2015, 7:00 P.M.**

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

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

Absent: Deputy Mayor Terri L. Swain

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:

152-06-2015 – Resolution Approving John’s Auto as Secondary Towing Company

ADDED

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

148-06-2015 – Resolution to Approve Renewal of Alcoholic Beverage License with Special Conditions **REMOVED FROM AGENDA**

City Solicitor, Anthony Monzo, explains that Joe Carney has requested a Special Meeting with City Council regarding the approval of ABC License No. 0502-32-001-005.

Motion: Mahaney
Second: Wichterman

Roll Call:

Meier Yes
Pessagno Yes
Swain Absent
Wichterman Yes
Mahaney Yes

REGULAR MEETING BUSINESS

RESOLUTIONS:

- 135-06-2015 – Resolution Awarding Contract for the Supply of HVAC Service and Repairs
136-06-2015 – Resolution of the City of Cape May Authorizing Change Order No. 3 – Final for Contract with Fred Schiavone Construction, Inc. for the FY 2014 Utility and Road Program – Contract No. 2 – Hughes Street
137-06-2015 – Resolution Approving Refund of Overpaid 2014/2015 Taxes
138-06-2015 – Resolution Pertaining to Public Comment Portion of City Council Meetings
REMOVED FROM CONSENT AGENDA
139-06-2015 – Resolution Authorizing Hatch Mott MacDonald Engineers to Perform Professional Surveying Services
140-06-2015 – Resolution Authorizing Hatch Mott MacDonald Engineers to Perform an Investigation of Water Infiltration at City Hall
141-06-2015 – Resolution Authorizing Hatch Mott MacDonald Engineers to Prepare a Report and Recommendation for Site Lighting and Expanded Parking at the Cape May Welcome Center
142-06-2015 – Resolution Authorizing Hatch Mott MacDonald Engineers to Perform Engineering Services – Hughes Street Utility Replacement Project
143-06-2015 – Resolution Authorizing Hatch Mott MacDonald Engineers to perform Engineering and Construction Services for Cape May Avenue Reconstruction Project
144-06-2015 – Resolution Authorizing Hatch Mott Macdonald Engineers to Perform Engineering and Construction Services for Missouri Avenue Reconstruction Project
145-06-2015 – 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 – Police Matters
146-02-2015 – Resolution of the City of Cape May Authorizing Change Order No. 4 – Final for Contract with Corrosion Control Corporation for the Canning House Lane Standpipe
147-06-2015 – Resolution of the City of Cape May Authorizing Change Order No. 3 – Final for Contract with Allied Painting, Inc. for the Rehabilitation of the Madison Avenue Water Storage Tank; and
148-06-2015 – Resolution to Approve Renewal of Alcoholic Beverage License with Special Conditions – **REMOVED FROM AGENDA**
149-06-2015 – Payment of Bills “A”
149-06-2015 – Payment of Bills “B”
150-06-2015 – Resolution Authorizing the Annual 4th of July Fireworks Display

151-06-2015 – Resolution Approving Liquor License Renewals for the 2015-2016 License Year
152-06-2015 – Resolution Approving John’s Auto as Secondary Towing Company **ADDED**

Jerry Inderwies, Sr., talks about Resolution 140-06-2015, and specifically the cost over the years to repair Cape May City Hall.

Mr. MacLeod states that the City Hall building is listed on the Historic Registry. The City of Cape May owns the building, and is required to provide repair and maintenance when needed. Mr. MacLeod talks about work that remains to be done to complete the City Hall project.

Linda Steenrod asks if City Hall has been tested for mold which might result from water infiltration.

Mr. MacLeod responds in the affirmative.

Bob Boyd advises that the Police Department has suffered water infiltration for over fifty years.

Mike Costello questions Resolution 145-06-2015 providing for a Closed Session Meeting to discuss the Police Department. Mr. Costello asks if the Police Department matter can be discussed in open session.

Mr. Monzo advises that the matter must be discussed in closed session due to current litigation.

Mr. Gaffney comments on the closed session Resolution and suggests negotiating a settlement.

Bob Boyd asks if the closed session meeting minutes will be available to the public when the litigation is complete.

Mr. Monzo advises that the minutes in Closed Session are prepared and submitted to City Council for approval. They will be made available to the public when the litigation is finalized.

Laura DeCamillo asks about Resolution 147-06-2015 authorizing Change Order No. 3 – Final for Contract with Allied Painting, Inc. for the Rehabilitation of the Madison Avenue Water Storage Tank. Ms. DeCamillo would like to know the cost of the contract.

Mayor Mahaney explains the Madison Avenue Water Storage Tank contract for the benefit of the residents. Councilmember Wichterman advises that once the construction is complete on the Water Tower, the Tower should last for another seventy-five years.

Mike Costello asks if the cell phone antennas on the Tower bring in revenue to the City of Cape May.

Mr. MacLeod advises that the City of Cape May leases space on the Tower to three or four cell phone companies and the City receives approximately \$60,000.00 to \$80,000.00 in revenue.

Bob Boyd questions Resolution 152-06-2015 approving John's Auto Body as a Secondary Towing Company for the City of Cape May. Mr. Boyd asks City Manager to explain the secondary towing list.

Mr. MacLeod advises that towing companies with a business address outside of the Cape May City limits are placed on a secondary list. When the primary towing company is not available, the secondary companies are contacted.

The Mayor asks for a motion to approve all Resolutions excluding Resolution 138-06-2015 and 148-06-2015.

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

138-06-2015 – Resolution Pertaining to Public Comment Portion of City Council Meetings

Ms. Cummiskey reads Resolution 138-06-2015.

Mr. Monzo explains Resolution 138-06-2015. Mr. Monzo advises that public comment is not a question and answer session and he reads the New Jersey Statute.

Councilmember Wichterman feels that five minutes per person for public comment is not unreasonable.

Motion made by Councilmember Meier seconded by Councilmember Pessagno to amend section (4) of Resolution 138-06-2015 to allow questions at the public portion.

Charles Hendricks objects to the adoption of Resolution 138-06-2015 Pertaining to Public Comment Portion of City Council Meetings.

Jerry Gaffney talks about the Open Public Meetings Act and disagrees with the adoption of Resolution 138-06-2015 Pertaining to Public Comment Portion of City Council Meetings.

Mike Costello would like Mayor and Council to work together communicating with the public.

Linda Steenrod comments that she has no problem with limiting the public comment to five minutes, but she feels that the public should be able to speak more than once on different matters.

Patricia Hendricks speaks against the adoption of Resolution 138-06-2015 Pertaining to Public Comment Portion of City Council Meetings.

Dennis DeSatnick speaks against the adoption of Resolution 138-06-2015 Pertaining to Public Comment Portion of City Council Meetings. Mr. DeSatnick comments that he attended the Fire Department meeting and feels that the meeting was positive.

Mr. Monzo advises that Resolution 138-06-2015 does not restrict the public from criticizing the policies or decisions made by Councilmembers but should not be personal.

Bob Boyd disagrees with the adoption of Resolution 138-06-2015 Pertaining to Public Comment Portion of City Council Meetings. Mr. Boyd feels that the public can ask any question to any councilmember regarding the City of Cape May.

Councilmember Wichterman advises that Roberts Rules of Order requires all questions to go through the Chairperson which is Mayor Mahaney.

Councilmember Meier advises that he has been a member of several Boards and following Roberts Rules of Order keeps the meeting fair.

Mayor Mahaney suggests to Council to withdraw the Motion and delete Resolution 138-06-2015, as amended.

DELETE RESOLUTION

138-06-2015 – Resolution Pertaining to Public Comment Portion of City Council Meetings
AS AMENDED

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

MINUTES:

City Council Regular Meeting Minutes dated April 21, 2015
City Council Worksession/Regular Meeting Minutes dated May 5, 2015
City Council Special Meeting Minutes dated May 13, 2015
City Council Regular Meeting Minutes dated May 19, 2015

Motion: Meier
Second: Pessagno
Roll Call:
Meier Yes

Pessagno Yes
Swain Absent
Wichterman Yes
Mahaney Yes

REPORTS RECEIVED BY THE CLERK:

City of Cape May Assessor's Office Monthly Report dated June 5, 2015
City of Cape May Monthly Report of Tax Collections for the Period January 31, 2015 and February 28, 2015.
City of Cape May Fire Service Incident and EMS Incident Reports for the month of May, 2015
City of Cape May Environmental Commission Meeting Minutes dated May 26, 2015
City of Cape May Shade Tree Commission Meeting Minutes dated May 14, 2015

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

UNFINISHED BUSINESS:

Councilmember Meier asks if Council will hold a Special Meeting regarding the liquor license for Carney's.

Mr. Monzo explains the law on liquor licenses and a Special Meeting would need to take place before July 1, 2015.

Mr. Meier would like all the Resolutions read and completed before public comment.

Councilmember Pessagno agrees with Mr. Meier's suggestion.

Mayor Mahaney would like public comment after each Resolution.

NEW BUSINESS:

A) City Attorney
B) City Manager – Mr. MacLeod advises that the City's current BAN will mature on July 17, 2015. Mr. MacLeod announces a Special Meeting of City Council, open to the public, to be held on Monday, June 22, 2015 at 7:00 P.M. The Meeting will be held at the Cape May City Elementary School Auditorium and the purpose of the meeting is to allow residents to view the plans and drawings for the Lafayette Street Park (Phase I). Mr. MacLeod reports that the Fire Department Committee held a second meeting last week and a full report with recommendations will be provided to City Council at the July 7, 2015 Worksession Meeting. Finally, Mr. MacLeod will have amendments to the City Ordinance governing Construction fees for Council's review at the next meeting.

- C) City Clerk
- D) Councilmembers – Councilmember Meier comments that he is happy to see Council and the public working together.

Councilmember Wichterman talks about the Police Department matter.

A Motion is made by Councilmember Wichterman seconded by Councilmember Meier to reinstate Captain Robert Sheehan to the position of Chief of Police.

Roll Call:

Meier	Yes
Pessagno	No
Swain	Absent
Wichterman	Yes
Mahaney	No

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.

Charles Priar, 1327 New York Avenue, Cape May feels he was overcharged for a water and sewer connection by the City of Cape May.

Mayor Mahaney reports that fee adjustment decisions are an Administration matter. City Council cannot approve any adjustments.

Mr. MacLeod advises that he has spoken to Mr. Priar on several occasions and has explained to him why he is not eligible to receive a refund. Mr. MacLeod will provide the information to the City Attorney to review.

Jim Moffat, 806 Sewell Avenue, Cape May comments that tonight's meeting showed wonderful progress between City Council and the Public. Mr. Moffat speaks about the City and the Fire Department working together as a team.

Anita DeSatnick, 307 Trenton Avenue, Cape May agrees with Mr. Moffat on the positive meetings with the Fire Department.

Linda Steenrod, 1011 Washington Street, Cape May, asks if the City can supply more safety bicycle pamphlets as they did in the past. Ms. Steenrod talks about the abandoned and foreclosure houses in the City of Cape May and feels that the houses are a safety hazard.

Mr. MacLeod will speak to the Office of Code Enforcement regarding the matter.

Mike Costello, 819 Beach Avenue, Cape May, talks about the Fire Department meeting and the hiring of firefighters.

Bob Boyd questions Council on the vote to reinstate Captain Rob Sheehan.

Councilmember Pessagno explains her reason for voting “no” to reinstate Mr. Sheehan.

Charles Hendricks, 109 Trenton Avenue, Cape May, talks about the Police Department matter.

Julius Rauch, 1010 New York Avenue, Cape May suggests an increase to the fees for mercantile licenses. Also, Mr. Rauch feels a fire inspection should be completed for all property rentals.

Lydia Inderwies, 911 Philadelphia Avenue, Cape May would like Council to reinstate Rob Sheehan.

Jennifer Inderwies, 1321 Ohio Avenue, Cape May feels that the City is interested in hiring a Public Safety Director to replace Rob Sheehan.

Councilmember Pessagno assures Ms. Inderwies that is untrue.

CLOSED SESSION

Motion: Pessagno

Second: Meier

Motion to go back into open session made by Councilmember Meier, seconded by Councilmember Pessagno at 10:22 P.M.

OPEN SESSION

Motion to add 153-06-2015 – Resolution Directing City Manager to Issue Disciplinary Charges

Motion: Meier

Second: Pessagno

Roll Call:

Meier Yes

Pessagno Yes

Swain Absent

Wichterman Yes

Mahaney Yes

Motion to approve 153-06-2015 – Resolution Directing City Manager to Issue Disciplinary Charges

Motion: Meier

Second: Pessagno

Roll Call:

Meier Yes

Pessagno Yes

Swain Absent

Wichterman Yes

Mahaney Yes

ADJOURNMENT

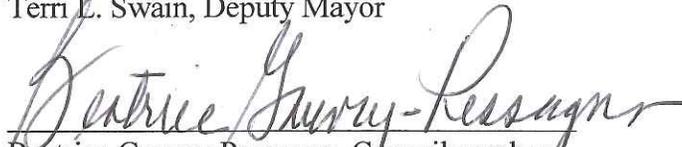
Motion made by Councilmember Pessagno seconded by Councilmember Meier to adjourn. The meeting adjourned at 10:26 P.M.



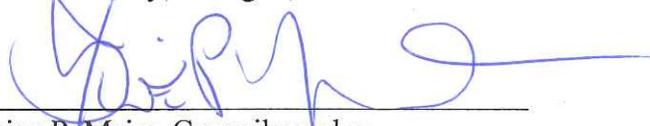
Edward J. Mahaney, Jr., Mayor

ABSENT

Terri L. Swain, Deputy Mayor



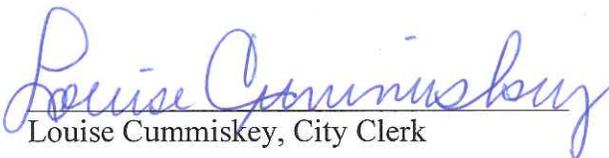
Beatrice Gauvry-Pessagno, Councilmember



Shaine P. Meier, Councilmember



Jack Wichterman, Councilmember



Louise Cumiskey, City Clerk