

**SPECIAL MEETING
OF CITY COUNCIL OF THE CITY OF CAPE MAY, NJ
Friday, November 7, 2014 1:00 P.M.**

The Special Meeting of City Council of the City of Cape May was called to order by Mayor Mahaney at 1:00 P.M. Friday, November 7, 2014 in the Cape May City Hall Auditorium. The City Clerk called the roll and the Pledge of Allegiance was recited.

Present: Mayor Edward J. Mahaney, Jr.
Councilmember William H. Murray, Esq.
Councilmember Terri L. Swain
Deputy Mayor Jack Wichterman

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

Mayor Mahaney announced that under the Open Public Meetings Law, notice of this meeting was sent to the Cape May Star and Wave 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.

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

REGULAR MEETING BUSINESS:

RESOLUTIONS:

259-11-2014 – Resolution of the City of Cape May Approving Lease Agreement with the Cape May City Elementary School District for the Purpose of Constructing the Lafayette Street Park

James M. Rutala, PP, AICP, MBA, Grants Consultant, offers a history of the development of the Lafayette Street Park going back five years. In 2009, the City approved an access agreement with JCP&L. In 2010 a conceptual plan was prepared by Temple University students and in July 2010, a resolution was adopted authorizing an application to the DEP to purchase the Vance's property. In August 2010, a public hearing was held on the Green Acres Acquisition. In 2011 a Press Conference was held to present the Green Acres Plan. In the year 2012, a Blue Acres Funding Resolution was approved and on February 7, 2012, a Public Hearing was conducted. In March 2012, Council passed a Resolution authorizing appraisals on the Vance's property and in March of 2013, a Bond Ordinance was adopted. On June 25, 2013, the City went to settlement on the Vance's property. In June of 2014, Council adopted a Resolution authorizing the Green Acres Application and on July 15, 2014, a public hearing took place on said Green Acres application.

Mr. Rutala announces that the City of Cape May has pre-qualified for grant money in the amount of \$1.5 million for open space development. Mr. Rutala explains that this project will be fast moving and must be completed by the end of 2015. The Lafayette Street Park is the first of three phases of the project and the Cape May Elementary School ball fields are part of the area to be updated during this phase. As a result, the State has required the City of Cape May to enter into a twenty-five year lease agreement with the Cape May Elementary School.

Deputy Mayor Wichterman asks why the City is required to enter into a twenty-five year lease and Mr. Rutala advises that the State feels that twenty-five years is the "useful life of the investment." Mr. Wichterman inquires as to whether additional security at the school will be required and Mr. Rutala advises that security will be built into the initial design of the park.

Councilmember Murray inquires as to the time frame for the completion of the project and the entire cost of the project. Mr. Rutala advises the project must be completed by the end of 2015 and confirms that the \$1.5 million grant will cover all costs. Mr. Murray asks whether there will be any cost to the City and Mr. Rutala advises there will be no cost to the City.

There is discussion among Mr. Murray, Mr. MacLeod and Mr. Rutala regarding the maintenance of the park and the costs for said maintenance.

Mr. Murray inquires as to the indemnification language in the Lease Agreement with the Elementary School and Mr. Monzo explains that the language covers the school in regard to any claims arising from the City's use of the park.

The Council has a long discussion about the lease agreement concerning city liability, maintenance, improvements and security.

John Thomas, School Board Chairman, advises that security and safety were discussed by the school board members. Mr. Thomas advises that the school board members support the park and the lease agreement and they feel the project was well planned.

Victoria Zelenak, Superintendent, Cape May City Elementary School, speaks in favor of this project. Ms. Zelenak feels that the school belongs to the community and believes the children will have many environmental, educational opportunities as a result of the new park.

Deputy Mayor Wichterman mentions that the conceptual plans have been in place for the past four years and advises that the final plans will consist of a portion of the area, not the entire thirty eight acres.

PUBLIC PORTION:

Reverend Elliott, Lutheran Church, Pittsburg Avenue, Cape May supports the Resolution approving the lease agreement with the Cape May City Elementary School District for the purpose of constructing the Lafayette Street Park. Reverend Elliott is a green team member and feels the property will be well used for environmental education.

Patrick Logue, 12 Jackson Street, Cape May reads a letter from Curtis Bradshaw supporting Resolution 259-11-2014.

Bill Bezair, 1314 Massachusetts Avenue, Cape May is a member of the City Planning Board and is concerned with parking.

Mayor Mahaney advises that there will be parking in three separate areas of the park and the dog park will have a designated parking area as well.

Susan Tishler, 507 Washington Street Mall, Cape May supports the approval of the Resolution between the Cape May Elementary School and the City of Cape May.

Joan Walsh, Victorian Towers, is in favor of the new park and is happy that senior citizens and their families will have another place to visit.

Shaine Meier, 1217 Vermont Avenue, Cape May is very excited about the park and the grant money awarded to the City for \$1.5 million dollars. However, Mr. Meier is concerned about security, fencing where the children will play, lighting and police monitoring.

Councilmember Murray asks Mr. Meier if he is in favor of this agreement and whether he understands that the lease is for twenty-five years.

Mr. Meier is in favor of the lease agreement.

Burt Myrick, 309 Decatur Street, Cape May speaks on behalf of the Dellas Family who support the lease agreement and look forward to the renovation of the ball fields.

Barney Dougherty, a lifelong community member of the City of Cape May, and a Cape May Planning Board member asks if the lease has any language which would allow the City to return the grounds to the school if the plan for the park fails. Also, Mr. Dougherty is concerned about the limited time to complete the project .

City Attorney, Anthony Monzo, advises that there is no provision for termination in the lease agreement. The park plans have been in the works for the past five years but the city has just recently been awarded the grant money, comments Mr. Monzo. The City will go on with the project and find other sources for funding if need be.

Mayor Mahaney advises that there are thirty-eight acres in the subject parcel of land and the park will use a small portion of that land. Mayor Mahaney advises that the project manager will work with the city to comply with the timeline to complete this project.

Anita DeSatnick, 1307 Trenton Avenue, Cape May had questions on security, parking and finances, and feels all her questions were answered. Ms. DeSatnick is in favor of the lease

agreement and asks if the City will consider using professionals from Temple University for the project.

Mayor Mahaney advises that RFP (Request for Proposal) will be issued and the project will be open to everyone including NJ based colleges.

Joe Bogle, 513 Washington Street, Cape May is in favor of the lease agreement and feels that the project is a wonderful improvement to the City of Cape May. However, Mr. Bogle feels that the lease needs to be more specific due to the twenty-five year term.

Councilmember Murray agrees with Mr. Bogle on amending the lease agreement to be more specific.

Al Beale, 1224 Idaho Avenue, Cape May is in favor with the lease agreement and a beautiful new park. Mr. Beale is concerned with the maintenance cost for the next twenty-five years.

Bill George, 1043 Michigan Avenue, Cape May is in favor of the lease agreement but is concerned about security. Mr. George asks if the school has a formal audit of the school security and if so, he would like to review the report.

Ms. Zelenak replies that the Prosecutor's Office works very closely with the school regarding security inspections at the facility and school grounds every three years. Also, the County completes a check-list for security and safety each year.

William Heavey, 608 Washington Street, Cape May is in favor of the park and keeping the tennis courts available so the public can use them free of charge. Also, Victorian Towers would like to be involved with the plans at their monthly meetings.

Dennis DeSatnick, 1307 Trenton Avenue, Cape May feels that through discussion at the meeting today, everyone is in favor of a positive project. Mr. DeSatnick would like the details of the contract reviewed and worked out, especially for security.

Deputy Mayor Wichterman asks if an addendum can be attached to the agreement.

Mr. Monzo advises that an addendum can be prepared.

Jerry Gaffney, 810 Columbia Avenue, Cape May is in favor of the lease agreement but is concerned about the liability issues and asks what the \$1.5 million will cover.

Mr. Rutala replies that the grant money will be used for the design and construction of the park and the City will have no associated cost.

Motion: Wichterman

Second: Swain

Roll Call:

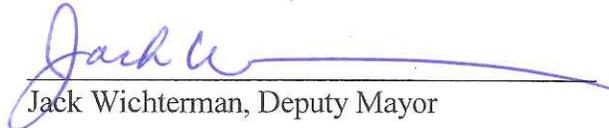
Murray Yes
Swain Yes
Wichterman Yes
Mahaney Yes

ADJOURNMENT

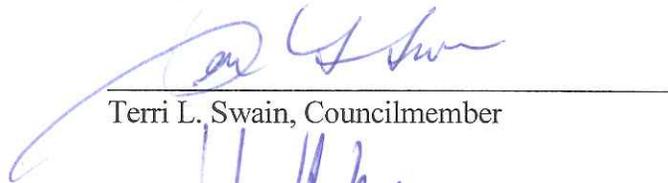
Motion made by Deputy Mayor Wichterman seconded by Councilmember Swain to adjourn.
The meeting adjourned at 3:20 P.M.



Edward J. Mahaney, Jr., Mayor



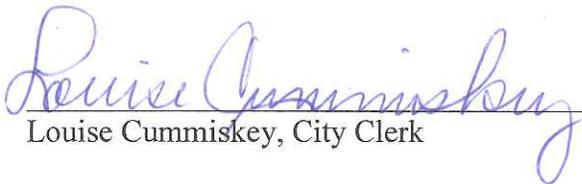
Jack Wichterman, Deputy Mayor



Terri L. Swain, Councilmember



William H. Murray Esq., Councilmember



Louise Cummiskey, City Clerk