

**REGULAR MEETING
OF CITY COUNCIL OF THE CITY OF CAPE MAY, NJ
Tuesday, October 20, 2015, 7:00 P.M.**

Present: Mayor Edward J. Mahaney, Jr.
Councilmember Meier
Councilmember Pessagno
Deputy Mayor Swain
Councilmember Wichterman

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

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 asks Jerry Inderwies, Sr. and Jerry Inderwies, Jr. to come to the podium. The Mayor explains that a flag bearing the names of the men and women that gave their lives on 911 was donated to the City by the Cape May Fire Department and had been pinned on the wall in the auditorium. The Inderwies family believed it should be properly framed and graciously paid for glass and a frame so that the flag could be preserved, displayed and viewed by all. The generosity of the Inderwies family is much appreciated.

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

Councilmember Wichterman advises that at his request, the City Attorney drafted an ordinance prohibiting the use of Drones in the City of Cape May. Mr. Wichterman would like the ordinance to be discussed at a later date as the City will soon be electing a new Councilmember and Mr. Wichterman feels that the new member should take part in the discussions and possible adoption of a new Ordinance.

235-10-2015 – Resolution Appointing Member to Shade Tree Commission of the City of Cape May

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

DISCUSSION

Beach Study Proposal – Thomas R. Thornton, PE, CME

Mr. Thornton speaks about an evaluation of surf zone conditions in the City of Cape May. The purpose of the evaluation, advises Mr. Thornton, is to determine whether or not physical modifications would benefit or alter the wave dynamic. Mr. Thornton's objective in this evaluation is fourfold: 1) Determine feasibility; 2) Recommend a pilot project and/or alternative analysis; 3) Secure state and federal permits; 4) Provide cost estimate.

Councilmember Meier asks for the definition of the word groin and asks if artificial reefs would help the beach breaks.

Mr. Thornton explains that a groin is similar to a jetty but is usually smaller and is used for shore protection. A jetty is used for navigational purposes. As to artificial reefs, Mr. Thornton advises that the cost to construct a reef would be millions of dollars.

Councilman Wichterman asks for a time frame for the evaluation and Mr. Thornton advises six weeks.

Dennis DeSatnick, 1307 Trenton Avenue, Cape May, asks Mr. Thornton if the littoral flow will be considered. Mr. Thornton advises that it will. Mr. DeSatnick asks about slope measuring and moving sand and Mr. Thornton explains the two types of wave modeling and the type that is being proposed for this evaluation.

Susan Tischler, Cape May, asks how a future storm may influence any modifications performed on the slope and Mr. Thornton acknowledges that one storm could wipe everything away.

Patricia Hendricks, 106 Trenton Avenue, Cape May, asks Mr. Thornton to elaborate on the Stockton University monitoring program. Mr. Thornton complies.

Charles Hendricks, 106 Trenton Avenue, Cape May talks about a cost benefit analysis and feels that the City is obligated to warn the public about the unsafe beaches.

Mr. Thornton advises that all the information collected will be provided in a report for Council to review.

Mayor Mahaney asks Mr. Thornton to attend the next Council meeting to give an update on the progress of his study.

234-10-2015 – Resolution Approving Professional Services Agreement between Hatch Mott MacDonald and the City of Cape May for Feasibility Study

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

233-10-2015 – Resolution Approving Professional Services Agreement with the Stockton University Coastal Research Center

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

Best Practices – Presentation by Neil Young, CFO

Mayor Mahaney introduces Neil Young, CFO, and Mr. Young explains the “Best Practice” survey and goes through the worksheet for the benefit of all. Mr. Young advises that the check list on the survey was completed and sent to the state by October 16, 2015. Mr. Young comments that six additional questions were added to the survey this year but basically, most of the questions on the survey are the same from year to year. The object is to answer as many questions in the affirmative as you can because those affirmative answers guarantee the City’s funding from the State on a yearly basis. Some questions, advises Mr. Young, must be answered in the negative, even though answering “no” does not mean that the City is in violation of any State Statute. The questions are posed in such a manner as you cannot answer yes. Mr. Young gives examples of some of those questions.

The “Best Practices” worksheet will be posted on the Cape May City website and copies are also available at the City Clerk’s Office.

ORDINANCES FOR INTRODUCTION

297-2015 An Ordinance to Update the Uniform Salary and Classification Plan for the Department of Personnel Positions in the City of Cape May

Motion: Swain
Second: Meier

Roll Call:

Meier Yes
Pessagno Yes
Swain Yes
Wichterman Yes
Mahaney Yes

ORDINANCES FOR SECOND READING AND ADOPTION

295-2015 An Ordinance Amending Chapter 199 of the Cape May City Code Regarding Construction Permit Fees

City Manager, Bruce MacLeod, summarizes Ordinance 295-2015.

OPEN PUBLIC HEARING

Motion: Wichterman
Second: Pessagno

Patricia Hendricks, 106 Trenton Avenue, Cape May, asks the City Manager to explain the city occupancy permit vs. the existing Cape May zoning compliance certificate.

Mr. MacLeod explains the change requirements for the inspection of properties with the certificate of occupancy, zoning compliance and the new flood damage prevention certificate. Property inspections will be required prior to the transfer of title and the sale of a property. The certificate of continued compliance will require a complete inspection by the four sub-code Officials, building, fire, plumbing and electric. The purpose for the inspection is for life safety conditions. Also, the property needs to be water tight, structurally sound and with all sanitary conditions in place. All the transferred properties will need to meet the existing standard code comments Mr. MacLeod.

Ms. Hendricks asks about a house that has historical significance and the fees associated with the inspections.

Mr. MacLeod advises that the proper officials will inspect the property and alert the property owner of any deficiencies that need to be addressed.

Mr. MacLeod reports that the fees for the Continued Certificate of Occupancy are \$85.00 plus \$50.00 for each sub-code. The inspection and certification will total \$285.00. The zoning compliance certificate is a separate fee in the amount of \$75.00.

Jerry Inderwies, Jr., 1159 Indiana Avenue, Cape May asks if property deficiencies will be corrected within a certain time frame and re-inspected with an additional charge.

Mr. MacLeod advises that corrections will need to be completed and the property will be re-inspected, at no charge, before the sale of property or change of title.

CLOSE PUBLIC HEARING

Motion: Pessagno
Second: Wichterman

295-2015 An Ordinance Amending Chapter 199 of the Cape May City Code Regarding Construction Permit Fees

Motion: Meier
Second: Pessagno

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

296-2015 An Ordinance of the City of Cape May Amending Chapter 7, Section 7-37.5 of the Cape May City Code Entitled "Reserved Handicapped Parking on Street"

OPEN PUBLIC HEARING

Motion: Meier
Second: Pessagno

CLOSE PUBLIC HEARING

Motion: Meier
Second: Pessagno

296-2015 An Ordinance of the City of Cape May Amending Chapter 7, Section 7-37.5 of the Cape May City Code Entitled "Reserved Handicapped Parking on Street"

Motion: Meier
Second: Pessagno

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

RESOLUTIONS:

- 229-10-2015 – Payment of Bills "A"
- 229-10-2015 – Payment of Bills "B" – **REMOVED FROM CONSENT**
- 230-10-2015 – Resolution Approving Agreement between City of Cape May and Seven Mile Publishing and Creative Group **REMOVED FROM CONSENT**

- 231-10-2015 – Resolution Declaring Certain Surplus Items as Surplus Property and Authorizing Sale of Same
- 232-10-2015 – Resolution Authorizing the Appointment of Special Counsel and Execution of Professional Services Contract for Same
- 233-10-2015 – Resolution Approving Professional Services Agreement with the Stockton University Coastal Research Center **REMOVED FROM CONSENT**
- 234-10-2015 – Resolution Approving Professional Services Agreement between Hatch Mott MacDonald and the City of Cape May for Feasibility Study **REMOVED FROM CONSENT**
- 235-10-2015 – Resolution Appointing Member to Shade Tree Commission of the City of Cape May

Vote on Resolutions 229-10-2015 “A” 231-10-2015; 232-10-2015; 235-10-2015

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

Payment of Bills “B”

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

- 230-10-2015 – Resolution Approving Agreement between City of Cape May and Seven Mile Publishing and Creative Group

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

MINUTES:

City Council Regular Session Meeting Minutes dated September 15, 2015

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

REPORTS RECEIVED BY THE CLERK:

City of Cape May Occupancy Tax (2%) Budget Projection Report dated October 16, 2015

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

NEW BUSINESS:

A) City Attorney – Mr. Monzo talks about the remediation for the Wise Anderson Park and the Dog Park. Mr. Monzo reports that the start date has been rescheduled for February 2016 with a Phase I completion date of April 2016.

B) City Manager – Mr. MacLeod advises that the Park remediation is intended to be a two year process and will break in the summer months. A notice to bidders for reconstruction of Missouri Avenue, Cape May Avenue, Hughes Street and Stockton Place has been advertised in the newspaper with a return date of Friday, November 6, 2015. The bid openings will take place on November 6, 2015 at 10:00A.M., 10:30 A.M. and 11:00 A.M. in the Cape May City Auditorium. In addition, a fourth project, the SCADA system improvements, has been advertised for bid and bids will be received on Friday, November 20, 2015 at 10:00 A.M in the auditorium. Finally, Mr. MacLeod talks about the recent occupancy tax revenue reported at the last meeting with a flat year to year comparison from 2014 to 2015. Mr. MacLeod reports that July and August are the two largest months in revenue and reports the year to date comparison for 2015 shows an increase this year of \$48,874.00 or 4.5 % over 2014.

C) City Clerk – Ms. Cummiskey reminds everyone that City Hall will be closed on Election Day, November 3, 2015. As a result, the November 2015 Worksession/Regular Meeting will be held on Monday, November 2, 2015 at 1:00 P.M. Ms. Cummiskey announces that the Cape May City semi-annual Blood Drive will be held on Monday, November 23, 2015 in Convention Hall between 10:00 A.M. and 3:00 P.M.

D) Councilmembers – Councilmember Pessagno announces that the Washington Street Mall Merchants Association has commissioned a new and user friendly map to shop, dine and relax in the City of Cape May.

Mayor Mahaney reminds everyone that the Cape May City Halloween Trick or Treat night will be held on Saturday, October 31, 2015 from 5:00 P.M. to 7:00 P.M. Also, Mayor Mahaney congratulates the Cape May Elementary School for their certification by the Sustainable Jersey Program, which was extended this year to schools and school districts.

Mayor Mahaney talks about a meeting he attended with Mr. Macleod and Mr. Thornton on the dredging in the inland waterway, addressing the problems with Cape May County, Atlantic County and Cumberland County.

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.

Dennis DeSatnick, 1307 Trenton Avenue, Cape May compliments Mr. Thornton on his beach study presentation. Mr. DeSatnick would like input from the State of New Jersey and Cape May County on the City Beach project. Mr. DeSatnick gives a report on injuries on the beaches of the City of Cape May from 2005 to the present, and is concerned about liability based upon the increase of injuries each year.

Mr. Monzo advises that the City of Cape May does not have legal liability for injuries which occur on beaches that the City does not modify or improve. Mr. Monzo explains the State Statute.

Charles Hendricks, 106 Trenton Avenue, Cape May, talks about tourist and beach safety liabilities. Mr. Hendricks feels the City of Cape May has a moral obligation to put warning signs on the beaches.

Mr. Monzo advises that everyone would like the beaches safer but how much do the taxpayers want to spend to correct the beach matter.

Laura DeCamillo, 1315B Virginia Avenue, Cape May talks about the appearance and repairs needed in the City of Cape May. Ms. DeCamillo is concerned about the beach problem and Police Department matter.

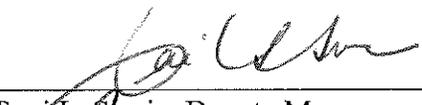
Mayor Mahaney reports that bond money has been appropriated for the boardwalk and the City Engineers will be working on the repairs.

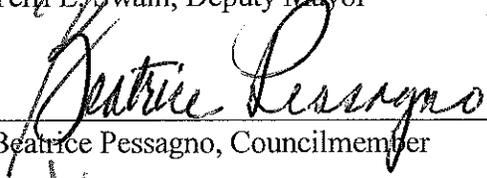
Mr. MacLeod advises that bond money wasn't available until this year, June 2015 and comments that boardwalk repairs cannot be undertaken during the summer months.

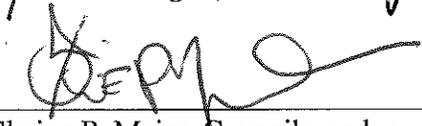
ADJOURNMENT

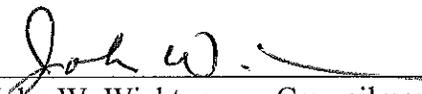
Motion made by Councilmember Pessagno, seconded by Councilmember Meier to adjourn. The meeting adjourned at 8:45 P.M.

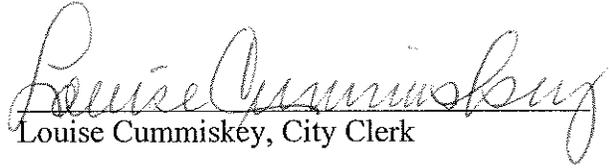

Edward J. Mahaney, Jr., Mayor


Terri L. Swain, Deputy Mayor


Beatrice Pessagno, Councilmember


Shaine P. Meier, Councilmember


John W. Wichterman, Councilmember


Louise Cummiskey, City Clerk