

**REGULAR/WORKSESSION MEETING
OF CITY COUNCIL OF THE CITY OF CAPE MAY, NJ
Tuesday, October 6, 2015, 1:00 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.

ENGINEER REPORT

Thomas R. Thornton, PE, CME, of Hatch, Mott, McDonald, presents his engineer's report as follows:

Welcome Center Lighting and Parking – Mr. Thornton advises that an evaluation report has been completed and Mr. Thornton recommends a meeting with Gerry Fahey, New Jersey Transit, to discuss the parking concept options. Mr. Thornton has tried to contact the operator of Seashore Lines to discuss the existing tracks.

Mayor Mahaney suggests moving forward on the meeting with Mr. Fahey as soon as possible.

Green Acres Surveys (811 and 817 St. John Street) – Mr. Thornton reports that the surveys for both 811 and 817 St. John Street have been completed.

Preliminary Assessment (801 Lafayette Street, 811& 817 St. John Street) – Mr. Thornton reports that the preliminary assessment for 801 Lafayette Street and 817 St. John Street has been completed and a copy has been provided to the City. The assessment of 811 St. John Street will be performed upon the execution of an agreement of sale.

City Hall Water Infiltration – Mr. Thornton advises that a final report, with recommendations, will be completed by the end of the month.

FY2015 Road and Utility Improvements (Cape May Avenue South from Reading Avenue to Pittsburgh Avenue; Missouri Avenue from Trenton Avenue to Pittsburgh Avenue; and Hughes Street from Franklin Street to Ocean Street.) All three road utility projects are scheduled for advertisement for bids on October 12, 2015.

Capehart Lane Access Easement – Mr. Thornton met previously with the City Manager and local residents. Mr. Thornton recommends a minor adjustment to the tax map and will submit a proposal for paving an entire City block for the approval by Council.

Councilmember Meier asks about a time line to pave the City block and Mr. Thornton advises that the design process will be quick and the project will take approximately six weeks.

Water System Supervisory Control and Data Acquisition (SCADA) Upgrades – Mr. Thornton reports that he participated in a meeting with the City Manager and the Water Department Superintendent. Mr. Thornton advises that his proposal will include remote monitoring.

Third Party Verification of Energy Savings Plan – Mr. Thornton reports that the meeting for the baseline workshop with Johnston Controls has been rescheduled for October 23, 2015.

NJDOT Local Aid Funding Application – Mr. Thornton advises that a proposal was submitted for an application to the NJDOT local aid funding for the next block of Cape May Avenue.

Beach and Surf Zone Grading Feasibility Study – Mr. Thornton recommends a feasibility study. A proposal will be submitted on the feasibility study at the next Council Meeting on October 20, 2015.

Councilmember Wichterman comments that he has no faith in the Army Corps of Engineers or the NJDEP to correct the beach slope problem. Mr. Thornton suggests that the feasibility study should help with decisions regarding this matter.

Councilmember Meier asks about approval from the NJDEP to move sand around on the beaches before a storm. Mr. MacLeod advises that the City is permitted to do so based upon regulations promulgated by the Army Corps and the NJDEP which must be followed before moving sand around.

Mayor Mahaney explains that the Cape May City beaches are “engineered beaches” which puts the City of Cape May in a different category than other beach towns because of Federal and State replenishment programs. Mayor Mahaney talks about the steps which need to be taken to move forward on repairing the City beaches.

CITY MANAGER ITEMS

Mr. MacLeod provides a detailed report on Legal Fees paid by the City of Cape May for the months of September and October 2015. Also, Mr. MacLeod gives a detailed report on the cell phone, antenna lease agreements for the last 18 months in the City of Cape May. Mr. MacLeod reports that the Occupancy Tax received through September, 2015, as compared to the same time period in 2014, shows an increase of \$310.00. The parking meter collections to date have

increased 2.5% without the credit card payments included. Mr. MacLeod reports an increase in beach tag revenue from last year in the amount of \$344,514.00, due to the price increase and nice beach weather this year. Free beach tags for Veterans/Active Military began in the City of Cape May last year, and Mr. MacLeod reports that this year 2,754 tags were distributed, 65% to Veterans and 35% to Active Duty Military and their families.

CLERK'S ANNOUNCEMENTS

Last Day to Register to Vote in New Jersey is October 13, 2015
November Worksession/Regular Meeting – Monday, November 2, 2015
General Election Day – City Hall Closed, Tuesday, November 3, 2015

REGULAR MEETING BUSINESS:

RESOLUTIONS:

- 219-10-2015 – Resolution Approving Refund of Overpaid 2015 Utilities
- 220-10-2015 – Resolution Approving Refund of Overpaid 2015 Utilities
- 221-10-2015 – Resolution Regarding Trick-or-Treat Night
- 222-10-2015 – Resolution Authorizing Membership in the Cape Island Joint Rabies Clinic
- 223-10-2015 – Resolution Modifying Conditions on Liquor Licenses for Carneys, Inc. and Frog Spring Corp.
- 224-10-2015 – Resolution of the City of Cape May Approving and Authorizing the Execution of an Agreement for Professional Services with Gruccio Pepper DeSanto Ruth, PA
- 225-10-2015 – Payment of Bills “A”
- 225-10-2015 – Payment of Bills “B”
- 226-10-2015 –Resolution Approving Professional Services Agreement Between Hatch Mott MacDonald and the City of Cape May for Reconstruction of Cape May Avenue (South Side) Trenton Avenue to Reading Avenue

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

MINUTES:

City Council Worksession/Regular Meeting Minutes dated September 1, 2015
City Council Special Meeting Minutes dated September 15, 2015
City Council Closed Session Meeting Minutes dated September 15, 2015

Motion: Wichterman
Second: Meier

Roll Call:

Meier Yes
Pessagno Yes
Swain Absent
Wichterman Yes
Mahaney Yes

REPORTS RECEIVED BY THE CLERK:

Occupancy Tax Budget Projection Report dated August 18, 2015
City of Cape May Environmental Commission Meeting Minutes dated September 22, 2015
Cape May City Fire Department Fire Service and EMS Incident Report for September, 2015
Cape May City Monthly Report of Tax Collections for the Period July 31, 2015
City of Cape May Overtime Report for the month of September, 2015
City of Cape May Assessor's Office Monthly Report dated October 2, 2015

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

NEW BUSINESS:

- A) City Attorney
- B) City Manager – Mr. MacLeod announces that Trick or Treat on the Washington Street Mall will be held on Sunday, October 18, 2015 from 12:00 P.M. to 2:00 P.M. and the Halloween Parade will follow. Also, Mr. MacLeod announces that the NJ Audubon Autumn Festival will be held on October 23 through 25, 2015.
- C) City Clerk
- D) Councilmembers – Councilmember Wichterman comments about the positive Park Meeting held last Tuesday. Mr. Wichterman advises that the presentation was excellent and appreciates the great feedback and questions from the audience. Mr. Wichterman advises that he recently spoke to Vito Gagliardi, Special Council for the City of Cape May on the Regional School funding formula. Mr. Wichterman reports that at this time, the case is in limbo awaiting a decision on a similar case. Mr. Wichterman asks Council to pursue this matter after his term expires. Finally, Mr. Wichterman suggests the adoption of an ordinance banning drones in the City of Cape May. Mr. Wichterman feels that drones are dangerous to helicopters and banner planes in the air over the City of Cape May. Mr. Wichterman makes a motion to ban drones.

Mayor Mahaney supports Mr. Wichterman on the motion to ban drones in the City of Cape May. However, the Mayor would like Mr. MacLeod to contact the USGC and the County Freeholders to ensure that a City Ordinance would not interfere with research testing. Mayor Mahaney asks the City Attorney to draft an ordinance on banning the drones.

Councilmember Pessagno echoes Mr. Wichterman's sentiments regarding the Special Meeting last week about the Parks. Ms. Pessagno feels that the meeting was a community vision of great spirit and she thanks the community for their input and cooperation.

Councilmember Meier talks about the careers and action taken by the City against two Police Officers in the City of Cape May. Mr. Meier makes a motion to reinstate Captain Rob Sheehan.

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

Councilmember Wichterman reminds the audience that the Hearing for Lieutenant Lear will take place on Tuesday, October 13, 2015 at 9:00 A.M. in the Cape May City Municipal Court Room.

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.

Tom Keene, 836 Lafayette Street, Cape May is happy about the double digit revenue increases reported on by Mr. MacLeod. Mr. Keene asks about the top five revenue generators in the City of Cape May. Mr. MacLeod replies that occupancy tax and parking meter collections are the largest revenue sources in the budget. After those come cell phone antenna leases, property leases, mercantile licenses and construction fees.

Deputy Mayor Swain arrives at the meeting at 2:10 P.M.

Mr. Keene thanks Councilmembers Meier and Wichterman for their attempt to reinstate Mr. Sheehan. Mr. Keene states that he is in the dark about the facts surrounding the Sheehan demotion and asks Councilmember Pessagno and Mayor Mahaney to enlighten the public.

Deputy Mayor Swain asks to respond to Mr. Keene. Ms. Swain talks about the pending litigation surrounding Mr. Sheehan and Mr. Lear and the necessity for Council to maintain silence and confidentiality regarding both cases. Ms. Swain advises that until the matters are resolved, it is imperative that Council continue to remain mute.

Jerry Gaffney, 810 Columbia Avenue, Cape May, supports Mr. Meier and Mr. Wichterman in their attempt to reinstate Mr. Sheehan and asks when action will be taken on Mr. Sheehan's case. Also, Mr. Gaffney is concerned about legal expenses.

Mr. Monzo advises that no date has been scheduled regarding the Sheehan litigation and discovery has just begun. There has been no communication through Captain Sheehan's attorney

at this time but as previously stated, written discovery has been sent out which will be followed by depositions.

Mr. Gaffney talks about the property located at 817 St. John Place, the purchase, cost for demolition and the proposed use of the property.

Mr. Monzo advises Mr. Gaffney that the City is negotiating to purchase the property.

Mr. MacLeod advises that the property will be included in the Lafayette Street Park project including the funds to purchase the property.

Mr. Gaffney asks if the DEP approved the temporary dune placed in front of Convention Hall prior to the last storm.

Mayor Mahaney replies that an approval was given by DEP and the Army Corps of Engineers.

John Van de Vaarst, 1030 Ohio Avenue, Cape May, read the Engineers report on beach replenishment and asks if this project will be a long term solution. Mr. Van de Vaarst is concerned about the safety of the bathers. Also, Mr. Van de Vaarst suggests working with Universities with advanced degrees in Oceanography.

Mayor Mahaney replies that the DEP and Army Corps of Engineers are looking at a long term solution. Mayor Mahaney advises that part of the study will involve NJIT, Rutgers and Stockton University.

Dennis DeSatnick, 1307 Trenton Avenue, Cape May talks about the liability of the City surrounding the movement of sand on the beaches.

Mayor Mahaney advises that a plan has not been developed at this time, but the City will need approval from NJDEP and Army Corps of Engineers to move forward.

Patricia Hendricks, 106 Trenton Avenue, Cape May, thanks the City Manager for his detailed report on legal Fees. Ms. Hendricks asks if there are any current cases against the City relating to injuries on the beaches of the City of Cape May. Ms. Hendricks is concerned with beach safety in the City and feels the City should appoint volunteer residents to committees.

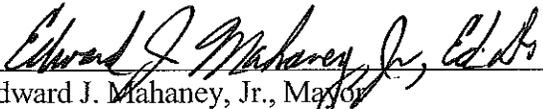
Ms. Cumiskey reports that at this time, there is one case against the City of Cape May filed by a woman who was struck by a child on a boogie board.

Ms. Hendricks talks about Lt. Lear's Public Hearing, the court room size and asks if the Hearing will be captured on live stream. Ms. Hendricks asks why Captain Sheehan was demoted.

Mr. Monzo advises that the Hearing will not be on live stream because the Judge will not allow that in his court room. Also, the way the hearing is conducted is sequestered so that the witnesses cannot hear other witnesses' testimony. Mr. Monzo again informs Ms. Hendricks that since litigation is still pending, the City may not comment on the matter.

ADJOURNMENT

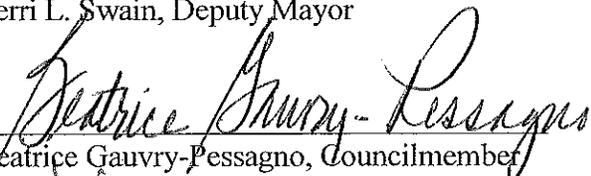
Motion made by Councilmember Meier seconded by Councilmember Pessagno to adjourn. The meeting adjourned at 2:45 P.M.



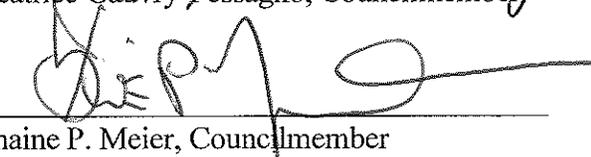
Edward J. Mahaney, Jr., Mayor

ABSENT

Terri L. Swain, Deputy Mayor



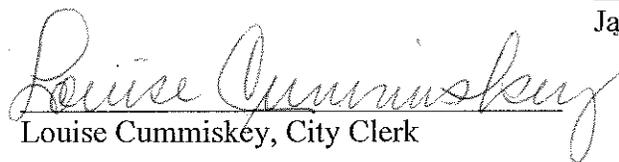
Beatrice Gauvry-Pessagno, Councilmember



Shaine P. Meier, Councilmember



Jack Wichterman, Councilmember



Louise Cummisskey, City Clerk