

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

**ENGINEER REPORT**

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

Welcome Center Lighting and Parking – Mr. Thornton advises that an evaluation and report has been completed and he has submitted a parking concept plan to Gerry Fahey at New Jersey Transit who has agreed to meet or participate in a conference call to discuss the parking concept plan. Mr. Thornton will coordinate a convenient time for all parties.

Councilmember Wichterman would like Council to pursue additional parking at the Welcome Center.

Green Acres Surveys (811 and 817 St. John Street) – Mr. Thornton reports that the survey of 817 St. John Street has been completed and the survey of 811 St. John Street will be performed upon the execution by the parties of an agreement of sale.

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 will be completed in early September. The assessment of 811 St. John Street will be performed upon the execution of an agreement of sale.

City Hall Water Infiltration – Mr. Thornton’s report has been finalized including observations, analysis and recommendations. The report will be submitted this week.

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.) The three road utility projects are scheduled to be advertised for bids on September 24, 2015.

Capehart Lane Access Easement – Mr. Thornton will meet with the City Manager to discuss his findings.

Water System Supervisory Control and Data Acquisition (SCADA) Upgrades – Mr. Thornton reports that a proposal was submitted to the City of Cape May on August 18, 2015 for needed upgrades to the system.

Mayor Mahaney explains the SCADA system.

Third Party Verification of Energy Savings Plan – Mr. Thornton reports that the City has authorized and submitted a signed contract to proceed with the work. Mr. Thornton will attend a baseline workshop with Johnson Controls next week.

NJDOT Local Aid Funding Application – Mr. Thornton advises that he will submit his proposal to the City by September 4, 2015. An application will be submitted to the NJDOT on behalf of the City by October 16, 2015.

### **CITY MANAGER ITEMS**

Mr. MacLeod reports that the City received correspondence from Jersey Central Power and Light regarding remediation efforts for the first phase of work at Lafayette Street Park. The project is scheduled to begin in fall 2015 through spring 2016 and the public will be informed prior to the beginning of the construction work.

Mr. MacLeod gives a detailed report on Legal Fees received by the City of Cape May for the months of July and August 2015.

### **CLERK'S ANNOUNCEMENTS**

Ms. Cumiskey announces the Semi-annual American Red Cross Blood Drive to be held on Monday, November 23, 2015 from 10:00 A.M. to 3:00 P.M.

### **REGULAR MEETING BUSINESS:**

#### **RESOLUTIONS:**

204-09-2015 – Resolution Approving Refund of Overpaid 2015 Utilities

205-09-2015 – Resolution Approving Professional Services Agreement Between Hatch Mott MacDonald and the City of Cape May

206-09-2015 – Resolution Regarding the City of Cape May City-Wide Annual Sidewalk Sale

207-09-2015 – Payment of Bills

208-09-2015 – Resolution Authorizing the City Clerk to issue Bingo and Raffle Licenses Throughout the Year to Qualified Organizations

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

**CORRESPONDENCE**

Ms. Cummiskey reads a letter from Jerry Inderwies, Jr. advising that the Inderwies family would like to frame the American Flag which is currently hanging on the wall in the City Hall Auditorium. The flag was a gift to the City and on its surface are the names of the 343 Firefighters who lost their lives on 911.

Mayor Mahaney makes a motion seconded by Councilmember Pessagno to honor Mr. Inderwies' request to frame the Flag.

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

**MINUTES:**

City Council Closed Session Meeting Minutes dated April 7, 2015  
City Council Closed Session Meeting Minutes dated May 5, 2015  
City Council Closed Session Meeting Minutes dated July 7, 2015  
City Council Special Meeting Minutes dated June 30, 2015  
City Council Regular Meeting Minutes dated July 21, 2015  
City Council Special Meeting Minutes dated July 21, 2015 **AMENDED**  
City Council Worksession/Regular Meeting Minutes dated August 4, 2015

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

City Council Special Meeting Minutes dated July 21, 2015 **AMENDED**

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

City Council Closed Session Meeting Minutes dated June 1, 2015

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

**REPORTS RECEIVED BY THE CLERK:**

City of Cape May Monthly Report of Tax Collections for the period June 30, 2015

City of Cape May Environmental Commission Meeting Minutes dated August 18, 2015

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

**NEW BUSINESS:**

- A) City Attorney
- B) City Manager – Mr. MacLeod announces upcoming Events: Junior Clamshell Pitching Tournament, Friday, September 4, 2015, with registration at 11:00 A.M.; The Atlantic Brass Band, a free concert at Convention Hall, Saturday, September 5, 2015 at 8:00 P.M.
- C) City Clerk – Ms. Cumiskey announces that the Clerk’s Office received two petitions for the vacant seat on City Council. Petitions were received from Patricia Hendricks and Roger Furlin.
- D) Councilmembers – Councilmember Wichterman reminds everyone that the 911 Patriot Day Ceremony, sponsored by the Kiwanis Club, will be held at the west end of Beach Avenue at

6:15 P.M. on September 11, 2015. Mr. Wichterman advises that this years' ceremony will include a speaker who was present at the World Trade Center on September 11, 2001. The Cape Harmonaires will also perform at the ceremony. Mr. Wichterman talks about the City Ordinance banning bicycles on the Promenade and Washington Street Mall. Mr. Wichterman suggests giving a warning to people who tie their bicycles to railings and benches on the Promenade.

Mayor Mahaney announces that the movie "Sister Act" will be playing at Convention Hall this Friday beginning at 7:00 P.M. and this Saturday night, the Philadelphia German Brass Band will perform at the bandstand in Rotary Park beginning at 7:00 P.M. Also, Mayor Mahaney announces that a live televised Broadcast of Pope Francis celebrating Mass in Philadelphia will be held on a large screen at Cape May Convention Hall on Sunday, September 27, 2015 at 4:00 P.M. All of these events are free to the public.

**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.

William Murray, 1012 Kearney Avenue, Cape May agrees with Mr. Wichterman about giving notice to bicyclists and suggests placing proper regulation signs on the promenade. Mr. Murray would like to know the capacity in which Todd Gelfand works for the City.

Mr. MacLeod advises that Todd Gelfand, Esquire is a member of the firm Barker, Gelfand and James, PC, which have been retained by the City of Cape May as Special Legal Council in the litigation matters between the City and the Police Department and the County Prosecutor.

Mr. Murray asks where the lawsuit stands and Mr. Monzo advises that it is currently in the Discovery phase. Mr. Murray asks if there have been any settlement conversations and Mr. Monzo advises that the attorneys have spoken.

Patricia Hendricks, 106 Trenton Avenue, Cape May, thanks Mr. MacLeod for the update on legal fees. Ms. Hendricks asks for an update on the public hearing on Lafayette Street Park.

Mayor Mahaney replies that the special meeting date for Lafayette Street Park and Rotary Park will be determined after Labor Day. An announcement will be made at the next meeting.

Ms. Hendricks asks about the meeting between the City and the Army Corp regarding beach replenishment.

Mayor Mahaney advises Ms. Hendricks that the meeting with the Army Corp was regarding the need to elevate the seawall and then explains to Ms. Hendricks that the DEP regulates what may be done regarding the slope on the beaches.

Ms. Hendricks asks who ordered the bicycles to be removed from the promenade.

Mr. MacLeod replies that he is responsible for the removal of the bicycles from the promenade and there is discussion regarding the local ordinance and the summonses issued.

Mr. Monzo suggests a review of various City ordinances pertaining to the Beach, Promenade and the Washington Street Mall.

Bob Boyd, 1009 Washington Street, Cape May, talks about enforcing ordinances in the City of Cape May.

Dennis DeSatnick, 1307 Trenton Avenue, Cape May, talks about a summer resident recently injured while swimming. Mr. DeSatnick asks City Council to take action with the Army Corps of Engineers and the DEP to repair the Cape May City Beaches.

Mr. Monzo advises that the Army Corps of Engineers does not regulate the City's beaches but rather the DEP. Mr. Monzo explains the State regulations regarding beaches.

Councilmember Meier feels that the City needs a more permanent solution for safe beaches.

Julius Rauch, 1010 New York Avenue, Cape May suggests that the City provide information on rules and regulations of bicyclists to Bicycle Rental Shops and Real Estate Agency's. Also, Mr. Rauch asks Council to repaint the lines in the streets in no parking areas because the lines are fading. Mr. Rauch suggests an increase of fees for mercantile licenses and a fire inspection on all property rentals.

Chad DeSatnick, 1307 Trenton Avenue, Cape May talks about a spinal cord injury which he suffered several years ago. Mr. DeSatnick feels the beaches in Cape May are unsafe. Mr. DeSatnick feels warning signs on the beach break and slopes should be placed on all beaches in the City of Cape May.

Mayor Mahaney has a discussion with Mr. DeSatnick about a meeting which took place with the Army Corps of Engineers.

Carol Boyd, 1009 Washington Street, Cape May talks about enforcing local ordinances and suggests forming a committee to discuss and update Cape May City local ordinances.

Laura DeCamillo, 1315B Virginia Avenue, Cape May asks Council about the aerator missing from the lake on Madison Avenue.

Mayor Mahaney asks the City Manager to look into the matter.

Ms. DeCamillo talks about the summer weeds on the promenade and would like the rest room trailer on Gurney Street removed. Mr. MacLeod advises that we do have a Bond but need a design and DEP approval.

Mayor Mahaney talks about the importance of the bath houses.

Ms. DeCamillo asks about the antennae on the water tower and would like to know if the City realizes a rental fee from the users.

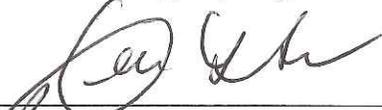
Mr. MacLeod advises that he will prepare a report for the next Council meeting.

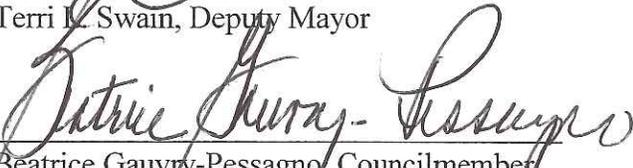
Marylou Comber, 1207 Maryland Avenue, Cape May feels notices should have been given before removing bicycles from the promenade.

**ADJOURNMENT**

Motion made by Councilmember Pessagno seconded by Councilmember Meier to adjourn. The meeting adjourned at 3:00 P.M.

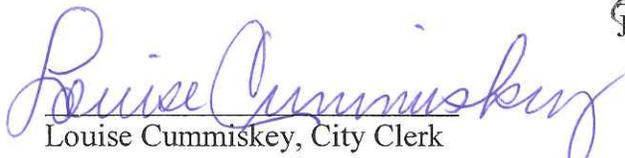
  
Edward J. Mahaney, Jr., Mayor

  
Terri L. Swain, Deputy Mayor

  
Beatrice Gauvry-Pessagno, Councilmember

  
Shaine P. Meier, Councilmember

  
Jack Wichterman, Councilmember

  
Louise Cummiskey, City Clerk