

**REGULAR MEETING
OF CITY COUNCIL OF THE CITY OF CAPE MAY, NJ
Tuesday, September 15, 2015, 7:00 P.M.**

Present: Mayor Edward J. Mahaney, Jr.
Councilmember Meier
Councilmember Pessagno
Deputy Mayor Swain
Councilmember Wichterman
Also Present: City Attorney Louis A. DeLollis
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:

218-09-2015 – Resolution Approving Stipulation of Settlement and Dismissal of Complaint with Prejudice

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

ORDINANCES FOR INTRODUCTION:

Before introduction, City Manager, Bruce MacLeod, asks for an amendment to Ordinance 295-2015 and explains his request.

295-2015 – AN ORDINANCE AMENDING CHAPTER 199 OF THE CAPE MAY CITY CODE REGARDING CONSTRUCTION PERMIT FEES – **AS AMENDED**

Motion: Swain
Second: Meier

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

Before introduction, Councilmember Wichterman asks Council to amend Ordinance 296-2015 by removing the name of Wingrove Rosewag on page two.

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” – **AS AMENDED**

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

Mayor Mahaney announces that the second reading and Public Hearing for both Ordinances introduced today will be at the Regular Council Meeting on October 20, 2015.

REGULAR MEETING BUSINESS

RESOLUTIONS:

- 209-09-2015 – Resolution Authorizing Refund of Overpaid 2015 Taxes
- 210-09-2015 – Resolution Approving Donation of Personal Property to ARC
- 211-09-2015 – Resolution Approving the Submission of a Grant Application and the Execution of a Grant Agreement with the New Jersey Department of Transportation for a Bikeway Grant – Bike 2016-Cape May City-00007
- 212-09-2015 – Resolution Approving the Submission of a Grant Application and the Execution of a Grant Agreement with the New Jersey Department of Transportation for the Safe Streets to Transit Program SST-2016-Cape May City-00007
- 213-09-2015 – Resolution Approving Cancellation of Real Estate Taxes
- 214-09-2015 – Payment of Bills “A”
- 214-09-2015 – Payment of Bills “B” **REMOVED FROM CONSENT**
- 215-09-2015 – Resolution Approving Agreement between City of Cape May and Seven Mile Publishing and Creative Group, LLC – Information Guide and Event Schedule
- 216-09-2015 – Resolution Approving Agreement Between City of Cape May and Seven Mile Publishing and Creative Group, LLC – Summer Concert Series

Patricia Hendricks, 106 Trenton Avenue, Cape May asks the cost of retaining Seven Mile Publishing and also inquires as to why the contract was not put out for bid.

Deputy Mayor Swain advises that the price for the Information Guide and Event Schedule is set forth in four sub-sections totaling \$38,557.00 and the cost for the Summer Concert Series Guide is set forth in two categories totaling \$6,210.00.

City Attorney, Louis DeLollis, advises that because the nature of the service is unique, the City is not required to bid either one of the contracts.

Bernie Haas, 1016 Illinois Avenue, Cape May asks why the aforementioned contracts are not competitively bid and believes he could do the job.

Mr. DeLollis advises that the services are considered extraordinary, unspecified services under the Local Public Contract Law.

Charles Hendricks, 106 Trenton Avenue, Cape May would like the City of Cape May to award bids to a local Publisher.

Resolutions 209 through 216, except 214 B

Motion: Wichterman
Second: Pessagno

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

214-09-2015 – Payment of Bills “B”

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

CORRESPONDENCE

Ms. Cummiskey reads a letter from the First Presbyterian Church of the City of Cape May thanking the City for allowing the Church to use Kiwanis’ Park for the annual church picnic.

MINUTES:

City Council Closed Session Meeting Minutes dated July 21, 2015

City Council Regular Meeting Minutes dated August 18, 2015

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

REPORTS RECEIVED BY THE CLERK:

Assessor's Office Monthly Report dated September 8, 2015

City of Cape May Fire Department Incident and EMS Incident Report for August 2015

City of Cape May Overtime Reports for the months of July and August 2015

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

NEW BUSINESS:

A) City Attorney

B) City Manager – Mr. MacLeod announces the upcoming City events as follows: The Dragon Boat Festival will take place on Saturday, September 19, 2015, at 9:00 A.M. at the Cape May Harbor. Mr. MacLeod comments that this year, City employees are racing for the first time in support of the American Cancer Society in memory of a City Fire Fighter, David Halburner; The Mid Atlantic Center for the Arts is having a Harvest Brew Fest at the Physic Estate on Saturday, September 19, 2015 and the “2015 NJ Run for the Fallen” will be held on Thursday, September 24, 2015. The Run for the Fallen honors New Jersey Heroes and their families and the City of Cape May encourages everyone to come out and support the event.

C) City Clerk – Ms. Cummiskey reminds everyone that the last day to register to vote for the upcoming General Election is October 13, 2015.

D) Councilmembers – Councilmember Meier would like to involve the public in the design of Rotary Park and asks Council to schedule a public meeting as soon as possible. Mr. Meier is concerned about saving as many trees as possible in Rotary Park.

Councilmember Pessagno thanks the City for working quickly on the “Reserved Handicapped Parking on behalf of Craig Gras.

Councilmember Wichterman talks about the Shade Tree meeting last week and would like a public hearing, regarding Rotary Park, scheduled in the near future.

Mayor Mahaney announces that the USCG will be running in the "NJ Run for the Fallen" this year and the Cape May Elementary School students will be waving flags in the center of town as the runners pass by. Mayor Mahaney announces that the public hearing for Lafayette Street Park and Rotary Park will be held in the City Hall Auditorium, Tuesday, September 29, 2015 at 7:00 P.M. The first topic discussed will be Lafayette Street Park (Phase I) and the second topic will be Rotary Park. Mayor Mahaney reports that Lafayette Street Park (Phase I) is being funded by a NJ EDA grant in the amount of \$1.5 million with no cost to the City. Mayor and Council invites all to attend.

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.

Roger Furlin, 627 Hughes Street, Cape May addresses the "bickering" during the public comment portion of Council meetings. Mr. Furlin reminds everyone that the City of Cape May is a tourism community and people need to consider public relations. Mr. Furlin feels that often times, five minutes during the public portion of the meeting is not always enough to address concerns and suggests a communication link between Council and residents. Finally, Mr. Furlin suggests that the City form committees to address public concerns.

Anita DeSatnick, 1307 Trenton Avenue, Cape May talks about beach replenishment, beach slopes and beach safety in the City of Cape May. Ms. DeSatnick asks when the next meeting will be with the Army Corps of Engineers and the NJDEP and asks if minutes will be taken.

Mayor Mahaney reports that the City has met with the Army Corp and the DEP to look at City beaches. After Hurricane Sandy, those departments would not entertain discussion on beach slopes. Since some time has passed since Hurricane Sandy, discussions will resume and Mayor Mahaney advises that the city will work with both agencies to set up a plan for the 2016 beach season. The next meeting will be determined by information received from the Army Corps of Engineers and the NJ DEP.

Al Beale, 1224 Idaho Avenue, Cape May, talks about the renovation of Rotary Park, the City logo in the park, and about saving the trees in the park. Mr. Beale does not feel there is a need to renovate the park.

Mr. MacLeod explains that the renovation of Rotary Park is a City project and a third party is helping by raising money for the restoration. An Event that was held at the Park recently and the logo was placed in the park, together with benches, lights and fencing, to show residents what may be selected and to enhance the event.

Mayor Mahaney advises that after a meeting with the Shade Tree Commission all the trees will be saved except one or two.

Timothy Gay, Cape May City Firefighter, 518 Elmira Street, Cape May, reports to Council on issues he is having with the Fire Department.

Mr. MacLeod advises Mr. Gay that the issues he is talking about are personnel matters and should not be discussed in this forum.

City Attorney, Louis DeLollis, also advises Mr. Gay that the matters he is discussing are personnel matters that should not be discussed at a Council Meeting. Mr. Gay asks if he is being told not to speak and again, Mr. DeLollis advises Mr. Gay that a Council Meeting is not the right forum to discuss Mr. Gay's concerns. Mr. Gay continues and then leaves the meeting.

Dennis DeSatnick, 1307 Trenton Avenue, Cape May, addresses his concerns on C-spine injuries and beach safety in the City of Cape May. Mr. DeSatnick is gathering information, pictures and facts on the beaches from Poverty Beach to 2nd Avenue Beach regarding slopes and cliffs.

Patricia Hendricks, 106 Trenton Avenue, Cape May, feels that the public portion of the Council meeting is the time for residents to voice their concerns to City Council. Ms. Hendricks talks about the public meeting for Lafayette Street Park and Rotary Park. Ms. Hendricks asks when the Public Hearing regarding the Lear matter will be scheduled.

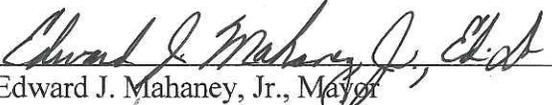
Mr. DeLollis advises that the Public Hearing is scheduled for October 18, 2015.

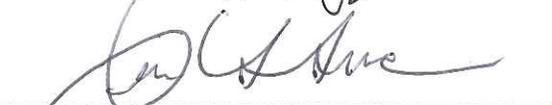
Ms. Hendricks talks about beach replenishment and beach safety in the City of Cape May. Ms. Hendricks asks about the difference between 2008 and the present as far as beach replenishment and adjusting the beach slopes.

Mayor Mahaney answers the question.

ADJOURNMENT

Motion made by Councilmember Pessagno, seconded by Deputy Mayor Swain to adjourn. The meeting adjourned at 8:20 P.M.

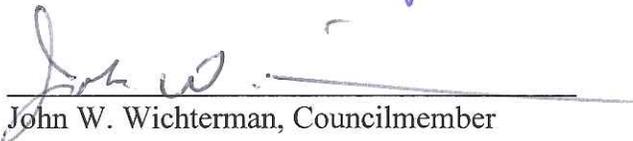

Edward J. Mahaney, Jr., Mayor


Terri L. Swain, Deputy Mayor

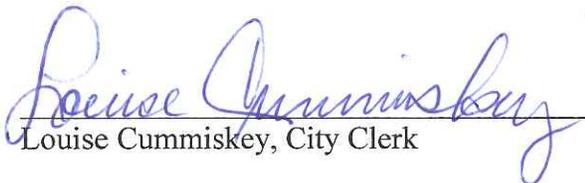

Beatrice Pessagno, Councilmember



Shaine P. Meier, Councilmember



John W. Wichterman, Councilmember



Louise Cumiskey, City Clerk