



**WORKSESSION/REGULAR MEETING  
OF CITY COUNCIL OF THE CITY OF CAPE MAY, NJ  
Tuesday, March 6, 2018 6:00 P.M.**

The Regular Meeting of City Council of the City of Cape May was called to order by Cape May City Mayor, Clarence F. Lear, III at 6:00 P.M. Tuesday, March 6, 2018 in the Cape May City Hall Auditorium. The Pledge of Allegiance was recited.

Patricia Harbora, City Clerk announced that under the Open Public Meetings Law, notice of this meeting was sent to the Cape May Star and Wave and The Press of Atlantic City and a copy of the agenda was delivered to each Member of Council and was posted on the City Hall Bulletin Board.

Present: Councilmember Roger M. Furlin  
Councilmember Patricia Gray Hendricks  
Mayor Clarence F. Lear, III  
Deputy Mayor Shaine P. Meier  
Councilmember Beatrice Gauvry Pessagno

Also Present: City Attorney Frank Corrado  
City Manager Neil Young  
City Clerk Patricia Harbora  
Deputy City Clerk Erin Burke  
City Auditor Leon Costello

**Minutes do not reflect the actual order in which the events occurred.**

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

89-03-2018 Resolution for the Governing Body for a Certification of Compliance with the United States Equal Employment Opportunity Commission's "Enforcement Guidance on the Consideration of Arrest and Conviction Records in Employment Decisions under Title VII of the Civil Rights Act of 1964 – **ADD**

**Motion:** Meier **Second:** Pessagno **Pessagno:** Yes **Meier:** Yes **Hendricks:** Yes **Furlin:** Yes **Lear:** Yes

344-2018 Calendar Year 2018 Ordinance to Exceed the Municipal Budget Appropriation Limits and to Establish a Cap Bank (N.J.S.A. 40A: 4-45.14) – **ADD**

**Motion:** Meier **Second:** Pessagno **Pessagno:** Yes **Meier:** Yes **Hendricks:** Yes **Furlin:** Yes **Lear:** Yes

City Manager Neil Young clarifies that Ordinance 344-2018 was listed on the agenda, however it was mis-numbered.

**BUDGET DISCUSSION**

City Manager Neil Young and City Auditor Leon Costello, CPA, RMA, LPSA, explain the process of introducing and adopting the 2018 Cape May City budget, stating that City Council will vote to introduce the budget this evening, and a public hearing of the budget with potential adoption by Council will be scheduled for April 3, 2018. Mr. Young explains that he discussed the proposed budget with Council on February 6,

2018 and projected a .005¢ tax increase, but due to a recent legal settlement, that figure has been increased further to a .01¢ tax increase.

### **ORDINANCES FOR INTRODUCTION**

344-2018 Calendar Year 2018 Ordinance to Exceed the Municipal Budget Appropriation Limits and to Establish a Cap Bank (N.J.S.A. 40A: 4-45.14)

**Motion:** Meier **Second:** Pessagno **Pessagno:** Yes **Meier:** Yes **Hendricks:** Yes **Furlin:** Yes **Lear:** Yes

City Auditor Leon Costello explains that this ordinance is a formality, and that the City is well under the cap bank.

### **RESOLUTION**

89-03-2018 Resolution for the Governing Body for a Certification of Compliance with the United States Equal Employment Opportunity Commission's "Enforcement Guidance on the Consideration of Arrest and Conviction Records in Employment Decisions under Title VII of the Civil Rights Act of 1964

**Motion:** Meier **Second:** Pessagno **Pessagno:** Yes **Meier:** Yes **Hendricks:** Yes **Furlin:** Yes **Lear:** Yes

### **BUDGET DISCUSSION CONTINUED**

Misters Young and Costello detail the proposed 2018 Cape May City Budget at length. Mr. Costello affirms that the City is in very good shape, even better than last year, in regard to the proposed budget, and that the proposed budget is fiscally sound. He states that changes can be made to this budget between introduction and the public hearing/adoption on April 3, 2018.

### **RESOLUTION**

83-03-2018 Resolution for the Approval by Council of the Local Municipal Budget

**Motion:** Meier **Second:** Pessagno **Pessagno:** Yes **Meier:** Yes **Hendricks:** Yes **Furlin:** Yes **Lear:** Yes

### **ENGINEER REPORT**

Thomas R. Thornton, PE, CME, of Mott, MacDonald (MM), presents his engineer's report as follows:

#### **PROJECTS UNDER CONSTRUCTION:**

Reconstruction of Pennsylvania Avenue – Project was awarded to Landberg Construction, LLC on February 6, 2018. A notice to proceed was issued on February 28, 2018, and construction is anticipated to begin in March 2018.

Stockton Avenue Sanitary Sewer Replacement – Project is moving along rapidly and is approximately 90% complete.

Delaware Avenue Sanitary Sewer Pump Station Generator – Generator and electrical are complete. Remaining items include fencing and generator platform. Project completion date is expected for March 2018.

Lafayette Street Sanitary Sewer Extension – Project is substantially complete. Remaining work includes water services and site restoration. Completion of all sewer work is expected in March 2018, and final trench restoration is expected in May 2018.

Public Works Above Ground Storage Tank (AST) – The tank is installed. Remaining items include electrical work and generator fuel feed line. Weather delays and delays due to subgrade structures warrant the extension of the project completion date to March 2018.

Welcome Center Lighting and Parking – Cape May Seashore Lines has been unresponsive to both MM and City Solicitor Corrado's phone calls and requests to memorialize the terms of agreement reached in previous meetings.

#### **PROJECTS IN DESIGN PHASE:**

Cape May Stage Fire Suppression System – Bids were received on February 13, 2018, with the lowest bid exceeding the budget estimate by \$77,000. Council must consider rejecting bids and rebidding the project. MM recommends installing water service via requests for quotes, and go out to bid for the fire suppression work at the end of Cape May Stage's performance season so the work can be completed in the off-season (winter 2019).

Dale Place Reconstruction and Utility Upgrades – Bids were received on February 27, 2018, with the lowest bid submitted by Cardinal Contracting, LLC in the amount of \$174,880.00. It is anticipated that Council will award the contract this evening.

Reading Avenue Storm Sewer Improvements – The project was authorized at the November 6, 2017 Cape May City Council meeting, and it is anticipated that it will be advertised for bids in March 2018.

#### **STUDIES AND INITIATIVES:**

Water System Master Plan – Draft chapters 1-4 have been submitted to the Water/Sewer Department for review. Chapters 5-9 will be provided to the City for review in March 2018.

Geographic Information System (GIS) – GIS maps are complete, and map books for sanitary sewer, water, and storm sewer system have been delivered to the City. MM will provide training to City staff once the City procures the necessary online system software.

Lafayette Street Park Master Plan – Project was authorized at the December 19, 2017 Council meeting. The wetlands delineation and field survey are complete. A Lafayette Street Park Advisory Committee meeting was held on March 1, 2018 and MM is waiting for feedback on the preliminary concept plan that was presented at that meeting.

Public Works Facility Groundwater Monitoring Program – Project was authorized at the February 6, 2018 Council meeting. Two (2) groundwater monitoring wells have been installed at the site, and a groundwater sampling is scheduled in approximately two (2) weeks.

West Perry Street Grading Concept Plan and Report – Multiple concept plans have been prepared and presented to City officials. Nothing new to report.

#### **PROPOSALS:**

Water Main Rehabilitation – MM is preparing proposal for professional services for design, permitting, and construction phase engineering services for the rehabilitation of the water main (a project for which the City received a Small Cities Grant of \$400,000). MM's proposal for the project is anticipated to be presented to Council at the March 20, 2018 meeting.

Convention Center HVAC Evaluation – MM is preparing a proposal for facility evaluation of the Convention Center HVAC system. The study would include: inspection and survey of the existing HVAC system; calculations to verify the existing HVAC system sizing; review of operations and maintenance procedures; preparation of report of findings and recommendations; meeting with City officials; and a cost estimate of recommended measures.

Councilmember Hendricks asks if, in Mr. Thornton’s experience, it is normal for a building as new as Convention Hall to have these kinds of HVAC issues, and he responds that it is abnormal.

**ORDINANCES FOR SECOND READING AND CONSIDERATION FOR ADOPTION**

339–2018 An Ordinance to Amend the Code of the City of Cape May, Chapters 10 and 310-3, to Include the City Zoning Official in the Licensing Process Where Appropriate

**Motion:** Meier **Second:** Pessagno **Pessagno:** Yes **Meier:** Yes **Hendricks:** Yes **Furlin:** Yes **Lear:** Yes

**PUBLIC HEARING** – None.

340-2018 An Ordinance Amending Ordinance 326-2017, Establishing a Bureau of Fire Prevention in the City of Cape May

**Motion:** Meier **Second:** Pessagno **Pessagno:** Yes **Meier:** Yes **Hendricks:** Yes **Furlin:** Yes **Lear:** Yes

**PUBLIC HEARING** – None.

**REGULAR MEETING BUSINESS:**

**RESOLUTIONS:**

84-03-2018 Payment of Bills

**Motion:** Pessagno **Second:** Furlin **Pessagno:** Yes **Meier:** Abstain **Hendricks:** Yes **Furlin:** Yes **Lear:** Yes

85-03-2018 Resolution Refunding Overpaid 2017 Utilities

**Motion:** Meier **Second:** Pessagno **Pessagno:** Yes **Meier:** Yes **Hendricks:** Yes **Furlin:** Yes **Lear:** Yes

86-03-2018 Resolution Designating the 2018 Bathing Beaches

**Motion:** Meier **Second:** Pessagno **Pessagno:** Yes **Meier:** Yes **Hendricks:** Yes **Furlin:** Yes **Lear:** Yes

87-03-2018 Resolution Providing for A Meeting Not Open to The Public in Accordance with the Provisions of the New Jersey Open Public Meetings Act, N.J.S.A. 10:4-12– Didonato/Harbor Cove litigation

**Motion:** Meier **Second:** Pessagno **Pessagno:** Yes **Meier:** Yes **Hendricks:** Yes **Furlin:** Yes **Lear:** Yes

88-03-2018 Resolution Awarding the Contract for Reconstruction of Dale Place, Contract No. M-17

**Motion:** Meier **Second:** Pessagno **Pessagno:** Yes **Meier:** Yes **Hendricks:** Yes **Furlin:** Yes **Lear:** Yes

**MINUTES:**

City of Cape May Closed Session Minutes dated November 21, 2017

City of Cape May Closed Session Minutes dated December 5, 2017

City of Cape May Closed Session Minutes dated December 19, 2017

City of Cape May Closed Session Minutes dated January 16, 2018

City of Cape May Closed Session Minutes dated January 23, 2018

City of Cape May Closed Session Minutes dated January 29, 2018

City of Cape May Closed Session Minutes dated January 31, 2018

City of Cape May Closed Session Minutes dated February 6, 2018

**Motion:** Meier **Second:** Pessagno **Pessagno:** Yes **Meier:** Yes **Hendricks:** Yes **Furlin:** Yes **Lear:** Yes

City of Cape May Council Meeting Minutes dated February 20, 2018

**Motion:** Meier **Second:** Pessagno **Pessagno:** Yes **Meier:** Yes **Hendricks:** Yes **Furlin:** Yes **Lear:** Abstain

## **REPORTS**

Cape May City Occupancy Tax Report for the month of December 2017

Cape May City Bureau of Fire Safety Report for the month of January and February 2018

Cape May City Fire Service and EMS Incident Report for the month of February 2018

**Motion:** Furlin **Second:** Pessagno **Pessagno:** Yes **Meier:** Yes **Hendricks:** Yes **Furlin:** Yes **Lear:** Yes

## **NEW BUSINESS:**

A) City Attorney – None.

B) City Manager – None.

C) City Clerk –

City Clerk Patricia Harbora makes the following announcements:

- P.A.L. of Cape May 13<sup>TH</sup> Annual Comedy Night Social is scheduled for Friday, March 16, 2018 at 7:00P.M. at Convention Hall
- City of Cape May has an interlocal agreement with West Cape May and Cape May Point for a free rabies clinic which is scheduled for Tuesday, March 27, 2018 at the Cape May Point Public Works garage on Lighthouse Avenue from 4:00pm to 5:00pm, which is open to any municipality in Cape May County
- The Cape May City Environmental Commission will be hosting a viewing of “A Plastic Ocean” on Thursday, March 15, 2018 at 4:30pm in the City Hall Auditorium
- The next Cape May City Council Town Hall meeting published for Wednesday, April 18, 2018 has been changed to Wednesday, April 11, 2018 at 7:00pm in Convention Hall

D) Councilmembers

Councilmember Pessagno states that the Lafayette Street Park Advisory Committee recently held their first meeting, which the City Engineer, City Grant Consultant, Board of Education members, and other City officials attended. An additional meeting with the Board of Education is scheduled for March 22, 2018.

Councilmember Furlin acknowledges the joint efforts of the Chamber of Commerce and the City of Cape May in publishing the 2018 visitor’s guidebook.

Councilmember Hendricks further acknowledges the cooperation between the Chamber of Commerce and the City of Cape May in regard to the inclusion of beach safety information in the guidebook.

Mayor Lear voices his satisfaction at Council voting to introduce Ordinance 343-2018: *A Bond Ordinance Approving for Preliminary Expenses for the Construction of a New Public Safety Building in and by the City of Cape May, in The County of Cape May, New Jersey, Appropriating \$300,000 Therefor and Authorizing the Insurance of \$285,000 Bonds or Notes of the City to Finance Part of the Cost Thereof* while he was away.

**PUBLIC FORTION:** Those wishing to publicly comment shall come forward, give their name and address and speak into the microphone.

**Anthony Marino, Chief of Police** – Chief Marino encourages all to attend the P.A.L. Comedy Night, stating that it is a lucrative fundraiser for the P.A.L.

**Alexander Coulter, Fire Chief** – Chief Coulter commends Council for introducing Ordinance 343-2018, and invites the public to a Fire and Police Department open house on March 16, 2018, so that the public can tour the facilities for themselves.

**Jerry Gaffney, 810 Columbia Avenue** – On behalf of the Public Safety Building Advisory Committee, Mr. Gaffney emphasizes the importance of Ordinance 343-2018, and encourages Council to adopt the bond ordinance after the public hearing scheduled for March 20, 2018.

**Rose Traficante, 1062 Pennsylvania Avenue** – Ms. Traficante echoes Mr. Gaffney's statements, and voices her appreciation for the support of Council regarding Ordinance 343-2018.

**James Brady, 922 Benton Avenue** – Mr. Brady questions why there were so many sets of minutes to be approved on the agenda this evening. City Clerk Patricia Harbora states that the Clerk's Office is working to catch up on writing minutes for adoption.

**Barney Dougherty, 512 Washington Street** – Mr. Dougherty stresses the explicit need for a new public safety building, and urges all to read the 2003 Master Plan and 2009 Master Plan Reexamination, which detail the need for improvements to the Fire and Police Departments.

**David Tucker, 18 S. 2<sup>nd</sup> Avenue, Hammonton, NJ; President of the Government Workers Union (GWU)** – Mr. Tucker speaks on behalf of the Blue Collar employees of Cape May City, giving a brief explanation of their existing duties and salary ranges. Mr. Tucker claims the salary ranges are close to, if not the lowest in Cape May County, and wanted to bring this information forward for Council's consideration, since the GWU is in the midst of contract negotiations with the City. Additionally, Mr. Tucker speaks in support of a new public safety building, and wishes the City well moving forward with the project.

**Kathleen Wyatt, 292 Windsor Avenue** – Ms. Wyatt speaks in support of a new public safety building, and stresses the importance of Council adopting Ordinance 343-2018 on March 20, 2018. She maintains that storms and high winds pose as threats to the existing building, which could theoretically affect the response of personnel to emergency situations.

**Robert Boyd, 1009 Washington Street** – Mr. Boyd questions if the Office of Emergency Management would function within the proposed new public safety building, and if thought has been given to moving the Municipal Court out of the basement of City Hall.

Mayor Lear responds that the City needs a building that can contain *all* emergency response teams/departments, and that the moving of the municipal court has not been considered.

**William Seeger, 1361B Vermont Avenue** – Mr. Seeger questions the timeline for adoption of the budget, opining that introduction this evening and potential adoption on April 3, 2018 does not give much time for consideration. Mr. Seeger also questions if the proposed .01¢ tax increase includes the proposed water rate increase.

City Manager Young clarifies that the public hearing of the budget must occur on April 3, 2018, but Council can choose to table the adoption if they should want to do so. Mr. Young then states that the proposed tax increase is separate from the proposed water rate increase, and emphasizes that the water rate has not been increased since 2010.

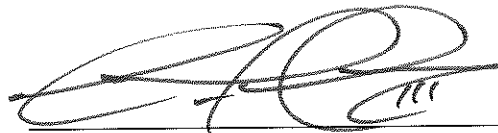
**CLOSED SESSION: 7:03PM**

**RETURN TO OPEN PUBLIC MEETING: 7:30PM**

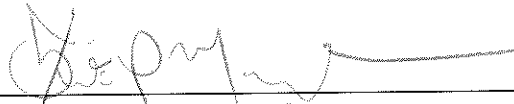
No formal action taken.

**ADJOURNMENT**

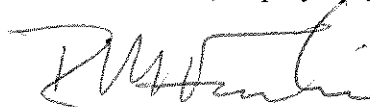
Motion made by Deputy Mayor Meier, seconded by Councilmember Pessagno, to adjourn. The meeting adjourned at 7:34 P.M



Clarence F. Lear III, Mayor



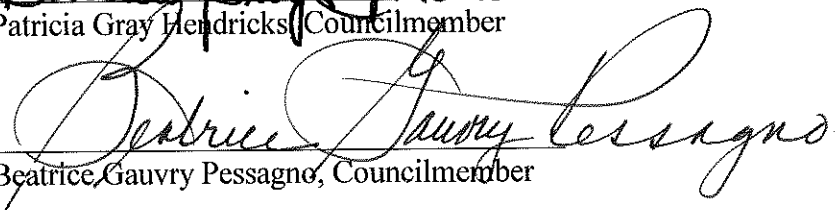
Shaine P. Meier, Deputy Mayor



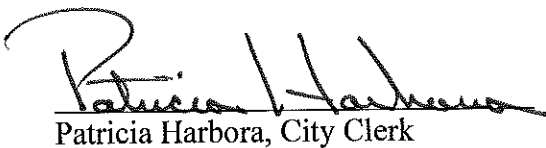
Roger M. Furlin, Councilmember



Patricia Gray Hendricks, Councilmember



Beatrice Gauvry Pessagno, Councilmember



Patricia Harbora, City Clerk

