



**WORKSESSION/REGULAR MEETING  
OF CITY COUNCIL OF THE CITY OF CAPE MAY, NJ  
Tuesday, May 1, 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, May 1, 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

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

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

131-05-2018 Resolution Authorizing Shared Service Agreement with WCM for Court Administrator - **ADD Motion: Meier Second: Hendricks Pessagno: Yes Meier: Yes Hendricks: Yes Furlin: Yes Lear: Yes**

**PROCLAMATION**

**Knights of Columbus**

Mayor Lear reads the proclamation, and Misterys George Catanese and John Tice receive the proclamation on behalf of the Knights of Columbus.

**COMMITTEE UPDATES**

**Seawall/Promenade Improvement Advisory Committee** – Dr. Scott Maslow (Chair), Mr. Louie Bruno, Ms. Heather Bruno (Secretary)

On behalf of the Seawall/Promenade Improvement Advisory Committee (SPIAC), Mr. Bruno presents a report via slideshow which includes a brief description of the committee and their tasks, a brief history of the seawall/promenade, photos, and recommendations of the committee to Council. The impact of notable storms/nor'easters/hurricanes on Cape May island is discussed, as well as dune maintenance. The committee voices numerous recommendations regarding the beautification, widening, and extension of the existing promenade; rehabilitation/updating of the existing structures along the promenade (in keeping with the City's historic architecture); and addition of restrooms along the promenade. The SPIAC also recommends that Council approve funding for a professional survey and report to be conducted by an engineer regarding the

seawall, in order to gain a better understanding of what improvements may be necessary to increase protection against flooding. Council members ask questions regarding the estimated cost for various improvements to the promenade, and Dr. Maslow emphasizes that a professional engineer or surveyor should be hired to give the City a more accurate estimate. He states that, with Council's approval, the committee will return to Council with recommendations for a professional engineer/surveyor.

### **ENGINEER REPORT**

Jeffrey R. Betz, PE, MBA, of Mott, MacDonald (MM), presents the engineer's report as follows:

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

Cape May Stage Fire Suppression System – Basic fire service connection work was completed by F.W. Shawl & Sons in the amount of \$13,030.00. The interior fire suppression system will be rebid in late summer 2018, with an estimated project completion date of March 2019.

Reading Avenue Storm Sewer Improvements – Project was awarded to Standard Pipe Services, LLC in the amount of \$234,595.00. A preconstruction meeting was held April 25, 2018, and the estimated completion date for the project is June 15, 2018.

Reconstruction of Pennsylvania Avenue/Pennsylvania Avenue Traffic Study – The project was awarded to Landberg Construction, LLC in the amount of \$558,951.55. Storm sewer and water system improvements are underway, and the anticipated date of project completion is June 2018.

Stockton Avenue Sanitary Sewer Replacement – Project is complete.

Dale Place Reconstruction and Utility Upgrades – Water system improvements are nearing completion, and the anticipated date of project completion is May 2018.

Delaware Avenue Sanitary Sewer Pump Station Generator – Generator and electrical are complete, with fencing and generator platform remaining to be addressed. MM is in discussions with the contractor regarding the platform. Revised estimated project completion date is May 2018.

Lafayette Street Sanitary Sewer Extension – Project is substantially complete. Sod, seeding, and repair of temporary trench remain to be addressed. The final project completion date is estimated for May 2018.

Public Works Above Ground Storage Tank (AST) – Electrical improvements services fuel tanks are complete. Operating tests are scheduled for April 27, 2018. Remaining items include repair of damaged entrance gate, lighting, and generator fuel feed line. The project is anticipated to be complete in May 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. Mr. Corrado states that he is now in direct communication with the NJDOT regarding the ongoing issue.

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

Public Safety Building Property and Topo Survey – Project was authorized at the April 17, 2018 Council meeting. A survey of the site commenced on April 25, 2018. The completion of the site survey and deed research is estimated for May 4, 2018, and the completion of drafting of the survey and base map is anticipated by May 18, 2018.

## **STUDIES AND INITIATIVES:**

Water System Master Plan – Draft chapters 1-4 were submitted the week of February 2, 2018 to the Water/Sewer Department for review. Chapters 5, 6, and 8 were submitted the week of April 16, 2018 for review. Chapters 7 and 9 are nearing completion and it is anticipated that they will be submitted for review in May 2018.

Geographic Information System (GIS) – GIS mapping is complete. A training schedule with City staff is being explored.

Lafayette Street Park Master Plan – MM and City officials presented a preliminary concept plan at a Lafayette Street Park Advisory Committee meeting and Elementary School Board meeting. MM is awaiting feedback on essential park features from the advisory committee.

Public Works Facility Groundwater Monitoring Program – A groundwater sample obtained from monitoring wells indicated presence of a contaminant. MM is working to resolve the issue through development of a monitoring well. Results of additional samples taken are expected in early May.

## **PROPOSALS:**

Bank Street Traffic Study – MM submitted a proposal for professional traffic engineering services consisting of a study of one-way traffic on Bank Street and Venice Avenue.

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.

Convention Center HVAC Evaluation – MM submitted a proposal for facility evaluation of the Cape May City Convention Center HVAC system.

## **PUBLIC PORTION**

**Christine Miller, 535 Bank Street** – Ms. Miller questions the proposed Bank Street traffic study discussed in the engineer's report, and voices opposition to Bank Street being changed to a "one-way" street. Mayor Lear clarifies that Mott MacDonald is proposing only a study of the street, and no project has been approved.

## **ORDINANCES FOR INTRODUCTION**

351-2018 Ordinance of the City of Cape May Amending Chapter 510 of the Cape May City Code by Providing Changes in the Water and Sewer Rates and Charges

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

City Manager Neil Young explains that Cape May's water rates have not been raised since 2010, and that the increase in rates is long overdue and must occur in order to balance next year's budget.

352-2018 A Bond Ordinance Providing for Various Capital Improvements in and by the City of Cape May

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

City Manager Young explains that this bond ordinance provides for capital improvements within the City such as road improvements, new vehicles, various building/grounds improvements, etcetera.

353-2018 A Bond Ordinance Providing for Various Water and Sewer Utility Improvements in and by the City of Cape May

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

City Manager Young explains that this bond ordinance provides for various improvements to water/sewer system and equipment.

354-2018 A Bond Ordinance Providing for Various Beach Utility Improvements in and by the City of Cape May

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

City Manager Young explains that this bond ordinance provides for improvements to beachfront structures and restrooms, and acquisition of beach equipment.

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

349-2018 An Ordinance Amending Chapter 7, Section 44.3 of the Cape May City Municipal Code, Regulating Parking Meter Zones

City Solicitor Corrado clarifies the parliamentary procedure for roll-call voting, stating that comments can only be made during the debate or discussion period, and that no further comments can be made once voting begins.

### **PUBLIC HEARING**

**Christine Miller, 535 Bank Street** – Ms. Miller proposes that the City issue winter parking permits for the Bank Street parking lot for free to the Washington Street Mall merchants and employees, so as to make more parking spaces surrounding the mall available to visitors.

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

### **REGULAR MEETING BUSINESS**

#### **RESOLUTIONS**

127-05-2018 Resolution Authorizing Utility Bill Adjustments Due to Catastrophic Occurrences

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

128-05-2018 Resolution Regarding City of Cape May City-Wide Bi-Annual Sidewalk Sale

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

129-05-2018 Resolution Designating First Full Week of May Each Year as “Coast Guard Community Week” in Cape May City and Cape May County and Celebrating the 2018 “Coast Guard Community Festival”

Deputy Mayor Meier reads the Resolution in full for the public.

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

130-05-2018 Payment of Bills

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

City Manager Neil Young explains the terms of the shared service agreement with West Cape May for the Court Administrator position.

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

### **MINUTES**

Cape May City Council Regular Meeting minutes dated January 16, 2018

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

Cape May City Council Special Meeting minutes dated February 6, 2018

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

### **REPORTS**

Annual Storm Water Management Program Report for the year 2017

Cape May City Occupancy Tax Report for the month of February 2018

Cape May City Police Report for the month of March 2018

Cape May City Overtime Report for the month of April 2018 - City Manager Young explains that the Occupancy Tax is up \$29,000 for the year.

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

**UNFINISHED BUSINESS** – None.

### **NEW BUSINESS**

A) City Attorney – None.

B) City Manager – None.

C) City Clerk –

City Clerk Patricia Harbora makes the following announcements:

- 21 pints of blood were donated at the Cape May City Red Cross Blood Drive that was held April 23, 2018
- The Southern NJ Coast Guard Ball is on Thursday, May 3, 2018 at 5:00 pm in Convention Hall. It is a black-tie affair and is open to the public for the first time this year, with tickets being sold at \$95 per person.
- The Cape May County Coast Guard Community Festival is scheduled for Saturday, May 5, 2018 at USCG Training Center Cape May, and Sunday, May 6, 2018 at the Cape May – Lewes Ferry Terminal
- The Garden Club of Cape May Flower Show is Friday, May 11, 2018 from 12:30pm - 6:00pm at Convention Hall

D) Councilmembers

Councilmember Pessagno states that she is looking into scheduling more bus tours to and from Cape May, since the businesses profit from such tours. She also reminds everyone to purchase tickets for the Summer Concert Series.

Deputy Mayor Meier wishes everyone a “Happy Loyalty Day”, and gives a brief history of the significance of the day. He also states that a Lafayette Street Park Advisory Committee meeting will be taking place on May 10, 2018 at 4:00pm in the City Hall Auditorium and is open to the public.

Mayor Lear asks if the various City advisory committee meetings are listed on the City website, and City Manager Young responds that City staff is working on getting all committees/members/meeting dates on the website.

**Anthony Marino, Chief of Police** – Chief Marino thanks Council for approving the shared services agreement with West Cape May for the Court Administrator position, and also recognizes Helene Pursel, Court Clerk, for all her hard work and for stepping up to the plate while the position of Court Administrator was vacant. He then announces that the County Prosecutor's Office will be sponsoring town-hall style meetings quarterly, and he will keep the public posted regarding those meetings. He also states that within a few months, the Police Department should be fully-staffed.

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

**James Brady, 922 Benton Avenue** – Mr. Brady speaks extensively regarding his opposition to the City's settlement with Captain Robert Sheehan. Mr. Brady reads portions of Captain Sheehan's contract from the time of his probationary appointment as Police Chief. Mr. Brady opines that the settlement was a political maneuver by Council.

Deputy Mayor Meier states that the case is settled, and that unfortunately the taxpayers must take the burden of that settlement. He opines that the entire situation could have been avoided three years ago by the former administration.

Councilmembers Pessagno and Furlin state that they had wanted the case to go to court rather than settle, but they were not in the majority of Council votes.

Councilmember Hendricks asserts that Mr. Brady has previously voiced support for the prior administration, and emphasizes that the current Council did not create the situation with Captain Sheehan, but it was their responsibility to deal with the repercussions.

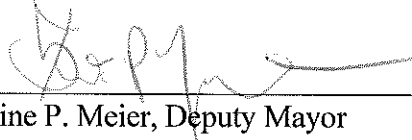
City Solicitor Corrado states that just because a contract may include a discretionary probationary period does not exempt it from the statutory protections that were the basis of Captain Sheehan's lawsuit.

### **ADJOURNMENT**

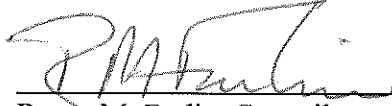
Motion made by Deputy Mayor Meier, seconded by Councilmember Pessagno, to adjourn. The meeting adjourned at 7:45 P.M



Clarence F. Lear III, Mayor



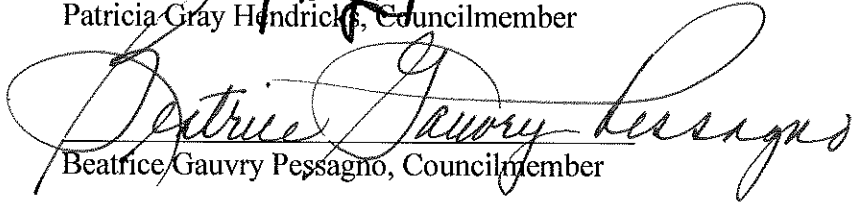
Shaine P. Meier, Deputy Mayor



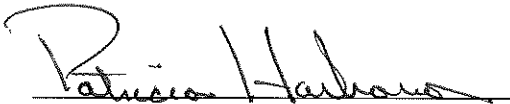
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Patricia Harbora, City Clerk

