



**REGULAR MEETING  
OF CITY COUNCIL OF THE CITY OF CAPE MAY, NJ  
Tuesday, May 15, 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 15, 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**

**RECOGNITION OF COMMUNITY MEMBER**

Mayor Lear recognizes community member Savannah Bruno, who was one out of fifteen finalists for the state-wide 24<sup>th</sup> Annual Louis Bay 2<sup>nd</sup> Future Municipal Leaders Scholarship Competition. Mayor Lear congratulates Ms. Bruno, and presents her with a certificate of participation.

**INTRODUCTION OF NEWLY HIRED FIREFIGHTER**

Fire Chief Alex Coulter introduces Brandon M. Nash as Cape May City's newly hired Firefighter. Chief Coulter recognizes Mr. Nash's dedication to serving as a part-time Firefighter for two years, and working on the Cape May Beach Patrol for nine years.

Mr. Nash offers thanks for the opportunity to serve his community.

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

350- 2018 An Ordinance Amending Chapter 158, Section 9 of the Cape May City Municipal Code, Regulating Bicycles on the Promenade

**PUBLIC HEARING** – None.

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

**REGULAR MEETING BUSINESS:**

**RESOLUTIONS:**

133-05-2018 A Resolution of the City of Cape May Authorizing Change Orders No. 1 & 2 for the Contract with F. W. Shawl & Sons, Inc. for Stockton Avenue Sanitary Sewer Improvements - Contract M-16

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

134-05-2018 Resolution Authorizing Utility Bill Adjustment due to Catastrophic Occurrence

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

135-05-2018 A Resolution Establishing a Municipal Parking Advisory Committee to Review Traffic Flow and Parking Issues and Recommend Improvements

Councilmember Furlin states that the Municipal Buildings and Properties Advisory Committee was going to undertake researching the parking issue in Cape May City, and questions who selected the individuals to serve on this new committee.

Councilmember Pessagno states that she appreciates the efforts of all volunteers on City advisory committees, but voices concern that she and Councilmember Furlin were not involved with the selection of members on this proposed committee. She states that all Council members should have equal input on all matters.

Deputy Mayor Meier thanks the committee members for all their hard work.

Mayor Lear thanks those volunteering to serve on the Municipal Parking Advisory Committee, and asks the volunteers present to stand and be recognized.

**Motion:** Meier **Second:** Hendricks **Pessagno:** No **Meier:** Yes **Hendricks:** Yes **Furlin:** No **Lear:** Yes

136-05-2018 Resolution for Appointment of a Member to the Bicycle and Pedestrian Advisory Committee – Terry DiUbaldi

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

137-05-2018 Resolution Rejecting Bids for the Supply, Delivery, and Installation of Steel Building

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

138-05-2018 Resolution Approving a Shared Services Agreement Between the City of Cape May and the Cape May County Library Commission Regarding the Franklin Street School

Councilmember Furlin voices his opposition to potentially moving the Cape May City branch of the County Library to the Franklin Street School (FSS) location. He gives a history of the steps already taken toward potentially creating a senior center at the FSS, and states that at some point the Mayor decided that moving the library to FSS was a better idea.

Councilmember Pessagno states that many people have voiced her their support for a senior center at the FSS, and that she regrets that Council as a whole was not consulted on the decision to move the library to that location.

Deputy Mayor Meier states that this is the best opportunity to save a historic structure, and that the FSS structure would not just be a library, but be a center for everyone's enjoyment and benefit, not just senior citizens.

Councilmember Hendricks states that the Center for Community Arts is wholly in favor of the idea of having a library/community center at the FSS.

Mayor Lear encourages everyone to visit libraries in various communities, as they have so much more to offer than just books. He states that the idea is to have the FSS as a community center, not just a library, and that there are so many options for the site in that respect.

**Motion:** Meier **Second:** Hendricks **Pessagno:** No **Meier:** Yes **Hendricks:** Yes **Furlin:** No **Lear:** Yes

139-05-2018 Resolution Authorizing Execution of *Revised* Shared Service Agreement for the Services of a Municipal Court Administrator with the Borough of West Cape May

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

140-05-2018 Resolution Awarding a Contract for Professional Services – Cape May Convention Hall Facilities Study – Mott MacDonald, LLC.

Councilmember Pessagno acknowledges that the cost of this study seems steep, however it is an extensive study that will cover much more than just the HVAC system.

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

141-05-2018 Resolution Authorizing the Advertisement for Bids for HVAC Maintenance, Service, and Repairs; and Uniforms for Beach Patrol, JR. Lifeguards, and Beach Tag personnel

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

142-05-2018 Resolution for the Payment of Bills

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

143-05-2018 Resolution Endorsing the Installation of Security Cameras at the Victorian Towers Complex

Deputy Mayor Meier explains that numerous concerns were raised during the last Victorian Towers tenants meeting regarding security issues occurring at the Towers. He states that the tenants unanimously agree that a security system should be installed in and around the building.

Councilmember Furlin states that numerous issues regarding the security at the Towers have been raised before, and have been ignored by the developer. He emphasizes his support for Resolution 143-05-2018.

Councilmember Hendricks states that too much of the tenants' mail has gone missing, and that the security issues must be addressed.

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

144-05-2018 Resolution Providing for the Insertion of a Special Item of Revenue in the Budget Pursuant to Chapter 159 Pl 1948 - Emergency Management Agency Assistance

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

145-05-2018 Resolution Providing for the Insertion of a Special Item of Revenue in the Budget Pursuant to Chapter 159 Pl 1948 – All Wars Memorial

City Manager Young explains that Resolution 145-05-2018 allows for the grant money that was awarded to the City for the All Wars Memorial restoration to be inserted into the budget. Mr. Young explains that Kate Wyatt and the Greater Cape May Historical Society successfully applied for this grant of \$2,000 on behalf of the City.

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

146-05-2018 Resolution Providing for the Insertion of a Special Item of Revenue in the Budget Pursuant to Chapter 159 Pl 1948 – Convention Hall Annex Streetscape Improvements

Roger Furlin explains that this grant was applied approximately 4.5 years ago and approved, but funding was put on hold due to another grant that was awarded to go toward phase 1 of the Lafayette Street Park project.

City Manager Young further explains that a project fell through up north, and the NJDEP decided to award this grant to the City of Cape May instead.

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

#### **MINUTES:**

City Council Worksession/Regular Meeting Minutes dated February 6, 2018

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

#### **REPORTS:**

Cape May City Bureau of Fire Prevention Report for April 2018

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

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

#### **UNFINISHED BUSINESS:**

#### **NEW BUSINESS:**

A) City Attorney –

City Solicitor Corrado discusses a memorandum that all members of Council reviewed from the Atlantic County Municipal Joint Insurance Fund (JIF) regarding the recent litigation in West Wildwood. He summarizes that West Wildwood was sued by its Police Chief, the case went to trial, and the Police Chief recovered a \$1.7 million verdict against the Borough of West Wildwood. Prior to the matter going to trial, West Wildwood had settled some of the claims the Police Chief had without the consent and against the advice of the JIF, violating the cooperation clause in the Borough's agreement with the JIF. This resulted in the Borough being responsible for the entirety of the monetary award to the Police Chief, without any contribution from the JIF. Mr. Corrado affirms that all members of Council have reviewed the memorandum and understand that cooperation with the JIF is essential when dealing with a lawsuit.

B) City Manager –

City Manager Young announces that the City Hall elevator is now operational, and that the Ocean Street restrooms should be finished and open by Memorial Day weekend.

C) City Clerk –

City Clerk Patricia Harbora announces that the American Legion and VFW will conduct a Memorial Day Ceremony on Monday, May 28, 2018 at 11A.M. at Convention Hall.

D) Councilmembers

Councilmember Pessagno thanks Kate Wyatt and the Greater Cape May Historical Society for successfully applying for the grant to help restore the All Wars Monument. She also encourages everyone to purchase their Summer Concert Series tickets.

Councilmember Hendricks acknowledges the efforts of the Garden Club, congratulating them on the success of their recent Flower Show.

Deputy Mayor Meier congratulates the Garden Club on their show, and thanks them for beautifying Cape May. He also thanks the Public Works Department for their efforts in addressing the Ocean Street restrooms. Deputy Mayor Meier then announces that the Lafayette Street Park Advisory Committee will be meeting on June 24, 2018 at 4:00 P.M. in the City Hall Auditorium, and that the meeting is open to the public. He also announces that his friend fixed the transmitter at the water tower for the radio station, and hopes to have 1700 AM up and running soon for public information regarding Cape May City.

**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.

**Robert Matthews, 1440 Texas Avenue (Dry Dock Ice Cream Bar and Grille)** – Mr. Matthews discusses a situation that was brought to his attention regarding contractors needing permits for parking trailers at construction sites. He is under the impression that a contractor must apply for a permit every time he/she moves the trailer to a different site within the same day, and suggests that if this is the case, the regulations should be updated for possibly issuing yearly permits for the contractors to park their trailers at various job sites. Mr. Matthews then briefly states that it is a shame for good people to be kicked off of City advisory committees without even being told.

Police Chief Anthony Marino explains that trailers, whether parked overnight or during the day, can create a congestion issue on the street. He is not aware of the rumored rule that a contractor must apply for permits wherever they park their trailers, and states that he will need to look into this with the Construction/Zoning office.

Councilmember Hendricks states that Council will look into the ordinance regulating the parking of construction trailers to see if it needs updating.

Laurie Buck, 1105 New Jersey Avenue, Unit #3 – Ms. Buck voices concerns regarding a hotdog vendor that frequently parks in front of her condominium. She states that the vendor's van is in poor condition, and that if the vendors rotated like they are supposed to, the condominium owners would not have to be stuck looking at this eyesore every day during the summer season.

City Manager Young explains that the vendors are supposed to rotate venues, and that by ordinance they are only supposed to be in operation starting the Saturday prior to Memorial Day yearly.

**Everett Hoffman, 608 Washington Street** – Mr. Hoffman thanks Council for passing the resolution supporting the installation of a security system at Victorian Towers.

**Jules Rauch, 1010 New York Avenue** – Mr. Rauch offers thanks to the DPW for fixing the manhole on New York Avenue. He then voices concerns regarding beach replenishment, urging Council to be proactive and move forward with the issue. Mr. Rauch then discusses Cape May City's ongoing parking issue, and the original proposed ordinance regarding temporary outdoor seating that was recommended by the Outdoor Seating Committee. Mr. Rauch maintains that the committee concluded that the best solution to the parking issue was to charge the businesses who had more seats than permitted for the extra seats (as more seats translates to more visitors traveling in more cars to Cape May).

**Dennis DeSatnick, 1307 Trenton Avenue** – Mr. DeSatnick details the successes of the Beach Safety Advisory Committee thus far. He emphasizes that City Council is actively trying to get things done, and that the committee members must work together for success.

**Christine Miller, 535 Bank Street** – Ms. Miller questions where parking will be located for the proposed Franklin Street School and Public Safety Building projects. She suggests various locations as potential parking lots within the City. Ms. Miller also questions these projects and agreements being approved via resolution or ordinance. She then suggests using silent, electric trollies throughout Cape May City to help alleviate the parking issues.

City Solicitor Frank Corrado clarifies that agreements are approved via resolutions, not ordinances.

Roger Furlin remarks that the Municipal Buildings and Properties Advisory Committee is looking into City-owned land by the train tracks behind Elmira Street as a possible location for parking.

Deputy Mayor Meier states that a parking lot located at the Lafayette Street Park site was suggested years ago, but due to grant money the City received for the project, the land can only be used for certain purposes. He then discusses the already existing "Free Ride" program offered through the City, which uses an electric golf cart to transport patrons. He states that they unfortunately take a long time to fully charge, and can only be used around 10 hours.

**Zack Mullock, 1149 Lafayette Street** – Mr. Mullock questions the seemingly large amount of money in one of the bond ordinances that will be dedicated to office furniture for City departments. City Manager Young responds that there are numerous departments within the City with a lot of furniture necessary for each.

Mr. Mullock then opines that the various City advisory committees are discussing topics that are better suited for a Council meeting, and suggests that meeting minutes should be written by all advisory committees.

Mr. Young states that the City is actively working on getting all advisory committee meeting dates and minutes uploaded to the City website.

Mr. Corrado clarifies that advisory committees are not classified as public bodies, and therefore are not obligated to abide by the Open Public Meetings Act (OPMA). That being said, most if not all of the City advisory committees do provide minutes to Council.

Deputy Mayor Meier adds that the advisory committees also make periodic reports to Council during regular Council meetings.

**James Brady, 922 Benton Avenue** – Mr. Brady questions if the library moves to the Franklin Street School, what are the plans for the existing library location. Mayor Lear responds that there are no plans yet for that location.

**Anthony Marino, Police Chief** – Chief Marino announces that four Cape May City Police Officers participated in the recent Police Unity Tour, in which 12,000 Police Officers biked to Washington DC in memory of fallen officers. He also states that he and Cape May Beach Patrol Captain Geoff Rife have been cross training the Police Officers and Lifeguards to keep all public safety unites cohesive.

**William Seeger, 1361 B Vermont Avenue** – Mr. Seeger questions if Council has considered the issue of smoking on the Cape May beaches. Mayor Lear responds that the issue has been brought up in the past, with not much support being shown for banning smoking on the beaches. Mr. Seeger then suggests the idea of delineating smoking versus non-smoking beaches.

### ADJOURNMENT

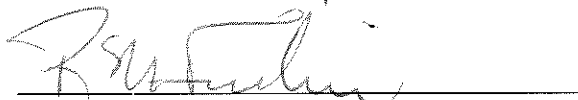
Motion made by Deputy Mayor Meier, seconded by Councilmember Pessagno, to adjourn with all in favor. The meeting adjourned at 7:39 P.M



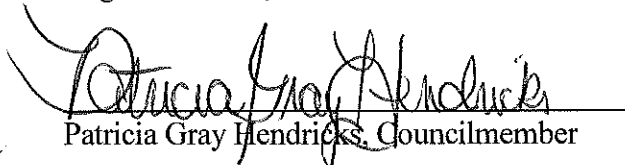
Clarence F. Lear III, Mayor



Shaine P. Meier, Deputy Mayor




Roger M. Furlin, Councilmember



Patricia Gray Hendricks, Councilmember

ABSENT

Beatrice Gauvry Pessagno, Councilmember



Patricia Harbora, City Clerk

