



**WORKSESSION/REGULAR MEETING
OF CITY COUNCIL OF THE CITY OF CAPE MAY, NJ
Tuesday, October 2, 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, October 2, 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: Solicitor Christopher Gillin-Schwartz
City Manager Neil Young – ABSENT
Deputy City Manager Jerry Inderwies, Jr.
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

Water/Sewer Department Discussion – Carl Behrens, Chief Water Treatment Plant Operator/Supervisor

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

218-10-2018 Resolution Appointing a Member to the Housing Authority of the City of Cape May –
REMOVE

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 the Engineer's report as follows:

PROJECTS UNDER CONSTRUCTION:

Cape May Stage Fire Suppression System – The project was advertised for bids in August 2018, and bids were received on September 26, 2018. The project is anticipated to be awarded this evening.

Reconstruction of Pennsylvania Avenue (Buffalo Avenue to Wilmington Avenue – All major work is completed except for traffic striping. Anticipated date of completion is October 2018.

Dale Place Reconstruction and Utility Upgrades – Project is substantially complete, with only punch list items remaining. The contractor failed to complete the punch list items and has been instructed to expedite completion of the project.

Lafayette Street Sanitary Sewer Extension – Project is substantially complete, with only punch list items remaining. The contractor failed to complete the punch list items and has been instructed to expedite completion of the project. Mr. Thornton explains that the same contractor is working on both the Dale Place and Lafayette Street Sanitary Sewer projects, and is slow to respond to MM's directions.

Public Works Above Ground Storage Tank (AST) – Project is substantially complete, and has passed the City's electrical inspection. Remaining punch list items are expected to be resolved in October 2018.

Welcome Center Lighting and Parking – Nothing new to report. Deputy Mayor Meier asks if Council can look at the draft agreement submitted to Cape May Seashore Lines. Solicitor Gillin-Schwartz responds that the CMSL attorney is looking for more documentation, and will hopefully provide it this week.

PROJECTS IN DESIGN PHASE:

Public Safety Building RFP/Q – City Council authorized the advertisement for proposals for architectural/engineering services at the July 26, 2018 Special Council Meeting. The City received proposals on September 7, 2018. The selection committee met on September 25th and 27th, 2018 to review and score proposals. A shortlist of firms will be selected for interviews.

Cape Island Creek Water Main Rehabilitation – City Council authorized the project at the June 19, 2018 Council Meeting. Quotes have been received for the insertion of valves to facilitate location of the water main. A quote has been submitted to the City for authorization. Location of the water main is anticipated for October 2018.

War Memorial Park – City Council authorized MM to design the park and roadway improvements at the August 7, 2018 meeting. A topographical and site survey has been completed. MM recommends delaying the beginning of the project until Fall 2019.

Reconstruction of Pennsylvania Avenue (Wilmington Avenue to Brooklyn Avenue) – City Council authorized MM to design the park and roadway improvements at the August 7, 2018 meeting. A survey and base map have been completed. Roadway and utility design is in process.

STUDIES AND INITIATIVES:

Water System Master Plan – A meeting is being scheduled with the City's Water Department to review the draft Capital Improvement Plan. Chapter 9 is to be completed within 2 weeks of meeting with the Water Department.

Geographic Information System (GIS) – MM is waiting for the response from the Cape May City Water/Sewer Department to schedule training with MM's GIS staff.

Lafayette Street Park Master Plan – Mr. Thornton explains he will be conducting a detailed presentation this evening regarding this project. He states that MM met with the County Open Space Review Board on September 17, 2018 to confirm that the final conceptual plan and cost estimate meet their approval. Mr. Thornton states the County agreed the changes were appropriate. Councilmember Pessagno questions who attended this meeting, and Mr. Thornton responds that himself, Neil Young, Deputy Mayor Meier, Jerry Inderwies, Jr., Jim Rutala, and Mike Jones attended the meetin

Public Works Facility Groundwater Monitoring Program – Additional groundwater sampling was conducted in September with results pending.

Convention Center HVAC Evaluation – MM obtained drawings from the City of Cape May Construction Office and contacted the contractors involved to obtain information on as-built conditions of the HVAC system. Councilmember Hendricks asks if the delay in receiving the as-built plans is a result of the City's

active lawsuit regarding Convention Hall. Mr. Thornton responds that he doesn't believe so, he just needs to get the contractors motivated to produce the plans.

Bank Street Traffic Study – The project was authorized at the June 19, 2018 Council meeting. Traffic counts were conducted in August 2018. Data collected from the traffic counts is currently being evaluated and the findings are to be delivered to the City in October 2018. Mr. Thornton states that flooding issues exist at the corner of Bank Street and Venice Avenue, and that MM will submit a proposal for engineering services to evaluate/correct the issue.

PRESENTATION:

City Hall Auditorium Display – Councilmember Furlin and Tom Carroll

Councilmember Furlin discusses an exhibit that is currently on display at the Mid-Atlantic Center for the Arts Carroll Gallery. The exhibit consists of displays of 29 historic structures located within Cape May City. He explains that the MAC has generously donated scaled-down copies of the displays to the City with the hopes that they will be displayed in the City Hall auditorium for the public to view.

Tom Carroll, Historic Preservation Commission member, describes the displays and where they are proposed to be hung in the auditorium. He opines that while the displays are proposed to be hung in the auditorium, they should not remain there, and rather should be mobile displays presented in various locations throughout the City, so the public can experience them.

Councilmember Furlin then discusses his vision for a National Historic Landmark Visitor's Center within the City. He states that the Municipal Buildings and Properties Advisory Committee will consider and research this proposition in the future.

All Council members voice their support of the displays being hung in the City Hall auditorium.

Lafayette Street Park – Thomas R. Thornton, PE, CME, Jason Harkins, Landscape Architect, and Michael Jones, Lafayette Street Park Advisory Committee (LSPAC) Chair

Thomas Thornton and Jason Harkins, of Mott MacDonald, present the most updated conceptual plan for the Lafayette Street Park project. They describe various items on the plan, including an adult softball field; dog park (separated for small and large dogs); parking, restrooms, tennis/basketball/pickleball courts and a lawn area for passive recreation. Mr. Harkins explains that landscaping will soften the exterior fencing of the park and parking area. Councilmember Furlin questions any unforeseen issues with having the proposed softball field and soccer field overlap in areas, and Deputy Mayor Meier (a liaison to the LSFAC) opines that he sees no issue, as it is rare for a full soccer and softball game to be played simultaneously at that location. Councilmember Furlin then asks whether the lights currently existing along the softball field would have to be moved, and Deputy Mayor Meier responds that some lights would probably have to be relocated. Councilmember Furlin questions the number of parking spaces allocated in the plan, and Mr. Thornton clarifies that the current concept plan has no fewer parking spaces than the last concept plan. Mr. Thornton also maintains that the County Board of Open Space is agreeable to the current concept plan, especially Phase 4 which would include trails in the rear of the park through the woods and marshland. Mr. Jones states that the Board of Education members that had been attending the LSPAC meetings are supportive of Phase 4 of the project, but the City has to get through Phases 2 and 3 first.

Councilmember Pessagno questions the status of the various grants that have been awarded for the project, and Mr. Thornton reports that the grants have not changed and that he doubts the City will have to reapply for any grants due to the changes included in the conceptual plan presented this evening.

Discussion is undertaken by various Council members and the professionals present regarding if the School Board should approve the conceptual plan prior to Council, or if Council should approve the conceptual plan and then forward it to the School Board for consideration.

Water/Sewer Department Discussion – Carl Behrens, Chief Water Treatment Plant Operator/Supervisor

Mr. Behrens reports on an issue that occurred on August 11, 2018 in which one of Cape May City's wells (number 7) failed to operate. The Water/Sewer Department utilized their emergency protocols and tapped into the interconnect with Lower Township so that water would continue to be supplied as usual to the City. Mr. Behrens details the process for repairing the well, and states that the well was only out of services for about a month and is currently running.

Deputy City Manager Jerry Inderwies, Jr. applauds the efforts of the Cape May City Water & Sewer Department and Mr. Behrens for their dedication to their work and quick, calculated response to the emergency situation.

REGULAR MEETING BUSINESS:

RESOLUTIONS:

216-10-2018 Resolution for the Refund of Overpaid 2018 Property Taxes

217-10-2018 Resolution for the Refund of Overpaid 2018 Property Taxes

(218-10-2018 Removed)

219-10-2018 Resolution Approving the Submission of a Grant Application and Execution of a Grant Contract with the New Jersey Department of Transportation for the Reconstruction of Pennsylvania Avenue between Brooklyn Avenue and Baltimore Avenue

220-10-2018 Resolution to Affirm the City of Cape May's Civil Rights Policy with Respect to all Officials, Appointees, Employees, Prospective Employees, Volunteers, Independent Contractors, and Members of the Public that come into Contact with Municipal Employees, Officials and Volunteers

221-10-2018 Resolution Approving the Submission of a Grant Application and Execution of a Grant Agreement with the U. S. Department of Homeland Security for the FY 2019 FEMA Pre-Disaster Mitigation Program

222-10-2018 Resolution Approving the Submission of a Grant Application and Execution of a Grant Agreement with the U. S. Department of Homeland Security for the FY 2019 Flood Mitigation Assistance Program

223-10-2018 Resolution Approving the Submission of a Grant Application and Execution of a Grant Agreement with the New Jersey Department of Transportation for a Bikeway Grant Bike-2019-Cape May City-00030

224-10-2018 Resolution for the Payment of Bills

(225-10-2018 Voted on separately)

226-10-2018 Resolution Awarding the Contract for Cape May Stage Fire Protection System - Rebid, Contract No. M-18

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

225-10-2018 Resolution of the City Council of the City of Cape May to Approve the Updated Conceptual Design of the Lafayette Street Park-Phases 2, 3 & 4

Councilmember Furlin states that he likes the conceptual plan, however he has some reservations on rotating the ball field. He believes the City should have written confirmation from the School Board before Council approves the plan. He also states that the public has not had the opportunity to offer their input on

the design and proposes that this topic is placed on the agenda for the next Town Hall Meeting in November.

Deputy Mayor Meier comments that he was present at meetings where the public told the City what they wanted in the park, and that everything the public wanted is included in this plan.

Councilmember Hendricks remarks that three School Board members that have attended the Lafayette Street Park Advisory Committee meetings want to take Council's approval back to the School Board for their consideration.

Dawn Austin, President of the Cape May Elementary School Board – Ms. Austin opines that the City should first approve this plan, then present it to the Board, and that she is comfortable with the plans as presented this evening.

Councilmember Furlin comments that for the last concept plan for Lafayette Street Park, the School Board first approved the plans then Council.

Councilmember Pessagno remarks that there is some opposition on the School Board in regard to the concept plan, so Ms. Austin does not represent the entire Board with her comments. Ms. Austin confirms this. Councilmember Pessagno states that she is not comfortable voting on a concept plan involving land that the City doesn't own. She would like to see a letter of support from the School Board prior to the City Council approving this design.

Motion to **table** 225-10-2018: *Resolution of the City Council of the City of Cape May to Approve the Updated Conceptual Design of the Lafayette Street Park-Phases 2, 3 & 4*

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

Motion to **adopt** 225-10-2018: *Resolution of the City Council of the City of Cape May to Approve the Updated Conceptual Design of the Lafayette Street Park-Phases 2, 3 & 4 as presented*

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

MINUTES:

Cape May City Council Worksession/Regular Meeting Minutes dated September 4, 2018

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

REPORTS:

Cape May City Tax Collector's Report for the months of June and July 2018

Cape May City Occupancy Report for the month of July 2018

Cape May City Over Time Report for August and September 2018

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

UNFINISHED BUSINESS:

NEW BUSINESS:

- A) Solicitor Gillin-Schwartz – Thanks those present for having him attend this evening.
- B) Deputy City Manager – States that City Officials met with Atlantic City Electric regarding the beachfront public address system, and the outcome was not favorable. He states that phase 1 will hopefully be installed before the winter months.

C) City Clerk –

- Cape May City 45th Annual Victorian Weekend: October 4-8, 2018
- Last Day to Register to Vote for the General Election: Tuesday, October 16, 2018
- Beach Sweeps: Saturday October 20, 2018 at 9:00 A.M. (Volunteers can meet at 2nd Avenue & Beach or the Nature Center)
- Last Day County Clerk can receive applications by mail for mail-in Ballots: Tuesday October 30, 2018
- Free flu shots available – Flyers on the table

D) Councilmembers

Deputy Mayor Meier comments that he has been trying to get parking at Lafayette Street Park for four years now, and that he is very proud to move forward with this project. He asks that anyone reach out to him with any ideas or concerns.

Mayor Lear announces that November 11, 2018 is the centennial anniversary of the end of World War 1. He states that the City's Veterans Day Ceremony this year will include a tolling of the Bells of Peace at 11:00AM. He then recognizes two Cape May City Firemen, William Szemcsak and Donald Montgomery, who traveled to North Carolina to help the emergency response after Hurricane Florence.

Councilmember Pessagno voices her support of the removal of Resolution 218-10-2018: *Resolution Appointing a Member to the Housing Authority of the City of Cape May*, stating that any resolution where a person is added or removed needs to be considered by all Council Members. She then shows those present an old newspaper showing what the "projects" of Cape May used to look like prior to the establishment of the Cape May Housing Authority, emphasizing the importance of the group and all the work they do acting as advocates for so many people.

PUBLIC PORTION:

Barney Dougherty, Vice-Chair Public Safety Building Advisory Committee – Mr. Dougherty his disapproval at length for the review process for the Public Safety Building RFPs, opining that the entire PSBAC should be able to attend the review meetings, if not review the RFPs themselves. Extensive discussion is undertaken by Mr. Dougherty and various Council Members regarding the confidential nature of RFP review, and who should be included considering the City Solicitor's advice and guidance.

James Brockman – Mr. Brockman states that he is a Disabled Vietnam Veteran with a service animal. He discusses the most current rules from 2010 regarding service animals, which state that a person with a service animal can only be asked two questions: 1. Is that a service animal? And 2. What service does the animal provide? Mr. Brockman states that these questions could be utilized by the Cape May City Police Officers in regard to questioning owners taking dogs into unpermitted areas within the City.

Jerry Gaffney, Chair of the PSBAC – Mr. Gaffney voices his concern at a perceived lack of a future for the PSBAC, and that the entire committee is not involved with the RFP review process. Mr. Gaffney echoes Mr. Dougherty's comments and urges Council to keep the PSBAC involved throughout the RFP process.

Mayor Lear comments that he'd be happy to discuss any miscommunications with the PSBAC and emphasizes that Council must trust the Solicitor's guidance. He stresses that the PSBAC will not be finished until the Public Safety Building is built.

Deputy Mayor Meier states that he has been very vocal about keeping the PSBAC involved moving forward with the project.

Councilmember Pessagno questions who chose the RFP selection committee, and Deputy Manager Inderwies responds that that original review committee was selected during a full PSBAC meeting and City Solicitor Frank Corrado recommended adding some professionals to the selection committee.

Jim Matthews, President of the Volunteer Fire Company – Mr. Matthews first announces that the annual L. Andy Boyt Paddle-Out is scheduled for October 8, 2018. He then clarifies that, despite Mr. Dougherty's claims, the RFP review committee did not sign Non-Disclosure Agreements prior to reviewing the submissions, they signed an affidavit stating that they did not have any conflicts with any of the architects who submitted proposals. He states that the project is still moving forward and in the right direction, and that the RFP process is long and in-depth.

Lenore McGann, Villas, NJ – Ms. McGann gifts two flags to the City. She urges everyone to get their flu shot. She discusses moving gardens off of the loading area on Beach Avenue in front of Convention Hall up to the promenade to increase parking in that area. She voices concerns regarding perceived zoning violations in the City. She states that she does not think the displays of historic structures should be hung in the City Hall auditorium. She suggests creating plaques to be placed in front of historic homes throughout the City to inform visitors of the history of the structures.

Bonnie Pontin, 30 Gurney Street – Speaking on behalf of various B&B owners in the City, Ms. Pontin cites the steady decrease of B&Bs in the City over the years due to them being heavily licensed, inspected, and taxed. Vacation Rentals by Owner (VRBO) properties and Air B&B are increasing in prevalence and popularity, and Ms. Pontin states that the existing B&B owners want a leveling of the playing field so that they can compete with these rentals. She provides a list of the lost Cape May City B&Bs over the years to Council for review.

Shirley Phinney, Elaine's Dinner Theater – Ms. Phinney echoes Ms. Pontin's comments. She states that Cape May used to do anything it could to help maintain historic homes, and wants a solution from the City to maintain existing B&Bs.

Jules Rauch, 1010 New York – Mr. Rauch suggests that the City should take a stance on the impending issue of the legalization of marijuana in New Jersey. He then comments that no discussion has taken place regarding the actual estimated cost of a new Public Safety Building. He then questions the status of the feasibility study of the Franklin Street School. Mayor Lear responds that the study is currently being conducted. Mr. Rauch questions the status of the study on the structures on the promenade. Councilmember Furlin states that the Municipal Buildings and Properties Advisory Committee will present the study to Council with recommendations. Mr. Rauch then moves on to accuse the current and previous administrations of neglecting to enforce the City Code. He states that he has filed several complaints in 2017 and 2018 and never heard back from anyone.

**A short recess is taken at 8:35 P.M.
The meeting resumes at 8:47 P.M.**

Zack Mullock, 1149 Lafayette Street – Mr. Mullock questions why *225-10-2018: Resolution of the City Council of the City of Cape May to Approve the Updated Conceptual Design of the Lafayette Street Park-Phases 2, 3 & 4*, a plan he states has a \$4.8 million cost design, was adopted with a 3-2 vote of Council, and why the public was not invited to comment prior to the adoption of the resolution. He opines that this process is not transparent.

Mayor Lear remarks that Council listens to the City Solicitor's advice to keep the City out of trouble.

Anthony Marino, Chief of Police – Chief Marino affirms that the RFP selection committee did not sign Non-Disclosure Statements, they signed conflict of interest affidavits as Mr. Matthews stated.

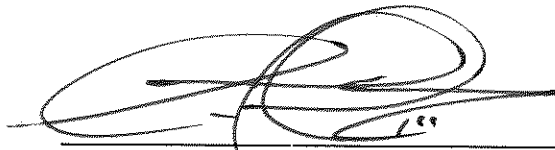
Bonnie Cassells, 914 Columbia Avenue – Ms. Cassells questions if a hypothetical developer involved in a redevelopment area would have to go before the Planning Board, Zoning Board of Adjustment, or Historic Preservation Commission. Mayor Lear states that those agencies are still involved in the redevelopment process.


Jules Rauch, 1010 New York – Mr. Rauch states that redevelopment does not need *approval* of those entities. He then discusses the benefits of rehabilitation versus redevelopment.

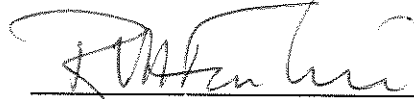
Dennis Desatnick, 1307 Trenton Avenue – Mr. Desatnick thanks Council for be so open and listening to the public, especially in regard to the various advisory committees. He emphasizes that it is the role of Council to make decisions, not the advisory boards.

ADJOURNMENT

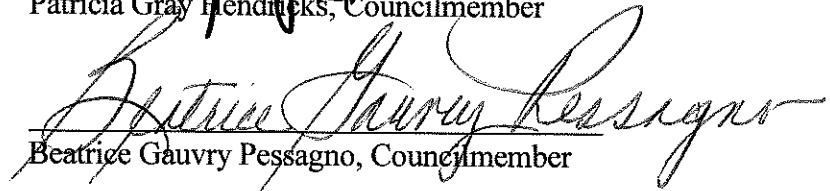
Motion made by Deputy Mayor Meier, seconded by Councilmember Pessagno, to adjourn. The meeting adjourned at 9:00 P.M.

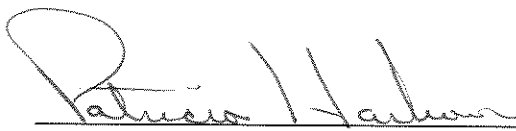


Clarence F. Lear III, Mayor

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