



**WORKSESSION/REGULAR MEETING
OF CITY COUNCIL OF THE CITY OF CAPE MAY, NJ
Tuesday, April 3, 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, April 3, 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:

ORDINANCES FOR SECOND READING AND CONSIDERATION FOR ADOPTION

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: Hendricks Pessagno: Yes Meier: Yes Hendricks: Yes Furlin: Yes Lear: Yes

PUBLIC HEARING

James Brady, 922 Benton Avenue – Mr. Brady questions why the City is exceeding the budget cap. City Auditor Leon Costello clarifies that this ordinance is a formality required by the State, and that the City is significantly under the cap.

RESOLUTIONS

98-04-2018 Resolution Authorizing the Reading of the 2018 Annual Municipal Budget by Title Only

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

99-04-2018 Resolution Declaring Eligibility to Conduct Self-Examination of the 2018 Budget

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

PUBLIC HEARING ON THE CITY OF CAPE MAY 2018 MUNICIPAL BUDGET

John Van der Vaarst, 1030 Ohio Avenue – Mr. Van der Vaarst questions the funds allocated for the fire inspections that the City took over this year, and City Manager Neil Young explains that the revenue produced from the inspection fees will offset any expenditures of the Fire Prevention Bureau. Mr. Van der Vaarst also questions if the funds budgeted for legal matters is expected to be reduced next year. Mr. Young states that hopefully the budget for legal matters will reduce next year as long as there are no legal settlements pending. Mr. Van der Vaarst then questions the \$16,000 increase in the Planning Board budget, and Mr. Young explains that it is due to the ongoing Master Plan Re-evaluation.

Kathleen Wyatt, 292 Windsor Avenue – Speaking on behalf of the Taxpayer Association of Cape May, Ms. Wyatt questions what line items generated enough revenue to add to the surplus. Mr. Young details that every revenue source was all above the anticipated amount for 2017, so they all added to the surplus.

James Brady, 922 Benton Avenue – Mr. Brady questions if the Sheehan settlement caused a .05¢ increase in the tax rate, and if so, will taxes will then reduce next year once the settlement is paid. Mr. Young affirms that the legal line item was increased due to the settlement amount, and states that any increase or decrease in taxes will have to be analyzed next year. Mr. Brady then asks for the total cost of the Sheehan lawsuit, and Mr. Young instructs him to submit an Open Public Records Act (OPRA) request with the City Clerk to obtain that information, because it will take some time to gather the information.

Mr. Brady questions whether the Council members considered the potential costs to the taxpayers when voting to settle the Sheehan lawsuit.

Councilmember Pessagno states that she was under the impression that the City had the money to cover the settlement cost, and did not anticipate a tax increase.

Councilmember Furlin echoes these sentiments, and states that if he had known taxes would have to be increased to cover the settlement cost, then he would have voted differently.

Councilmember Hendricks emphasizes that the settlement was going to affect the taxpayers one way or another.

Deputy Mayor Meier states that Council always considers the taxpayers, and that the Sheehan v. City of Cape May matter was resolved in the best way possible.

William Seeger, 1361B Vermont Avenue – Mr. Seeger opines that the Cape May community should be pleased that the Sheehan Case came to closure the way it did, and affirms that Council found the middle ground for the issue.

Mayor Lear explains that Council relied heavily on the guidance of the City Solicitor, Frank Corrado, regarding this issue, and that settlement spared exorbitant costs that would have occurred if the matter went to court, as displayed in West Wildwood's recent litigation.

Councilmember Furlin questions various perceived inconsistencies between the City Manager's presentation/summary of the budget, and the actual budget document. Mr. Young and Mr. Costello clarify Councilmember Furlin's questions and reassure that no inconsistencies exist.

Councilmember Furlin then maintains that Council's line items for wages/salaries and expenditures has increased drastically due to the salary of the Mayor's assistant, and fees for attendance by Council at various lunches and dinners. He states that he does not want the taxpayers to pay for Council's lunches.

Councilmember Pessagno questions if money for lunches could be taken out of the budget. Mr. Costello responds that the budget would have to be amended and the public hearing/adoption would be postponed. He then explains that whatever funds Council does not use is returned to the fund balance. Councilmember Pessagno states for the record that she feels lunches should be paid for out of individual Council members' stipends. She also states that she sees a pattern of taxes creeping up, and that City officials should plan ahead and be fiscally conservative in future budgets.

Deputy Mayor Meier states that the line items in question do not only provide for lunches for Council, but also for courses, League attendance, trainings, etcetera. He states that all municipalities provide these services to their elected officials.

101-04-2018 Resolution to Adopt the 2018 Budget

Motion: Meier **Second:** Hendricks **Pessagno:** Yes **Meier:** Yes **Hendricks:** Yes **Furlin:** No **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. Construction began in early March 2018, and water system improvements are scheduled to begin this week or next. The estimated completion date for the project is June 2018.

Stockton Avenue Sanitary Sewer Replacement – Project is substantially complete, with only sanitary sewer main testing remaining. Construction is anticipated to be complete in April 2018.

Dale Place Reconstruction and Utility Upgrades – Project was awarded to Cardinal Contracting Co., LLC. on March 6, 2018. A preconstruction meeting was held March 13, 2018. The estimated completion date for the project is May 2018.

Delaware Avenue Sanitary Sewer Pump Station Generator – MM has been back and forth with the contractor regarding the price charged for an addition of height to a set of stairs. Mr. Thornton maintains that the contractor doubled the price for only a one or two-foot increase in height of the stairs, and that the project specifications clearly state that the cost of the additional stairs are to be borne by the contractor.

Lafayette Street Sanitary Sewer Extension – Project is substantially complete. Remaining work includes patching of asphalt.

Public Works Above Ground Storage Tank (AST) – Change order extending the completion date to February 28, 2018 was approved by Council, and weather delays and delays due to subgrade structures warrant extending the completion date further. The anticipated project completion date is April 2018.

Welcome Center Lighting and Parking – Both NJDOT and MM contacted Cape May Seashore Lines via phone, who committed to contacting their attorney by March 29, 2018 to finalize the agreement for use of the site.

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. The bids were rejected by Council, and MM solicited quotes for the installation of the fire service. Fire service connection work was awarded to F.W.Shawl & Sons in the amount of \$13,030.

Reading Avenue Storm Sewer Improvements – The project was authorized at the November 6, 2017 Cape May City Council meeting, and was advertised for bids in March 2018. Bids are scheduled to be received on April 6, 2018.

STUDIES AND INITIATIVES:

Water System Master Plan – MM is waiting for results of water quality tests from the Cape May City Water Department.

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 – MM presented a preliminary concept plan at a Lafayette Street Park Advisory Committee (LSPAC) meeting, and accompanied City officials to present this plan at the Cape May Elementary School Board meeting. Further development of master plan is pending confirmation of essential park features from the LSPAC.

Councilmember Furlin asks if someone will eventually make a presentation regarding the Lafayette Street Park to Council, and Deputy Mayor Meier responds that someone absolutely will when the appropriate time comes.

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. MM obtained soil samples from borings and submitted it to the laboratory. Results indicate that no further soil remediation is necessary.

West Perry Street Grading Concept Plan and Report – 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).

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.

ORDINANCES FOR INTRODUCTION

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

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

Councilmember Pessagno explains that this ordinance provides for the extending of times when metered parking is required on the streets adjacent to the Washington Street Mall. This would result in the meters being on in the aforementioned area from April 1 through December 31 yearly. She explains that this is due to there being a lack of parking available to visitors of Cape May as a result of business employees taking all of the spots surrounding the mall once the meters turn off.

REGULAR MEETING BUSINESS:

RESOLUTIONS

Mayor Lear opens a public portion for anyone who may have questions on the resolutions being considered for adoption. No public comes forward to comment.

102-04-2018 Resolution Supporting Continued Participation in the Sustainable Jersey™ Municipal Certification Program – Cape May City Green Team

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

Councilmember Furlin acknowledges that there are two “Exhibit A’s” attached to the resolution, and questions which is correct. City Clerk Patricia Harbora clarifies which is the correct Exhibit A.

103-04-2018 Resolution Declaring April Autism Awareness Month

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

Councilmember Furlin remarks on his surprise that the autism rates are so high.

Councilmember Pessagno states that this resolution is near and dear to her heart since her nephew has autism, and is glad to see Council’s support for Autism Awareness Month.

104-04-2018 Resolution for Appointment to and Removal from the Environmental Commission

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

105-04-2018 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 – Convention Hall litigation

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

106-04-2018 Resolution Approving an Agreement with Cape Island Baptist Church, allowing the City of Cape May to use the Church Parking Lot

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

107-04-2018 Resolution Authorizing Settlement of Dispute between the City of Cape May and the Sea Mist Condominium Association

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

108-04-2018 Resolution Approving a Lease with T-Mobile Northeast, LLC. for a Cell Phone Antenna on the Madison Avenue Water Tower in the City of Cape May

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

109-04-2018 Resolution Authorizing the Retention of Paul J. Baldini, Esquire, as Conflict Solicitor for the City of Cape May

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

110-04-2018 Resolution Authorizing an Agreement for Use of the Soccer Field at Lafayette Street Park

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

111-04-2018 Resolution Authorizing the City Clerk to Issue Bingo and Raffle Licenses throughout the Year to Qualified Organizations – The Garden Club of Cape May

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

112-04-2018 Payment of Bills

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

113-04-2018 Resolution Approving an Amendment to a Contract for Professional Services Agreement Between Wisser Link Advertising and the City of Cape May for 2018 Summer Concert Advertising

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

MINUTES:

City of Cape May Regular Council Meeting minutes dated December 19, 2017

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

City of Cape May Special Council Meeting minutes dated March 20, 2018

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

City of Cape May Regular Council Meeting minutes dated March 20, 2018

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

REPORTS:

City of Cape May Over Time Report for the month of March 2018

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

NEW BUSINESS:

A) City Attorney – None.

B) City Manager –

City Manager Neil Young announces that the Open Space Board approved the grant application submitted by the City for the Columbia Avenue park. They are willing to fund \$189,000.00 of the park project, but the County Freeholders still need to approve the grant.

C) City Clerk –

City Clerk Patricia Harbora makes the following announcements:

- Cape May County Poll Worker Training was today, April 3, 2018–12:00 P.M. – City Hall Auditorium.
- Town Hall Meeting–Wednesday, April 11, 2018–7:00 P.M.–Convention Hall.

- City of Cape May Red Cross Blood Drive—April 23, 2018—10:00 A.M. to 3:00 P.M.—Convention Hall.
- Master Plan Open House—April 16, 2018—7:00 P.M. to 9:00 P.M.—Convention Hall
- Atlantic City Electric is offering assistance for low income customers to help pay their winter electric bills—To apply call 1-800-642-3780 or visit nj.gov/dca/divisions/dhcr/html

D) Councilmembers

Councilmember Pessagno offers thanks to all those involved for the success of the recent Easter Stroll event.

Deputy Mayor Meier encourages all to attend the Master Plan Open House.

Councilmember Furlin thanks everyone for their patience during the last Council meeting, when he participated via telephone for a portion of the meeting.

Councilmember Hendricks also thanks those involved with the Easter Stroll and Egg Hunt sponsored by the Kiwani's Club of Cape May.

Mayor Lear announces that on June 27, 2018 at Convention Hall, the City will commemorate a speech that was delivered by Dr. Martin Luther King, Jr. on that date and at the location in 1958. He encourages all to attend this free event.

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

John Riehl, 911 Benton Avenue – Mr. Riehl questions the rationale at reaching the \$800,000 amount in the Captain Robert Sheehan v. City of Cape May matter.

City Solicitor Corrado explains how risky it would have been for this case to go to court, and that the trial expenses would have outweighed the settlement amount. He emphasizes that four lawyers with years of experience came to the conclusion that settlement was the best course.

James Brady, 922 Benton Avenue – Mr. Brady states that at no point during any Council meeting was there any mention that a settlement could affect the taxes.

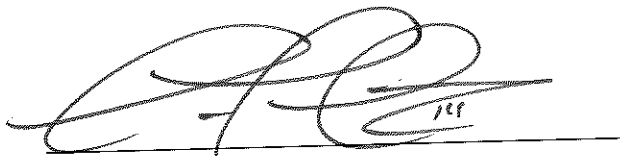
CLOSED SESSION: 7:08 P.M.

RETURN TO OPEN PUBLIC MEETING: 7:45 P.M.

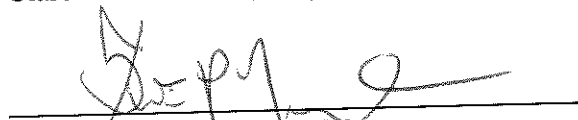
No formal action taken.

ADJOURNMENT

Motion made by Deputy Mayor Meier, seconded by Councilmember Pessagno, to adjourn. The meeting adjourned at 7:48 P.M.




Clarence F. Lear III, Mayor



Shaine P. Meier, Deputy Mayor



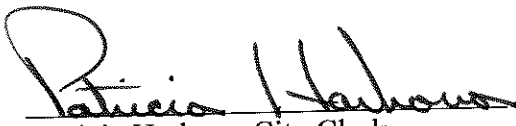
Roger M. Furlin, Councilmember



Patricia Gray Hendricks, Councilmember

ABSENT

Beatrice Gauvry Pessagno, Councilmember



Patricia Harbora, City Clerk