



**WORKSESSION/REGULAR MEETING
OF CITY COUNCIL OF THE CITY OF CAPE MAY, NJ
Tuesday, September 4, 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, September 4, 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 Cape May City Employee – Gladys Mendo - **ADD**

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

RECOGNITION OF CAPE MAY CITY EMPLOYEE:

Mayor Lear recognizes Gladys Mendo for her decades of services as a Cape May City Beach-Tagger. He presents Ms. Mendo with a certificate of recognition. Cape May City Beach Tag Supervisor, Ed Rotz, describes Ms. Mendo as a giver and a volunteer, and states that she has been a pleasure to work with.

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 are scheduled to be received on September 26, 2018.

Reconstruction of Pennsylvania Avenue (Buffalo Avenue to Wilmington Avenue – All work is completed except for traffic striping, which is scheduled for the week ending September 7, 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.

Public Works Above Ground Storage Tank (AST) – Project is substantially complete, with only punch list items remaining. The project should be completed this month.

Welcome Center Lighting and Parking – City Solicitor Frank Corrado was able to make contact with the attorney for Cape May Seashore Lines, and an agreement can be expected to be provided to the City by next 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 Council Meeting. The City is scheduled to receive proposals by September 7, 2018. A short-list of firms will be selected by the review committee for interviews. Councilmember Furlin asks if the review committee will be made up of all the Public Safety Building Advisory Committee members, and Mr. Thornton explains that the review committee is a smaller group of committee members and City Officials.

Cape Island Creek Water Main Rehabilitation – MM conducted a site meeting with the utility location firm to develop a plan for location of existing water transmission main. MM is preparing requests for quotes for insertion of valves to facilitate location of the water main in September.

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 is being scheduled tentatively for next week.

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 has been completed and MM is drafting a base map for design.

STUDIES AND INITIATIVES:

Water System Master Plan – Eight (8) chapters are completed. The final ninth chapter is substantially complete. MM is waiting for the response from the Cape May City Water/Sewer Department on the draft chapters.

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 – MM has completed the final park plan and will meet with the City's grant consultant, James Rutala, to brainstorm strategies to go back to the grant agencies to present the final park plan. Councilmember Pessagno asks how long the process will take, and Mr. Thornton responds that it depends if they have to formally go before the grant board or just meet with them informally to review the plans.

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. No contaminants were detected in the initial sampling following the development of the well. A follow-up sample has been taken. Assuming favorable results of the testing, MM will wrap up the necessary NJDEP reports.

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 questions why the City's Construction Office does not have the necessary as-built plans, and Mr. Thornton explains that the plans the office has may rightfully be what exists for the HVAC system, but they are not marked "as-built" so MM just follow up with the contractor.

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 September 2018.

COMMITTEE UPDATE

Bicycle and Pedestrian Advisory Committee – Bill Murray (Chair), Jim Moffatt, Bob Morris, Hilary Pritchard, and Gus Mosso.

The BAPAC members in attendance give a thorough report of the committee's initiatives thus far. Improvements to the roadway surrounding the All Wars Monument on Columbia Avenue are discussed, as well as potential funding for the project. Various improvements to signage, bike lane markings, and potential bike paths are suggested. The committee members highlight a cooperation between themselves and the Kiwanis Bike Committee resulting in a "Bike at Night, Have a Light" initiative in which local students are provided with a free front and rear bike light, magnet, and safety brochure. The committee commented that progress has not yet been made with the County in response to the City's adopted resolution urging the County to reduce the speed limit and make other improvements to Pittsburgh Avenue. Another initiative is explained in which the committee requested bicycle safety tags from the State of New Jersey, and has distributed over 6,500 of these tags to various schools, businesses, and other locations throughout the City.

The BAPAC recommends dedicating a space on the City's website promoting bike safety, having bike safety brochures distributed in all rental houses in the City, and printing maps of suggested bike routes for visitors' use.

ORDINANCES FOR SECOND READING AND CONSIDERATION FOR ADOPTION

359-2018 Ordinance Amending the City of Cape May's Affordable Housing Ordinance in Compliance with the City's COAH Settlement

City Solicitor Frank Corrado explains that this ordinance is another step to gaining compliance with the Mount Laurel doctrine. He states that the Cape May City Planning Board has reviewed this ordinance and has deemed that it is consistent with the Master Plan. Mr. Corrado comments that the Planning Board did voice concerns regarding the lack of specificity in the ordinance in regard to off-site affordable housing architecture, however Mr. Corrado states that he doesn't believe the ordinance needs to be amended.

PUBLIC HEARING – None.

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

360-2018 Ordinance Authorizing the Private Sale of Undersized Property Owned by the City of Cape May, Block 1104, Lot 49, A/K/A 1015 Maryland Avenue in Cape May – **TABLED INDEFINITELY**

PUBLIC HEARING –

Thomas Phelan, 1013 Maryland Avenue – Mr. Phelan opposes proposed ordinance 360-2018, citing problems with flooding in the area of the property in question. Mr. Phelan affirms that this property serves as a drainage area for the surrounding neighborhood, and should be left in its current, City-owned state to prevent any future development on the property. He urges Council to not adopt this ordinance.

Douglas Miller, 1019 Maryland Avenue – Mr. Miller opposes this ordinance, citing City Council Minutes from 2003 in which a similar ordinance was before the Council to sell this property (and never adopted). Mr. Miller echoes Mr. Phelan’s comments, emphasizing the potential environmental and flooding impacts if this lot were to be sold and used for development.

Mayor Lear mentions that since the proposed sale of this property would be a private sale, the only possible future owners would be the owners of the three properties directly adjacent to 1015 Maryland Avenue. City Solicitor Corrado adds that since this lot is an undersized lot, it is eligible to be sold at a private auction rather than publicly.

Linda Steenrod, 1011 Washington Avenue – Ms. Steenrod asks what the outcome would be if none of the three neighbors bid on the property, and would the potential new owner of the property be responsible for any drainage issues. Mr. Corrado states that the property would then remained owned by the City if no neighbors bid on it, and that he believes a potential new owner would be responsible for any drainage issues.

Douglas Miller, 1019 Maryland Avenue – Mr. Miller quotes the restrictions of private auctions of City-owned property, and states that the French Drain that is located on the property qualifies as an “capital improvement” and therefore restricts this property from being sold at a private auction.

Jules Rauch, 1010 New York Avenue – Mr. Rauch states that he lives close to the lot in questions, and understands the sensitive nature of that area in regard to flooding and drainage. He cites the construction of new, larger homes and increases in lot coverage as reasons for increased drainage and flooding problems. Mr. Rauch opposes this ordinance.

Tom Thornton, City Engineer – At Mayor Lear’s request, Mr. Thornton researched the property in question and conducted a survey. He states that this lot does perform some function for stormwater drainage, but is in no way any kind of drainage basin, as the neighbors are implying. He states that from his survey, it does not appear that the surrounding lots are “flowing” into 1015 Maryland Avenue, but the location of a storm grate is consistent with a low spot in the survey, and if the property is to be sold then the new owner should maintain the grate.

Councilmember Pessagno states that it appears that the survey completed on this property was not as thorough as usual since Mr. Thornton could not get into the neighboring properties.

Councilmember Furlin asks Mr. Thornton what the effects would be on the adjacent properties if a structure were to be built on the lot in question. Mr. Thornton replies that the City code mandates that no development can negatively impact adjacent properties.

William Seeger, 1361B Vermont Avenue – Mr. Seeger questions if 1017 Maryland Avenue exists, and the consensus is no.

Councilmember Furlin comments that he has observed large homes being built on undersized lots within the City with variances being granted by the Zoning Board of Adjustment, so he understands the concerns of the neighbors. He states that he is opposed to selling the property.

In response to Mr. Miller's comments regarding the French Drain on the property qualifying as a "capital improvement", City Solicitor Corrado states that he is unsure as to the accuracy of that statement, but recommends tabling the ordinance indefinitely so more research to be completed.

360-2018: TABLED INDEFINITELY

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

361-2018 An Ordinance of the City of Cape May Amending those Provisions Governing Animals on the Promenade, Beach and Mall – **AMEND to include the month of October**

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

PUBLIC HEARING –

Anthony Marino, Police Chief – Chief Marino comments on the issue the Police Department is faced with in regard to service animals. He explains that, regardless of wherever the City permits or bans animals, individuals can claim to have a service animal and the Officers are not allowed to question or ask for proof. City Solicitor Corrado recommends that the Chief instruct all officers on the proper protocol when it comes to service animals so as to not create any issues with the enforcement of this ordinance.

Bonnie Cassells, 914 Columbia Avenue – Ms. Cassells supports the proposed ordinance, but asks how the continued ban on animals on the mall will be enforced. Deputy Mayor Meier suggests that improving the signage around the mall would be the best way to start educating visitors and locals alike on the fact that dogs are not allowed on the mall.

Linda Steenrod, 1011 Washington Avenue – As the Chair of the Pet Advisory Committee, Ms. Steenrod voices support for this ordinance. She thanks Council for considering the committee's recommendations, and also thanks the Public Works Department and Deputy City Manager Jerry Inderwies, Jr. for improving the dog park. She asks Council to consider making the proposed Memorial Park on Columbia Avenue dog-friendly.

William Seeger, 1361B Vermont Avenue – Mr. Seeger questions who is responsible if a dog bites someone, and Mr. Corrado responds that the owner of the dog is responsible, but that doesn't mean that the City would not be involved in any potential litigation as a result of the dog-bite.

Mr. Seeger then comments that there are a lot of other issues that need to be addressed on the beach in addition to dogs.

361-2018 An Ordinance of the City of Cape May Amending those Provisions Governing Animals on the Promenade, Beach and Mall – **AS AMENDED**

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

REGULAR MEETING BUSINESS

RESOLUTIONS:

203-09-2018 Resolution Accepting a Cops in Shops Enforcement Program Grant for the City of Cape May

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

204-09-2018 Resolution Providing for the Insertion of a Special Item of Revenue in the Budget Pursuant to Chapter 159 Pl 1948 – Cops in Shops College Summer Shore Initiative 2018

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

205-09-2018 Resolution Approving Donation of Personal Property to the Arc

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

206-09-2018 Resolution Approving Change Order No. 1 to the Agreement Between Charles Marandino, LLC. and the City of Cape May's Contract for FY2017 NJDCA Small Cities Block Grant Program – E. Lyle Lane

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

207-09-2018 Resolution Approving a “Spending Plan” for Affordable Housing

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

City Solicitor Corrado explains that resolution 207-09-2018 is just another portion of the City’s requirements for settling the COAH litigation. He comments that all that is left to do to fulfill the City’s obligations is to update the Housing Element of the Cape May City Master Plan.

208-09-2018 Resolution Appointing Members to the Housing Authority of the City of Cape May

Mayor Lear discusses the mission statement of the Housing Authority and thanks the retiring members of the Housing Authority Board (Mr. Frank Acker, Mr. Thomas White, and Ms. Patricia Swain) for their commitment to serving the City of Cape May. Mayor Lear welcomes the new appointees: Ms. Carol Boyd, Mr. Victor Faison, and Mr. Christopher Traficante.

Councilmember Furlin questions how the proposed new appointments to the Housing Authority Board were selected, stating that Mr. Acker wished to continue his service on the Board. Mayor Lear states that they looked at a number of potential appointees and made their selections accordingly.

Councilmember Furlin then asks who will be replacing Diane Hutchinson, as her term is expiring and she is not listed on the resolution as being replaced. Mayor Lear explains that that position on the Housing Authority Board is appointed by the City Manager, not by Council.

Councilmember Hendricks remarks that she read through years of Housing Authority meeting minutes, and found that numerous changes by Council and the Directors have occurred over the years. She states that another group of individuals now have the opportunity to serve the City of Cape May in this capacity.

Public portion:

Frank Acker, 637 Hughes Street – Mr. Acker voices his disappointment at no longer being appointed to the Housing Authority Board, and explains that he misunderstood the Mayor's phonecall to him this morning explaining that he is not going to be reappointed. He voices that he wished the Mayor had spoken with him in person ahead of time regarding this decision.

Zack Mullock, 1149 Lafayette Street – Mr. Mullock questions who exactly selected the individuals listed on the resolution as new appointees. Councilmember Pessagno responds that neither herself or Councilmember Furlin were asked about the appointments or for contribution to the selections. Mr. Mullock states that there are five members of the governing body, and they should all be involved in making decisions, not just the majority.

Councilmember Hendricks mentions that terms have expiration dates for a reason, and that everyone is aware of when their terms expire.

208-09-2018 Resolution Appointing Members to the Housing Authority of the City of Cape May
Motion: Meier **Second:** Hendricks **Pessagno:** No **Meier:** Yes **Hendricks:** Yes **Furlin:** No **Lear:** Yes

209-09-2018 Resolution Authorizing the Purchas of a 2018 Elgin Whirlwind Street Sweeper under NJPA
Contract No. 022014-FSC (\$267,560.80)
Motion: Meier **Second:** Pessagno **Pessagno:** Yes **Meier:** Yes **Hendricks:** Yes **Furlin:** Yes **Lear:** Yes

210-09-2018 Resolution for the Payment of Bills
Motion: Meier **Second:** Pessagno **Pessagno:** Yes **Meier:** Yes **Hendricks:** Yes **Furlin:** Yes **Lear:** Yes

MINUTES

Cape May City Council Worksession Regular Meeting Minutes dated August 7, 2018

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

UNFINISHED BUSINESS:

NEW BUSINESS:

A) City Attorney – None.

B) City Manager –

City Manager Young updates Council that both the Beach Tag and Occupancy Tax revenues are increased from last year.

C) City Clerk –

City Clerk Harbora announces the 9/11 Patriot Day Ceremony is to be held at the Cove on 9/11/18 at 6:00PM.

D) Councilmembers –

Councilmember Pessagno comments that the Summer Concert Series was a wonderful success, and that the nomination forms for the BID will be mailed out in the next two weeks.

Deputy Mayor Meier comments that the Council meeting agenda is the Mayor's agenda to create as the presiding officer of the meetings. He states the agenda is distributed to each member of Council the Friday

prior to every Council meeting, so each Council member has adequate time to review and voice concerns or amend any documents they wish. He maintains that the members do not have to wait until the meeting time to bring up issues.

Councilmember Pessagno states that she was not aware of the issues until this morning.

Councilmember Furlin comments that it is good to be back after his absence from several Council meetings due to an illness. He thanks everyone for the well-wishes he received.

Councilmember Hendricks recounts her recent visit to the Lighthouse Church in which the church hosted a discussion on drug overdoses and offered training on the administration of Narcan in the case of an overdose. She applauds the church's commitment to helping and educating the community on this topic.

Mayor Lear comments that he is glad to hear that revenues are up. He also applauded the numerous Rotary Park concerts and recent Sunset Parade on the TRACEN Cape May Coast Guard Base on jobs well-done. He thanked all retail and hospitality workers for another great summer season.


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

John Van de Vaarst, 1030 Ohio Avenue – Mr. Van de Vaarst encourages everyone to complete the Master Plan Advisory Committee surveys on the City's website or submit a hard-copy for the committee to review. He then congratulates two Cape May lifeguards on the Philadelphia Street beach for completing two water rescues within a 15-minute timeframe recently. Mr. Van de Vaarst then urges Council to consider its actions in response to the recent bill passed by the New Jersey State Governor banning smoking on public beaches prior to its effective date in January 2019. Mr. Van de Vaarst moves on to discuss the potential for having to deal with low-speed vehicles or scooters in Cape May City, as they are gaining popularity in other locations.


Anthony Marino, Chief of Police – Chief Marino also attended the discussion and training at the Lighthouse Church, and echoes Councilmember Hendricks' sentiments. Chief Marino comments that Narcan training may be beneficial to Cape May community members, as it is easier to administer now that it is a one-step process (with pre-loaded nasal spray).

ADJOURNMENT

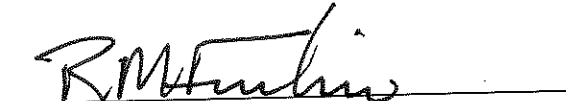
Motion made by Deputy Mayor Meier, seconded by Councilmember Pessagno, to adjourn. The meeting adjourned at 8:35 P.M.



Clarence F. Lear III, Mayor



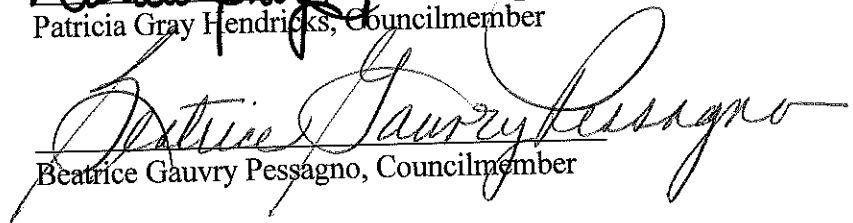
Shaine P. Meier, Deputy Mayor




Roger M. Furlin, Councilmember



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Beatrice Gauvry Pessagno, Councilmember



Patricia Harbora, City Clerk

