

**WORKSESSION/REGULAR MEETING
OF CITY COUNCIL OF THE CITY OF CAPE MAY, NJ
Monday, November 2, 2015, 1:00 P.M.**

Present: Mayor Edward J. Mahaney, Jr.
Councilmember Shaine P. Meier
Councilmember Beatrice Pessagno
Deputy Mayor Terri L. Swain
Councilmember John W. Wichterman

Also Present: City Attorney Anthony Monzo
City Manager Bruce MacLeod
City Clerk Louise Cumiskey
Deputy Clerk Patricia Harbora

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

ENGINEER REPORT

Thomas R. Thornton, PE, CME, of Hatch, Mott, McDonald, presents his engineer's report as follows:

Welcome Center Lighting and Parking – Mr. Thornton advises that he has been in contact with Gerry Fahey from New Jersey Transit and Mr. Fahey will discuss the parking concept options with the members of New Jersey Transit this week.

Councilmember Wichterman talks about the lighting choices presented to Council. Mr. Thornton advises that he will coordinate the designs with the energy savings plan.

Mayor Mahaney notes that Council gave a preliminary approval for one of the three options.

FY2015 Road and Utility Improvements (Cape May Avenue South from Reading Avenue to Pittsburgh Avenue; Missouri Avenue from Trenton Avenue to Pittsburgh Avenue; and Hughes Street from Franklin Street to Ocean Street.) Opening bids for all three road utility projects are scheduled for Friday, November 6, 2015.

Capehart Lane Access Easement – Mr. Thornton reports that the site was visited and he is preparing a proposal for City Council.

Water System Supervisory Control and Data Acquisition (SCADA) Upgrades – Mr. Thornton advises that the bid opening for this project is scheduled for Friday, November 6, 2015.

Third Party Verification of Energy Savings Plan – Mr. Thornton reports that the meeting for the baseline workshop with Johnson Controls was held on October 23, 2015 and advises that the project is moving forward as planned.

NJDOT Local Aid Funding Application – Mr. Thornton advises that a proposal was submitted for an application to the NJDOT local aid funding for the next block of Cape May Avenue (Trenton Avenue to Reading Avenue).

Beach and Surf Zone Grading Feasibility Study – Mr. Thornton reports that he has contacted the State Agencies regarding the feasibility study and has collected sand samples to analyze the grain size. Also, meetings are being scheduled with the University of Delaware, NJDEP and Army Corps of Engineers.

Councilmember Meier asks about the different sizes in sand grain on the beaches.

DISCUSSION

DRONES

Mr. MacLeod starts the discussion by sharing research information which he retrieved from the Federal Aviation Administration and the County of Cape May regarding the requirements for Drones. Mr. MacLeod outlines the proposed conditions to operate a Drone in the State of New Jersey.

Councilmember Wichterman asks Mr. Monzo if he would contact the City of Ocean City regarding the Drone ordinance introduced at their last Council Meeting.

Mr. Monzo will investigate the rules and advises that only the Federal Government can regulate Drone aircraft in all state municipalities.

Mayor Mahaney asks Mr. Monzo to contact Carol Mattesich, Cape May County Director of Economic Development, for information on the regulation on Drones.

LEGAL EXPENSE REPORT

Mr. MacLeod provides a detailed report on Legal Fees paid by the City of Cape May for the month of October 2015.

PLANNING BOARD VACANCY

Mayor Mahaney announces that the vacant seat on the Planning Board will be a crossover seat with a member from the Environmental Commission. The Mayor advises that Mr. Tim Swan is interested in filling the vacancy.

CITY MANAGER ITEMS

Mr. MacLeod announces upcoming Events:

Exit-0 Jazz Festival, Friday, November 6, 2015 to Sunday, November 8, 2015; The Veterans Day Ceremony, Wednesday, November 11, 2015 at the All Wars Monument on Columbia Avenue; Fall Arts and Crafts Festival, Saturday, November 14, 2015 from 10:00 A.M. to 4:00 P.M. at Convention Hall. Mr. MacLeod reminds us of the Fall/Winter water flushing program scheduled for November 4, 2015.

ATTORNEY ITEMS

Mr. Monzo mentions the Soleman Run-Scholarship Foundation Event, scheduled for Saturday, November 7, 2015 at 9:00 A.M. at Convention Hall.

CLERK'S ANNOUNCEMENTS

General Election Day – Tuesday, November 3, 2015. Polls are open between 6:00 A.M. and 8:00 P.M. City Hall will be closed for Election Day.

American Red Cross Blood Drive – Monday, November 23, 2015, Cape May Convention Hall, 10:00 A.M. to 3:00 P.M.

REGULAR MEETING BUSINESS:

RESOLUTIONS:

236-11-2015 – Resolution Approving Refund of Overpaid 2015 Utilities

237-11-2015 – Resolution Providing for the Insertion of a Special Item of Revenue in the Budget Pursuant to Chapter 159 PL 1948

238-11-2015 – Resolution Providing for the Insertion of a Special Item of Revenue in the Budget Pursuant to Chapter 159 PL 1948

239-11-2015 – 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- Litigation, Purchase of Property

240-11-2015 – Payment of Bills “A” **REMOVED FROM CONSENT**

241-11-2015 – Resolution Approving Change Order No. 1 to Professional Services Agreement between Remington Vernick & Walberg Engineers and the City of Cape May for New Supply Well on the Site of the Existing Desalinization Plant, Block, 1061, Lot 139

Jerry Gaffney, 810 Columbia Avenue, Cape May questions the Closed Session Resolution regarding the purchase of property and asks if the discussion will be about the remaining house on St. Johns Street. Mr. Gaffney also asks the assessed value of the property.

Mayor Mahaney confirms that the discussion will focus on the St. Johns Street property and describes the requirements set forth by the State of New Jersey regarding the assessment of the property.

Motion:	Mahaney
Second:	Meier
Roll Call:	
Meier	Yes
Pessagno	Yes
Swain	Yes
Wichterman	Yes
Mahaney	Yes

240-11-2015 – Payment of Bills “A”

Motion: Mahaney
Second: Meier
Roll Call:
Meier Abstain
Pessagno Yes
Swain Yes
Wichterman Yes
Mahaney Yes

MINUTES:

City Council Special Meeting Minutes dated September 29, 2015
City Council Special Emergency Meeting Minutes dated October 13, 2015
City Council Closed Session Emergency Meeting Minutes dated October 13, 2015

Motion: Mahaney
Second: Meier
Roll Call:
Meier Yes
Pessagno Yes
Swain Yes
Wichterman Yes
Mahaney Yes

City Council Worksession/Regular Meeting Minutes dated October 6, 2015

Motion: Mahaney
Second: Meier
Roll Call:
Meier Yes
Pessagno Yes
Swain Abstain
Wichterman Yes
Mahaney Yes

REPORTS RECEIVED BY THE CLERK:

City of Cape May Overtime Report dated October, 2015
City of Cape May Environmental Commission Meeting Minutes dated October 27, 2015

Motion: Meier
Second: Pessagno
Roll Call:
Meier Yes
Pessagno Yes
Swain Yes

Wichterman Yes
Mahaney Yes

Councilmember Meier questions the City Manager about the number of Departments that have exceeded their estimated overtime funds and asks if it is normal. Mr. MacLeod responds that it is close to the end of the year and while not normal, it does occur. Mr. Meier states that he will talk to the City Manager about the overtime at another time.

NEW BUSINESS:

- A) City Attorney – Mr. Monzo wishes Councilmember Wichterman well and comments that it has been a pleasure working with him for three terms on Council.
- B) City Manager – Mr. MacLeod reminds everyone that Real Estate taxes are due today, November 2, 2015 in the City of Cape May. Also, Mr. MacLeod thanks Councilmember Wichterman for the years of service with the City of Cape May.
- C) City Clerk
- D) Councilmembers – Councilmember Wichterman talks about the school funding formula and reports that the City of Cape May pays \$600,000.00 monthly to the school district.

Deputy Mayor Swain comments that Councilmember Wichterman will be greatly missed.

Councilmember Pessagno thanks Councilmember Wichterman for all he has done for the City of Cape May and for his years of service on City Council.

Councilmember Meier thanks Councilmember Wichterman for filling the unexpired term on Council and highly respects his decisions on Council.

Mayor Mahaney comments that he has served on Council with Mr. Wichterman for three terms and advises that Mr. Wichterman always had the best interests of the public in mind when making his decisions on Council.

Mayor Mahaney thanks the Washington Street Mall merchants for their participation in Trick or Treat on the Mall and the Halloween Parade. The mayor asks permission from Council for the Public Works Department to decorate a float so the Cape May Elementary School can participate in the West Cape May Christmas Parade again this year. Finally, Mayor Mahaney talks about the Nor'easter in October 2015 and reports that the City of Cape May was fortunate that damages to the City were not too severe. Based upon the Governor's Declaration, the municipalities in Cape May County will be reimbursed for any monies expended for emergency preparation.

Mr. MacLeod reports that the emergency work on the outfall pipes at Queen Street will begin tomorrow, Tuesday, November 3, 2015.

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.

John VanDeVaerst, 1030 Ohio Avenue, Cape May asks about the Federal Regulations on Drones and about the litigation at Convention Hall, the school funding matter and the demotion of Captain Sheehan.

Mr. Monzo explains the FAA regulations regarding model airplanes vs. drones. Mr. Monzo advises that the City is not in litigation regarding the school funding matter and finally, advises that currently, there is no schedule Court appearance in the Sheehan matter.

Laura DeCamillo, 1315B Virginia Avenue, Cape May, thanks Mr. Wichterman for his service on Council and thanks Council for the repairs completed on the Promenade. Ms. DeCamillo asks about the status of the Franklin Street School.

Mr. MacLeod advises that the City Engineer is currently reviewing the brick façade of the school and the City's concern is the safety of the structure. Mr. Thornton will report back to Council with his findings.

Roger Furlin, 627 Hughes Street, Cape May, asks about the shore breaks in the Engineer report and the overall future plans.

Mayor Mahaney advises that the shore break study details ongoing monitoring for a long term solution.

Mr. Furlin asks what the life expectancy is for the new well and comments that replacing the well at the desalination plant was an excellent decision in the City of Cape May.

Mayor Mahaney explains the working of the wells (wells #6 and #7) and reports that the installation at the desalination plant was in the year 1995 to 1998.

Patricia Hendricks, 106 Trenton Avenue, Cape May, comments that she attended a seminar in Cape May County and talks about the usage, importance and technological advantage of monitoring the shorelines with drones. Also, Ms. Hendricks thanks Councilmember Wichterman for his services to the residents of the City of Cape May.

Mayor Mahaney talks about the two day Cape May County seminar/conference on drones and the major economic effect in the City of Cape May. Mayor Mahaney advises that drones can be used by the Army Corps of Engineers to survey the ongoing beach slope problems in Cape May. Also, the use of drones will provide excellent technology, cost containment and create more jobs for the economy. Mayor Mahaney feels that recreational drones should not be used irresponsibly in the City of Cape May.

CLOSED SESSION

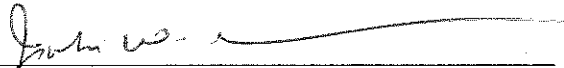
Motion made by Councilmember Meier, seconded by Councilmember Pessagno, to go into Closed Session at 2:15 P.M.

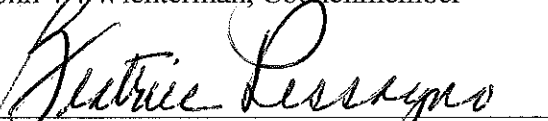
ADJOURNMENT

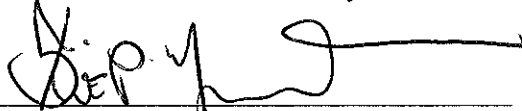
Motion made by Councilmember Wichterman, seconded by Councilmember Pessagno to adjourn. The meeting adjourned at 3:30 P.M.

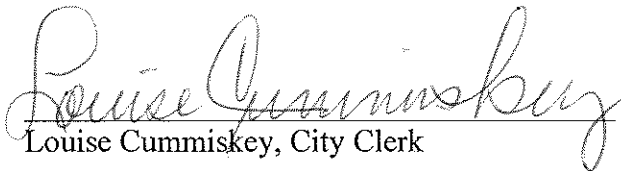

Edward J. Mahaney, Jr., Mayor


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Louise Cummiskey, City Clerk