



**REGULAR MEETING
OF CITY COUNCIL OF THE CITY OF CAPE MAY, NJ
Tuesday, March 19, 2019 6:00 P.M.**

The Regular Meeting of City Council of the City of Cape May was called to order by City Mayor, Clarence F. Lear III at 6:00 P.M. Tuesday, March 19, 2019 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: Deputy Mayor Patricia Gray Hendricks
Mayor Clarence F. Lear, III
Councilmember Shaine P. Meier
Councilmember Mullock
Councilmember Sheehan

Also Present: City Solicitor Frank Corrado
City Manager Neil Young
City Clerk Patricia Harbora
Deputy City Clerk Erin Burke
Leon Costello, CPA, RMA, LPSA

Minutes do not reflect the actual order in which the events occurred.

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

375-2019 Calendar year 2019 Ordinance to Exceed the Municipal Budget Appropriation Limits and to Establish a Cap Bank – **ADD**

Motion: Hendricks **Second:** Meier

Hendricks: Yes **Meier:** Yes **Mullock:** Yes **Sheehan:** Yes **Lear:** Yes

At Councilmember Mullock's questioning, City Manager Neil Young and City Auditor Leon Costello explain that this ordinance is required to be passed by law and allows the City to bank funds for future use. They emphasize that every municipality passes a similar ordinance annually with the introduction and adoption of the municipal budget.

HISTORIC AMERICAN BUILDING SURVEY (HABS) EXHIBIT DEDICATION

Mr. Thomas Carroll explains the HABS team visited Cape May approximately 50 years ago to document historic buildings for the Library of Congress. Mr. Carroll states that most, if not all, of these buildings are still standing today. He details the exhibit that had been displayed at the Carroll Gallery at the Physick Estate, and the desire to share it more with both the residents of Cape May and its visitors. This exhibit is now being presented in the City Hall auditorium and hallways and consists of panels of each historic home and their survey

and historic information. Mr. Carroll emphasizes that preservation is essential to Cape May's National Historic Landmark statues.

INTRODUCTION OF BUDGET

City Manager Young and City Auditor Costello explain the various changes that have been made to the municipal budget since the City Manager's initial presentation to Council. A 1.25 cent tax increase is proposed, which was increased from the .88 cent tax increase proposed in the Manager's presentation of the budget.

Councilmember Meier notes that there was more of a tax increase anticipated as a result of the proposed additions to the Fire Department staffing, and that Mr. Young was able to find ways to lessen the increase.

Councilmember Sheehan voices concern that Council has not had a worksession meeting to discuss the budget, and City Auditor Costello explains that Council can schedule a worksession meeting between now and the potential adoption of the budget on April 16, 2019 to discuss the proposed budget. City Solicitor Corrado points out that Council has a worksession/regular meeting already scheduled for April 2, 2019, and that this discussion could be added to that agenda.

Councilmember Mullock states that he is glad to see the new firefighters accounted for in the proposed budget and will discuss any issues he has when the budget discussion occurs.

73-03-2019 Resolution for the Approval by Council of the Local Municipal Budget

Motion: Hendricks **Second:** Meier
Hendricks: Yes **Meier:** Yes **Mullock:** Yes **Sheehan:** Yes **Lear:** Yes

ORDINANCES FOR INTRODUCTION:

374-2019 An Ordinance Amending Parking Rates in the City of Cape May

Motion: Hendricks **Second:** Meier
Hendricks: Yes **Meier:** Yes **Mullock:** Yes **Sheehan:** Yes **Lear:** Yes

375-2019 Calendar year 2019 Ordinance to Exceed the Municipal Budget Appropriation Limits and to Establish a Cap Bank

Motion: Hendricks **Second:** Meier
Hendricks: Yes **Meier:** Yes **Mullock:** Yes **Sheehan:** Yes **Lear:** Yes

City Auditor Costello reiterates that the State requires an ordinance like this to be passed annually with the municipal budget. He emphasizes that the City is not "exceeding" anything, rather it is banking the ability to possibly spend funds down the road.

REGULAR MEETING BUSINESS:

RESOLUTION:

74-03-2019 Resolution for the Department of Environmental Protection Green Acres Enabling Grant

City Engineer Thomas R. Thornton, PE, CME, explains that this resolution authorizes the application for a NJDEP Green Acres Grant. If awarded to the City, this grant would account for 50% of Phase 4 of the Lafayette Street Park project, which includes the construction of a trail through the park and an elevated boardwalk through the pond/marsh area, complete with three observation platforms. Mr. Thornton explains that the City can apply for this Green Acres grant, then go back to the County Open Space Board to possibly seek additional funding, since they previously expressed interest in this funding.

PUBLIC HEARING – None.

Motion: Hendricks **Second:** Meier

Hendricks: Yes

Meier: Yes

Mullock: Yes

Sheehan: Yes

Lear: Yes

RESOLUTIONS:

Public portion for resolutions:

Anthony Marino, Chief of Police – Chief Marino thanks Council for putting the award of contract for architectural and engineering services for the proposed new Public Safety Building on the agenda this evening. He emphasizes that while there is some disagreement, most of the community is on-board with using the existing site for the new building.

William Murray, 1012 Kearney Avenue – Mr. Murray thanks Council for considering increasing the budget for the additional Fire Department employees. He urges Council and the public to support the addition of the new firefighters regardless of any tax increase.

Wister “Barney” Dougherty, Vice-Chair of the Public Safety Building Advisory Committee (PSBAC) – Mr. Dougherty opines that it is a good idea to increase the staffing of the Fire Department. He also supports getting underway with the Public Safety Building project, however he opines that the architect should be paid in increments so that the architect can first be paid to study if a combined public safety building will even fit on the existing site, before he or she is paid for any additional work. Councilmember Meier states that each firm interviewed assured the committee that the site could fit a combined Public Safety Building.

Christine Miller, 535 Bank Street – Ms. Miller urges Council to vote “no” on resolution 83-03-2019: *Resolution Authorizing the City of Cape May to Award a Contract for Architectural and Engineering Services for the Proposed New Public Safety Facility – USA Architects*. Ms. Miller asserts that there was no competition in the selection of architects, and suggests the City put out a Request for Proposals (RFP) to see what different firms submit for the project. City Manager Young and City Solicitor Corrado both affirm that that the exact process the City undertook, which resulted in the unanimous choice of USA Architects by the PSBAC.

William Seeger, 1361 B Vermont Avenue – Mr. Seeger details the voting criteria used in the scoring of the five (5) architectural firms that were selected for interviews in relation to the Public Safety Building RFP, questioning how USA Architects came out ahead after being behind in points prior to the interview portion. He asks Council to explain their votes when it comes time to vote on Resolution 83-03-2019.

Councilmember Meier states that USA Architects showed examples of their previous work on historic buildings, emphasizing their experience with this type of project and how they presented a fantastic interview.

Rose Traficante, PSBAC member – As a member of the PSBAC, Dr. Traficante explains that it is common occurrence for an individual or company to appear as though they are the best fit on-paper, however once they interview this is not always the case. She states that the opposite happened with USA Architect’s— their proposal may not have scored as well as other firms, however they performed very well in-person and their interview convinced the committee that they are the best fit for Cape May’s needs and demands.

Christine Miller, 535 Bank Street – Ms. Miller returns to the podium to again question the RFP specifications and how there was competition between firms. Mayor Lear reiterates that City Officials have already explained the process and that he is comfortable with the steps that were taken.

John Van de Vaarst, 1030 Ohio Avenue – Mr. Van de Vaarst thanks Council for their efforts and for following the proper procedure.

Public portion closed.

Resolution 83-03-2019 is taken out of order for voting due to public interest.

Councilmember Sheehan states that she will be voting “no” on resolution 83-03-2019 because she feels that both the Police Department and the Fire Department should have the best facility possible. She opines that having two separate buildings, one for Police and one for Fire, would best accomplish this have more opportunity for growth over the years. She cites parking concerns, funding concerns, and the issue of a new building fitting-in with the historic landscape as reasons for her decision. She emphasizes a job well-done for the PSBAC in reviewing the RFPs submitted for the project.

Councilmember Mullock echoes Councilmember Sheehan’s sentiments, and states that the public should have had more input in the entire Public Safety Building RFP process. He cites the cost of USA Architect’s proposal as an additional deterrent. Councilmember Mullock then highlights a similar project USA Architects completed in Collingswood, NJ, citing that the Mayor of Collingswood, M. James Maley, Esq. was hired by the City as Special Counsel for redevelopment. Councilmember Mullock insinuates some correlation between this project and redevelopment, stating that the selection of USA Architects was not a coincidence. Councilmember Mullock recommends advertising an RFP for a building specifically for the Fire Department and Office of Emergency Management, suggesting that the project could be completed for under \$4 million and within 18-24 months. He opines that the City should tackle the Police and Fire Departments separately.

Councilmember Meier respectfully disagrees with Councilmembers Sheehan and Mullock. He suggests letting the professionals (USA Architects) guide the City as far as the best course of action, as no Council Member is an expert in the field of architecture. He also emphasizes that all PSBAC meetings were open to the public and minutes were written for every meeting that the public could request copies of. He denies any rumors or conspiracy theories regarding Collingswood, NJ and redevelopment being in any way related to this project. He urges that Council move forward with this project.

Mayor Lear states his appreciation for all the work the PSBAC put into this project. He announces that the City is currently spending money for remediation of the current Fire Department structure due to mold issues, and states that this project should have been addressed years ago and is long over-due.

Deputy Mayor Hendricks wishes all those who spoke regarding this project this evening would have come to voice their suggestions and concerns at the numerous PSBAC meetings that were held throughout this process.

83-03-2019 Resolution Authorizing the City of Cape May to Award a Contract for Architectural and Engineering Services for the Proposed New Public Safety Facility – USA Architects

Motion: Hendricks **Second:** Meier

Hendricks: Yes **Meier:** Yes **Mullock:** No **Sheehan:** No **Lear:** Yes

A short recess is taken at 7:50 P.M.
The meeting resumes at 8:00 P.M.

75-03-2019 Resolution Authorizing the use of Competitive Contracting for the Provision of Tourist and Visitor Transportation Services in the City of Cape May

Councilmember Sheehan questions if the City has a contract with the current trolley company functioning within the City, and the cost to the City for the current trolley service. Mr. Young explains that no contract exists with the current trolley company, and the City pays \$15,000 per year towards the service. Mr. Corrado further explains that the hotels pay the trolley to stop at their venue, and that the City has no control over the route or much of any of the trolley functions. He states that this resolution allows City officials to advertise an RFP for transportation services, and the specifications of those services can be adjusted up until the RFP is advertised.

James Testa, 1501 Beach Avenue – As a Municipal Parking Advisory Committee member, Mr. Testa highlights the jitney services currently being used in Sea Isle for Council’s consideration.

Motion: Hendricks **Second:** Meier
Hendricks: Yes **Meier:** Yes **Mullock:** Yes **Sheehan:** Yes **Lear:** Yes

76-03-2019 Resolution Canceling Outstanding Checks – General Account & Bail Account

Motion: Hendricks **Second:** Meier
Hendricks: Yes **Meier:** Yes **Mullock:** Yes **Sheehan:** Yes **Lear:** Yes

77-03-2019 Resolution Authorizing Purchase of One (1) Leach 25 Cu. Yd. Rear Loader Body Under Sourcewell Contract No. 112014-Leg (\$79,565.00)

Councilmember Sheehan explains that the City’s contract for recycling services has expired, and the bids that were received were astronomically higher than the costs of previous contracts. She explained that City Manager/CFO Young conducted research and has concluded that it would be more cost effective for the City to purchase additional trash/recycling trucks and hire additional workers to take on recycling itself, rather than pay the elevated price to outsource the service.

Mr. Young explains that he reached out to Lower Township to see if they would entertain entering a shared services agreement for recycling collection, however it appears that it would be too much for Lower Township to take on. He emphasizes that while the up-front costs would be expensive, the action of the City taking on recycling collection itself would save the City \$1 Million over the next 5 years (which would be the term of a recycling contract if we accepted it).

Councilmember Mullock charges that the reason the City is stuck in this position is due to the fact that the bids for recycling collection were not advertised for early enough to allow for rebidding. Mr. Young responds that this is false—even if the City had gone out for re-bidding, the costs would have been the same. He emphasizes that this increase in the cost of recycling services is a trend happening in almost all other municipalities.

Motion: Hendricks **Second:** Meier
Hendricks: Yes **Meier:** Yes **Mullock:** No **Sheehan:** Yes **Lear:** Yes

78-03-2019 Resolution Authorizing Purchase of 2019 Peterbilt 348 Tandem Axle Cab & Chassis Under Sourcewell Contract No. 081713-Pmc (\$109,718.00)

Motion: Hendricks **Second:** Meier
Hendricks: Yes **Meier:** Yes **Mullock:** No **Sheehan:** Yes **Lear:** Yes

79-03-2019 Resolution for the Refund of Overpaid 2019 Property Taxes

Motion: Hendricks **Second:** Meier
Hendricks: Yes **Meier:** Yes **Mullock:** Yes **Sheehan:** Yes **Lear:** Yes

80-03-2019 Resolution Authorizing an Auction Re-bid for Lease of City-owned Property Known as "Broadway Pavilion," 100 Beach Avenue, Cape May, New Jersey

City Manager Young explains that a bid auction for the lease of Broadway Pavilion had already occurred once, with no bids being received. He announces that a re-bid auction will occur at 11:00 A.M. on April 10, 2019 in City Hall Auditorium, with a minimum bid of \$25,000. Bid information is available in City Clerk's Office.

Motion: Hendricks **Second:** Meier
Hendricks: Yes **Meier:** Yes **Mullock:** Yes **Sheehan:** Yes **Lear:** Yes

81-03-2019 Resolution Awarding a Contract for Professional Environmental Investigation Services at Lafayette Street Park

City Engineer Thornton explains that Mott MacDonald had previously completed a preliminary assessment of a portion of the Lafayette Street Park area and found several areas of concern that require additional investigation for potential remediation.

Motion: Hendricks **Second:** Meier
Hendricks: Yes **Meier:** Yes **Mullock:** Yes **Sheehan:** Yes **Lear:** Yes

82-03-2019 Resolution for the Approval to Submit a Grant Application and Execute a Grant Agreement with the National Endowment for the Humanities Infrastructure and Capacity Building Challenge Grants

City Manager Young explains that the Franklin Street School may qualify for this grant of upwards of \$500,000 for improvements to the structure. At Councilmember Sheehan's questioning, Mr. Young explains that this grant is not dependent on whether or not the City chooses to move forward with the potential project of renovating the school into a library/community center, and that the funds would be used for general improvements to the structure regardless of the use of the building.

Motion: Hendricks **Second:** Meier
Hendricks: Yes **Meier:** Yes **Mullock:** Yes **Sheehan:** Yes **Lear:** Yes

84-03-2019 Transfer of Appropriations – 2018 Budget

Motion: Hendricks **Second:** Meier
Hendricks: Yes **Meier:** Yes **Mullock:** Yes **Sheehan:** Yes **Lear:** Yes

85-03-2019 Resolution Approving an Emergency Temporary Budget Appropriation

Motion: Hendricks **Second:** Meier

Hendricks: Yes Meier: Yes Mullock: Yes Sheehan: Yes Lear: Yes

86-03-2019 Payment of Bills for the City of Cape May

Motion: Hendricks Second: Meier

Hendricks: Yes Meier: Yes Mullock: Yes Sheehan: Yes Lear: Yes

MINUTES

Cape May City Council Closed Session Meeting Minutes dated December 18, 2018

Motion: Hendricks Second: Meier

Hendricks: Yes Meier: Yes Mullock: Abstain Sheehan: Abstain Lear: Yes

REPORTS:

Tax Collector Report for the month of January 2019

Fire Department Monthly Incident Report for the month of February 2019

Police Department Monthly Incident Report for the month of February 2019

Motion: Lear Second: Sheehan

Hendricks: Yes Meier: Yes Mullock: Yes Sheehan: Yes Lear: Yes

UNFINISHED BUSINESS:

NEW BUSINESS:

- A) City Attorney – None.
- B) City Manager – Mr. Young thanks Council for introducing the budget.
- C) City Clerk – Ms. Harbora makes the following announcements:
 - Town Hall Meeting, Wednesday, May 1, 2019, 6:00 P.M. at Cape May Convention Hall.
 - City of Cape May Red Cross Blood Drive, April 29, 2019 from 10:00 A.M. to 3:00 P.M. at Cape May Convention Hall. Appointments preferred.
- D) Councilmembers

Councilmember Meier recounts the rally that occurred yesterday at Convention Hall opposing seismic testing and off-shore drilling off the New Jersey coast. He mentions that there was great community participation in the rally, and that a petition can be signed on CleanOceanAction.org. Councilmember Meier then apologizes to all City employees and volunteers for having their work and abilities questioned this evening.

Deputy Mayor Hendricks recounts that she recently participated in the Cape May County Chamber Women in Business Conference and applauds all the strong women represented at the conference.

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

Anthony Marino, Chief of Police – Chief Marino welcomes the public to tour the Police Department. He expresses concern that the Fire Department tends to have preference over the Police Department and opines that the departments would have more equality if located under one roof. He also voices his offense at the implications that there was coercion on the PSBAC in regard to awarding the architect for the Public Safety Building.

John Van de Vaarst, 1030 Ohio Avenue – Mr. Van de Vaarst discusses the proposed 1.25 cent tax increase in the budget and urges Council to make cuts where appropriate. He then questions the budgeting for an Assistant Superintendent of Public works. Mr. Young explains that there previously was an employee in this position, and that the position has been unfilled for the last four (4) years.

Pat D’Arco, Administrative Clerk for the Department of Public Works – Ms. D’Arco states that the increase in rates for recycling collection is in anticipation of the hourly wage increase to \$15/hour. She emphasizes that the City undertaking its own recycling collection will give us better control, and that no smaller companies are interested in bidding on recycling contracts, and that they are getting bought out by the larger companies.

Edward Cole, 108 Trenton Avenue – Mr. Cole makes several remarks regarding the City’s advisory committees, and states that it appears that some members of Council may not be reading the advisory committee minutes. He then thanks Council for attempting to please everyone in the City.

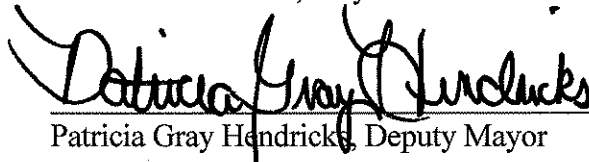
Lenore McGann, 133 New Jersey Avenue, Villas – Ms. McGann suggests that anyone who buys and wishes to renovate a commercial property should have to come before Council for permission. She also recommends moving the gardens off of Beach Avenue in front of Convention Hall to up on the promenade. Ms. McGann then passes out packets of photos to Council of homes on Jefferson and Wehnonah Avenues to discuss at the next meeting.

ADJOURNMENT:

Motion made by Councilmember Meier, seconded by Mayor Lear, to adjourn with all in favor. The meeting adjourned at 8:55 P.M.



Clarence F. Lear III, Mayor



Patricia Gray Hendricks, Deputy Mayor



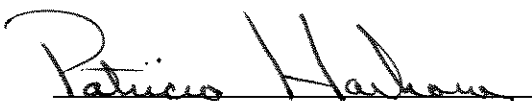
Shaine P. Meier, Councilmember



Zachary Mullock, Councilmember



Stacy D. Sheehan, Councilmember



Patricia Harbora, City Clerk