

# Cape May to consider raising construction permit fees

By JACK FICHTER  
Cape May Star and Wave

CAPE MAY — City Council will consider increasing construction permit fees to make the city's Construction Office self-sustaining.

At a July 7 meeting, Mayor Edward Mahaney said council had asked City Manager Bruce MacLeod and the city's Construction Office to look at the current fee structure and see where fees may need to be adjusted, in addition to looking at areas not currently

in the fee structure including new technology and code requirements. He said a comprehensive review was completed and given to council.

Construction Official Lou Vito said changes to some of the fees were made in 2009. Since then some fees from the state Department of Community Affairs have increased over the city's fees, he said.

The state Office of Regulatory Affairs has found Cape May's proposed construction fees to be acceptable, said Vito. He said fees were exam-

ined from neighboring towns, some of which are in the process of changing their fees.

"Our goal is to just make our office self-sustaining," he said.

MacLeod said one of the most significant areas of financial impact were building sub code fees, the largest group that comes into the construction office for approval fall under Section A or B.

Vito said Section A covered new construction while Section B covered renovations. A proposal would increase

the cubic foot rate for new construction by half a cent from 3.3 cents to 3.8 cents, said MacLeod.

He said for Section B, renovations are calculated on a dollar amount rate per \$1,000 of estimated labor and materials cost.

"The projected cost of the renovation for the repair is then multiplied times this flat rate per thousand which the proposal here is to increase it from \$30 per thousand to \$45 per thousand," said MacLeod. Fees for roofing and siding

work were a separate category. He said the proposal is to delete that category and have those fall under Section B renovation calculations.

MacLeod said a minimum fee of \$65 would be established for permits unless otherwise specified.

Vito said plumbing fees were in line with Universal Construction Code minimums. Electrical permits will have a \$65 minimum fee. MacLeod said fees for electrical work for swimming pools and fountains would be raised from \$50

to the \$65 minimum fee.

Vito said some fire sub code fees would increase. MacLeod said fees for fire suppression systems would be based on the number of sprinkler heads. He said the fee for 20 or fewer heads would be \$100, for 21-100 heads the fee would be \$175 going up to \$1,150 for 401 to 1,001 sprinkler heads, a \$200 increase.

Mahaney said the proposed fees would be put into an ordinance. MacLeod said if council approves the fees, they would take effect Oct. 1.

## Police monitor

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merits."

According to Taylor, in conclusion, the court reasoned, "The city finds itself in the position from which it seeks relief almost entirely, if not entirely, by its own doing. The city chose to change Sheehan's position from acting chief to captain. The city further chose to disregard the county prosecutor's directive to not reveal any facts with regard to the investigation and the city did so in a highly public fashion by issuing a press release. The status quo of the county prosecutor's ability to comply with and enforce the Attorney General Guideline as it related to the conduct of the city's oversight of its own police department is the greater public interest to preserve on these facts."

Taylor stated in his opinion, "It is clear that the city manager, mayor and city solicitor intentionally violated Attorney General directives by releasing confidential information from an internal affairs inves-

tigation contrary to Attorney General Guidelines. Solicitor Monzo by telephone and a follow-up letter was warned by the Prosecutor's Office not to release confidential information but he, the city manager and the mayor continued to do so even to the point of holding a press conference. Now the city has wasted tens of thousands of dollars of taxpayer monies on attorney fees and suing me and my office for doing what we were required to do by law. The monitor order remains in effect. Hopefully the city will cease any further litigation."

In a July 13 news release, the city of Cape May replied that PBA Local 59 as the bargaining representative for the police officers in the city of Cape May has filed a motion to intervene and brief in full support of Cape May in its lawsuit with the County Prosecutor.

According to the release, "The city's lawsuit was filed because of an immediate set of problems created by the actions of the county prosecutor, as well as a fundamental disagreement in the law concern-

ing the county prosecutor's role in the functioning of the Police Department as it relates to purely noncriminal matters. The filing of the suit quickly resolved the immediate set of problems favorably for the city. Following the filing of the action, in court, the Office of the County Prosecutor made several important concessions which allowed the city to proceed and protect the public's interest in maintaining public confidence in the integrity of the police department by allowing the city to seek to get to the bottom of allegations of police misconduct, which allegations came from within the Police Department itself as well as from the public."

According to the release, the filing of the lawsuit achieved concessions from the County Prosecutor's office which paved the way for a hearing to address the allegations of police misconduct.

"It was that process which the city sought to proceed with, which the county prosecutor's office prohibited, thus necessitating the lawsuit. In

fact, prior to the lawsuit, the county prosecutor threatened explicitly that he would view the participation of any Cape May official proceeding with the administrative disciplinary hearing procedures as the commission of a criminal offense. That process can now move forward, and the city is satisfied that the legal action was an unmitigated success from that perspective," states Cape May's release.

The city claims the court's decision "nonetheless fails to cite any legal authority in support of even the less invasive actions by the county prosecutor's Office. That is, while the County Prosecutor's office conceded, only after the lawsuit was filed but before the decision, that the city could proceed with the disciplinary hearing process, the County Prosecutor's office continues to seek to maintain the imposition of three "monitors" in the Cape May Police department, yet neither the court nor Prosecutor Taylor identified any legal authority for the county Prosecutor's Office to do so."

## Comp time hearing

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would make a recommendation to City Council.

Monzo said the law requires a departmental hearing before an independent hearing officer prior to any disciplinary charges being made.

"You could do away with this whole process if you five decided that you did not want to go forward with a disciplinary action on Lt. Lear," Gaffney said.

He suggested council drop the matter rather than going through a procedure at a cost of \$250 per hour. Monzo said Lear requested the hearing.

"This is becoming very, very expensive," Gaffney said. "We

as taxpayers I think are starting to get very annoyed at this type of situation."

"Why don't you five council people make up your minds, decide what's the right thing to do with Chuck Lear and stop this process and deal with it," Gaffney continued.

Monzo said there has been no communication at all with respect to the matter.

"That's what the hearing's about," he said.

A report was completed and turned over to the city and a decision was made to follow the recommendations of court to move forward with charges, Monzo said. He said he recommended Williams to City Council.

Councilman Shaine Meier said he researched Williams, "who comes highly recommended," but cast a "no" vote on hiring the retired judge.

"I agree we should cut our losses," Meier said. "We're paying for Mr. Monzo, Mr. Gelfand and possibly Judge Williams. I think we should settle this. I think we will be spending a lot more than what we've already spent."

He said he did not believe anyone would come out of this "looking good."

The four other members of council voted "yes." Councilman Jack Wichterman commented council voted unanimously to hire a hearing officer following a closed session.

Councilwoman Bea Pesagno said Meier also agreed that Williams would be a good choice for a hearing officer.

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