

LTMUA

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The Wissahickon Avenue project will be started as scheduled in April.

Acting MUA Director Craig Loper reported that repair crews have been dealing with the very cold weather. He said pieces of equipment have frozen and the crew struggled to keep them working. Frozen water lines from the connector mains to houses and broken meters were common occurrences. There was a need to replace a frozen pipe that was only 8 inches from the road surface, Loper said.

Broken meters have been mostly those located under houses. He said they are the responsibility of the homeowner, which pays \$50 of the more than \$150 cost of the replacement meter. In order to change the

cost of the meters, a rate change resolution has to be made, Loper said. Chairman Brian O'Connor asked him to get information together to make the change to recoup the total cost of a broken meter.

Equipment in the MUA's solar field was damaged this past month by an Atlantic City Electric power surge during a snowstorm, Loper said. A number of the feed cables were damaged. They have been repaired and are back in operation.

Loper said he had four requests. Addressing the matter of permits, he advised the commission to enter into a contract with the DEP for a master permit to allow the MUA to do its own permitting for adding to the water system already in place. At a cost of \$16,000, it would save time and money and eliminate the need for applying

for separate permits, he said. Following through on a proposal to make the MUA building compliant with the Americans with Disabilities Act, the cost to bring the doors and bathrooms to meet the standards will be \$4,000, he said.

Loper said he was concerned with equipment replacement. He said trucks in the MUA fleet are at least 10 years old and should be replaced. The plan is to replace two a year, he said. His fourth request was for a donation to the township soccer program. Loper said in the past, the MUA has donated about \$1,500.

Counsel William Kaufmann reported that he has reviewed the bond counsel contract, the auditor's contract and the contract for the executive director. His only suggestion was a change of language for the

auditor's contract.

O'Connor read his report reviewing the accomplishments of the MUA in 2014 as chairman of the MUA board. He was praised by his fellow commissioners.

The 2014 chairman's report is available at www.ltmua.org under info.

During public comment, Lower Township Councilman Tom Conrad said he looked forward to more shared cooperation between the MUA and township government. He asked that a five-year plan the MUA has presented be put on the website.

Resident Robert Rizzo asked whether the MUA would change the time of its meeting to 7 p.m. as the township has done for its meetings. He that he felt more people would attend the meetings if the time were changed. The commissioners said they would consider it.

Monitor

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County under N.J.S.A. 2A:158-5, 52:17B-112b, and applicable decisional law and after consultation with the Attorney General's Office," stated Taylor. "If the Mayor or Council has any questions or concerns, please do not hesitate to contact me through Detective Mark Weeks."

Monzo issued a news release to the media March 6 of which Taylor took issue.

The following is Monzo's release:

"In July 2014, the city manager received correspondence from the PBA attorney based on information provided by two Cape May City police officers. This letter reported significant abuses of paid leave by Lt. (Clarence) Lear.

"It was alleged that he was accumulating a large amount of compensatory time and then taking the time off with pay, which was not permitted by his contract. The PBA threatened to take it to the Cape May County Prosecutor's Office unless the city initiated action. Also, a retired police officer filed a complaint about this matter and requested, under the Open Public Records Act (OPRA), all of Lt. Lear's time sheets, which revealed that he had used approximately 27 days of compensatory time with pay over a period of 18 months beginning January 1, 2013, and ending June 30, 2014, which has a value of approximately \$11,000."

"When confronted with this by the city manager, Lt. Lear and Chief Sheehan went to the Prosecutor's Office which, in August 2014, concluded based upon what Lt. Lear and Chief Sheehan provided, that there was no criminal conduct but that the city should conduct an administrative investigation for disciplinary purposes."

"The retired police officer continued to demand a criminal investigation and threatened to contact the state Attorney General's Office. In September 2014, the city manager turned his file over to the Prosecutor's Office and requested guidance in the event they referred it back for an administrative investigation. The Prosecutor's Office recommended James Fallon, a retired major from the New Jersey State Police, for the administrative investigation. The Prosecutor's Office completed its criminal investigation, again concluding, based in large part upon the interviews with retired Chief (Diane) Sorantino and Chief Sheehan, that there was no criminal conduct and referred the matter to the city solicitor with express authorization to proceed with an administrative investigation. As a result and in response to this direction, retired Maj. (James) Fallon was hired."

"Mr. Fallon recommended a review of Chief Sheehan's conduct as the department head related to this matter, but Chief Sheehan objected to any review of his conduct and would not participate in the interviews. The Prosecutor's Office then instructed the city to withhold any investigation of Chief Sheehan, but also directed the city to complete the investigation of Lt. Lear and to provide a copy of the report to them to determine if an investigation of Chief Sheehan was warranted, and if so, then it would be conducted by the Prosecutor's Office."

"However, the Prosecutor's Office reversed its position after the investigation was nearly completed based on the further objections of Chief Sheehan and his personal attorney. As a result, the Prosecutor's Office placed Chief Sheehan in charge of the investigation on December 23, 2014. This was done over the objections by the city due to a possible conflict of interest in this matter."

"Chief Sheehan was appointed Chief of Police on March 4, 2014, and signed a contract with a one-year

probationary period which permitted the City Council to rescind the appointment before the end of the one year period. On March 3, 2015, the City Council voted to rescind the appointment of Chief Sheehan pending the ongoing investigation regarding Police Department personnel, as well as other matters. As a result, he resumes his position as captain of the Cape May City Police Department pursuant to the terms and conditions of his contract."

Taylor then criticized Monzo for his disclosures in a March 6 letter.

"These disclosures are, in my opinion, outrageous and contrary to all notions of due process, the right of privacy and equal protection of law," Taylor stated.

The following is Taylor's letter to Monzo:

"I am in receipt of your March 5, 2015, letter. I will not confirm or forward any future information to you regarding the Cape May City Police Department. You disregarded the directive of First Assistant Prosecutor Robert W. Johnson in his March 2, 2015, letter to you not to disclose information concerning the ongoing internal affairs investigation contrary to Attorney General Guidelines. You have also disclosed details of other investigations to the public. These disclosures are, in my opinion, outrageous and contrary to all notions of due process, the right of privacy and equal protection of law."

"Your citation of Paff v. Berger County, Docket No. BER-L-7739, is not binding precedent as you should know. It is merely the opinion of one Superior Court trial-level judge, which is on appeal, about records of complaints brought against corrections officer. It is hardly a decision on point. I am not aware of any OPRA request, but your attempt to justify your improper disclosures citing OPRA, confirms that you and the city will not be bound by confidentiality of any information provided. I do not believe there was an honest misunderstanding of the First Assistant Prosecutor's letter to you dated March 2, 2015. Your disclosure of only one sentence from that letter was a blatant attempt to shift blame for the city's actions on Tuesday to my office. You never before suggested you and the city were not going to be bound by Attorney General Guidelines. Now you do after the fact."

"Attorney General Guidelines have the force of law. O'Shea v. Township of West Milford, NJ Super. 371 (App. Div. 2009). The Police Department is a law enforcement agency of the city. The section

of the Attorney General's Internal Affairs Guidelines titled 'Confidentiality' declares that 'the nature and source of internal allegations, the progress of internal affairs investigations, and the resulting materials are confidential information' and 'shall only be released under ... limited circumstances.' Internal Affairs Guidelines, at 11-46. Absent a Court Order requiring disclosure of this information should not be released."

"For you to suggest that neither you or the city is going to be bound by Attorney General Guidelines on confidentiality of internal affairs investigations is unacceptable. Your press release yesterday discussing confidential information again demonstrates that you and the city are going to continue to discuss facts about internal affairs investigations publicly."

"Neither you or the city based upon your actions fully cooperated with my office. My office will not share any additional information regarding investigations with you because it will probably end up released to, or discussed in public, which I will not permit."

"I have confirmed with the New Jersey Attorney General's Office that your actions releasing internal affairs investigation information publicly are not proper," concludes Taylor's letter to Monzo.

According to Mahaney, Sheehan has returned to his position as captain, making him the highest-ranking officer in the Police Department and in the office in charge.

"Council has not discussed nor is scheduled to discuss any matter regarding any other strategy on this," said the mayor.

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Date	High		Low	
	A.M.	P.M.	A.M.	P.M.
11		12:09	6:06	6:07
12	12:42	12:56	6:57	6:56
13	1:36	1:56	7:57	7:57
14	2:41	3:08	9:03	9:06
15	3:51	4:22	10:09	10:16
16	4:58	5:29	11:11	11:21
17	5:59	6:28		12:07
18	6:55	7:22	12:22	12:59

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Last Quarter, March 13 • New Moon, March 20

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