

# National Historic Landmark certificate missing

By JACK FICHTER  
Cape May Star and Wave

CAPE MAY — The city obtained National Historic Landmark status in 1976 from the National Park Service for having the largest collection of 19th century wood frame structures in America, but it cannot locate a certificate or document awarded at the time.

During a City Council

meeting Oct. 4, Councilman Shaine Meier said City Clerk Louse Cummiskey did not know where such a document was located.

"It has also been brought to my attention that National Historic Landmarks often have a plaque deeming whichever location is approved by the Department of Interior as a National Historic Landmark," Meier said.

He asked if anyone knew

the location of a plaque.

"I think it's important for us to display it either at City Hall or at any of our open spaces," Meier said.

Cape May Historic Preservation Commission (HPC) Chairman Warren Coupland said he was not aware of a certificate or plaque and noted when visiting some other historic communities that contributing buildings display a modest plaque.

Mayor Edward Mahaney asked City Manager Bruce MacLeod and Cummiskey to check with the city's Construction Office to see if they have an official document. He said if the city does not have a document, the National Park Service could be contacted.

The mayor said some towns do not have a historic designation but have historic structures with plaques on buildings. The

city is continuing to update its survey of historic structures. Mahaney said the city has received a \$25,000 grant to continue the process, with more than 1,500 surveys completed. He suggested the HPC could compile a list of Cape May's key and contributing buildings to see the number of buildings that could display a plaque.

"It might be advisable, since the whole town is one

of only two in the country to be a National Historic Landmark, that maybe we put signage or plaques to that effect when you enter the town so people know that," Mahaney said.

He said that may get the town more recognition at a more reasonable cost. Coupland said the city has 600 to 700 historic structures. Mahaney asked Coupland to return to council with a recommendation.

## McLeod updates city on legal bills

By JACK FICHTER  
Cape May Star and Wave

CAPE MAY — City Manager Bruce MacLeod provided the public with an update on the city's legal costs for the third quarter.

City Solicitor Tony Monzo received \$34,168, with a year-to-date total of \$122,051.

Historic Preservation Commission Attorney Robert Fineberg was paid \$1,225, with a year-to-date total of \$4,150.

Richard King LLC, counsel for the planning and zoning boards, billed \$4,958, with a year-to-date total of \$29,441.

McManimon Scot-

land and Baumann, bond counsel for the city, billed \$5,877, with a year-to-date total of \$8,277.

Capehart Scatchard, which is providing services in relation to possible flaws in the design of Convention Hall, billed \$6,838, with a year-to-date total of \$42,700.

Gruccio, Pepper, DeSanto, Ruth, which provided special labor counsel, billed \$8,786, with a year-to-date total of \$29,846.

The firm of Barker, Gelfand and James, which is providing legal services related to the city's police department and the county Pros-

ecutor's Office, received \$2,012, with a year-to-date total of \$24,975.

Legal expenses for a disciplinary hearing for Capt. Robert Sheehan involving the timing of firearms qualifications through Todd Gelfand from November 2015 through June 2016 totaled \$19,387.

Porzio, Bromberg and Newman, special counsel for the city's action to change the Lower Cape May Regional School tax, received \$174, with a year-to-date total of \$97.

MacLeod said the current fund appropriation for legal costs totaled \$445,000 with \$277,602 remaining in the fund.

## Failure to settle with Pascal could be costly, Gaffney says

By JACK FICHTER  
Cape May Star and Wave

CAPE MAY — Former mayor Jerry Gaffney is questioning whether City Council's failure to approve a settlement with former police officer Steven Pascal could place the city on the hook for the full amount of a proposed \$369,000 settlement.

City Council took no action two weeks ago on a proposed settlement with Pascal. According to court documents, Pascal would receive \$369,000 from the city for "emotional distress, physical pain and loss of enjoyment of life." In his suit against the city, Pascal, "an openly gay officer," alleges he was subjected to anti-gay slurs from members of the public beginning in 2002 when he was hired by the city and the behavior continued until Pascal was suspended without pay in 2012.

Pascal's suit stated that once members of upper management of Cape May were put on notice that one of its employees was being

subjected to discrimination, it was liable to Pascal for all damages if it did not take the appropriate remedial action.

During a City Council meeting Oct. 4, Gaffney asked whether the Joint Insurance Fund (JIF), the city's insurance carrier, authorized the \$369,000 settlement. City Solicitor Tony Monzo confirmed the figure, noting the city would pay \$50,000 of the total settlement.

Gaffney served for 10 years on the board of directors of the JIF as well as on the claims review committee. He asked whether the city would be liable for the entire amount of council did not accept a JIF-agreed settlement.

Monzo said such situations occurred when the JIF was paying 100 percent of a settlement but never to his knowledge when a contribution was required by a municipality. He said council still needed to make a decision whether a settlement would be made. At the conclusion of the public portion of the meeting, council

went into closed session but no decision was made.

"I do remember certain cases when I was on board with the JIF where these types of things happened and of course, as a taxpayer, it scares me to think that if council does not ratify the agreement the JIF had entered into with the amounts they have suggested that it could turn the whole thing back over to we the taxpayers, which could be very costly," Gaffney said.

He noted there were two lawsuits involving police matters referring to Capt. Robert Sheehan suing the city for his dismissal as chief of police.

City Manager Bruce MacLeod said Gaffney's comments at this point were speculative. Mayor Edward Mahaney said the JIF had not entered into any agreement.

"An agreement can't become an agreement unless all the parties involved agree to it," he said.

The mayor said council was taking its time to explore all aspects of the case.

## Design standards

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and is visible only from a neighbor's backyard, which Coupland called a reasonable exception to a ban of solar panels.

Windmills or wind turbines are very visible and are not appropriate, he said.

Coupland said if a roof-mounted satellite dish were visible from the sidewalk or side yard, it would not be appropriate in Cape May because it would subtract from the historical ambience of the city.

Cape May's current Historic Preservation Design Standards address win-

dows, with the addendum further defining the standards, he said.

"On a home that is key or contributing, we would look for an obvious effort to repair existing windows," Coupland said.

He said wood windows developed around the 1870s to the 1920s would easily last 100 years.

"They can be repaired, they are energy-efficient," Coupland said.

Replacement windows should be solid wood, not a composite nor vinyl-clad, and be consistent with the design of the home's original window, he said. An additional section covers cedar shakes for roofs.

"We want to do something that's logical. We want to do something that's consistent with the Secretary of the Interior and we want to do something that is consistent with the findings of some pretty basic research," Coupland said.

City Manager Bruce MacLeod said the city has

completed a large number of surveys that categorize structures as key or contributing to the historic district as well as some homes that do not fit either category. Coupland said key or contributing historic buildings outside of the historic district are still subject to the HPC. Homes outside the historic district that are not key or contributing are not subject to the HPC rules, he said.

City Solicitor Tony Monzo asked how the HPC would handle a home outside the historic district whose owner wanted to install a wind turbine adjacent to a contributing house. He said if a homeowner of a historic property outside the district wanted to put up a wind turbine, the HPC would not have a say.

Monzo said the additions to the design standards must be contained in an ordinance approved by City Council. Mahaney suggested a subcommittee consisting of council members Roger Furlin and Terri Swain work with the HPC, MacLeod and Monzo to update the standards.

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14	6:53	7:15	12:26	12:51
15	7:41	8:04	1:13	1:43
16	8:29	8:53	1:59	2:35
17	9:17	9:44	2:47	3:28
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