

Solicitor: Many factors considered in settlement

By JACK FICHTER
Cape May Star and Wave

CAPE MAY — City Council weighed a number of outcomes and claims to determine the amount of the \$800,000 settlement with Cape May police Capt. Robert Sheehan, according to the city solicitor.

During a City Council meeting Feb. 20, solicitor Jim Brady asked solicitor Frank Corrado what criteria was used to arrive at the amount.

Council approved the settlement Feb. 7 with Sheehan, the city's former police chief who was demoted

three years ago by a vote of a previous council. The city will pay \$440,000 and the Atlantic Cape Joint Insurance Fund will pay \$360,000.

Sheehan will continue in his current position as captain. The settlement agreement includes the dismissal with prejudice of a pending Superior Court action, Sheehan v. the city of Cape May, and releases all claims.

Corrado said when determining a settlement, an attempt is made to put a value on the claims of the plaintiff, assuming he or she is successful in all his claims.

"In this case, there were claims of retaliation, there

were claims for compensatory damages, there were claims for attorney's fees, because it was a fee-shifting case," Corrado said. "If he had prevailed in the case, the city would have been responsible for his attorney's fees and there were claims for punitive damages and there were claims for emotional distress and sort of inchoate harm as well as economic damages."

Corrado said the procedure is to try to make a good-faith estimate, how much the damages are worth. Then an estimate is made of what is the pos-

sibility of success for the plaintiff.

"It's the total amount of recovery discounted by the probability that he would succeed," Corrado said.

In addition in this case, one of the demands for relief made by Sheehan was that he be reinstated as chief of police, Corrado said. Sheehan withdrew that claim as part of the settlement, he said.

Council had to figure into its determination of a reasonable settlement amount what the consequences would be if it reinstated Sheehan as police chief, Corrado said. He said there

was a complication because the current police chief has a contract that specifically provides that he could not be replaced as chief by Sheehan without a full and final order from a court.

He said the process involves a lot of judgment, a lot of attempts to project into the future the possibility of any particular outcome. Corrado said it was a negotiation process.

"I don't want to leave you with the impression that this is a completely objective or scientific process, because it's not," Corrado said.

The plaintiff's council had

a demand and the insurance carrier that was covering the city had input as to what amount they would underwrite, and their projection of probability of the city winning or losing the lawsuit, he said.

Corrado said the city gave the lawsuit very extensive consideration over many weeks and months, determining that \$800,000 was a reasonable amount to settle the case without reinstatement of Sheehan.

Brady asked if the \$800,000 amount was a "guess?" Corrado said he would call it a highly educated guess.

City moves ahead

Continued from Page A1

Dougherty praised Fire Chief Alex Coulter for his persistence in seeking new facilities. He said he had some concerns about the site being able to accommodate both fire and police stations.

Former police chief Robert Boyd said he did not think much thought or planning was undertaken for a design for a new police station. In the past, the city has rushed to build and cut costs and ended up with inadequate facilities such as Convention Hall, he said.

"When I sit here and listen that we're going to do all this for the fire department and if we have room, we'll wedge in a police station," Boyd said. "That's not the way to do this."

Architect Robbie Conley presented concept drawings of three different buildings to serve as new headquarters for the fire

and police departments to the city's Public Safety Building Advisory Committee during a meeting Nov. 9.

The conceptual drawings include a linked facility sharing an elevator, a two-story design, a partial third-story design and free-standing fire and police buildings. Conley said he estimated "ballpark" cost for the total facility was in the range of \$8 million to \$10 million.

Resident John Van de Vaerst said the city should plan a building that would serve the needs of the community 15 years in the future. He suggested the city seek a grant from the Department of Homeland Security to help fund the building.

Police Chief Tony Marino encouraged interested residents to visit his office to view Conley's proposals. He said he believed the current location of the firehouse could easily accommodate police and fire

stations and encouraged a professional survey be undertaken for confirmation.

Marino said the one proposal that would be the most accommodating would be a combined structure in which the fire department and police department shared some of the facilities and rooms. He said that would also lead to combined training, which he, Coulter and beach patrol officials have been attempting to accomplish in the last year and a half.

"The time for a new public safety building is now," Councilwoman Patricia Hendricks said. "Our law enforcement and our fire safety operations have been on borrowed time in their present facilities."

She said the presumed cost of a new building is not yet beyond the city's reach. Hendricks said if the city continues to put off its construction, it risks higher costs.

The city cannot continue to limp along with inadequate public safety resources, she said.

Councilman Roger Furlin said he toured the firehouse and police station in City Hall and found both substandard. He said the public needs to be involved and kept appraised of what's being considered for a new building.

"This is not going to be a fire station where police are also housed," Deputy Mayor Shaine Meier said. "This is going to be a public safety building; both these departments are important."

Three officers join ranks of Cape May Police Dept.

By JACK FICHTER
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CAPE MAY — Three new officers have joined the Cape May Police Department.

Chief Tony Marino introduced the new officers to City Council and the public during a council meeting Feb. 20. He said the new hires represent the goal of bringing all patrol squads to four officers, which creates fully staffed patrol units to effectively cover and respond to calls in Cape May, West Cape May and Cape May Point.

Marino noted two of the new patrolmen had previously worked in law enforcement and two have military experience. He said all three officers were being hired permanently from the Civil Service list and are subject to a one-year working test period.

This is the only instance in which Civil Service requires a one-year test period, Marino said, noting all other Civil Service test periods are three months.

"All three officers are currently in our field training program and will take anywhere from nine to 16 weeks to complete this training," he said. "This training is designed to acclimate the new officers to the police department's



Jack Fichter/CAPE MAY STAR AND WAVE
Ptlm. Cory Hoffman, left, Ptlm. Emmanuel Mendez and Ptlm. Nicholas Campanella have joined the Cape May Police Department.

systems and policies, as well as educate them to any procedures that may be specific to the Cape May Police Department."

Ptlm. Emmanuel Mendez was born in Bronx, N.Y., and is a resident of Lower Township. He served in the New York National Guard from 2013 through his hiring in the police department. Mendez served as a military police officer with a deployment in Guantanamo Bay, Cuba.

Ptlm. Nicholas R. Cam-

panella was born in Voorhees and is a resident of Ocean City. He served in the Navy from 2009 to 2013 as a weapons tech. Prior to his hiring in Cape May, Campanella worked for Springfield Township Police Department as a full-time Class II officer.

Ptlm. Cory D. Hofmann was born in Manassas, Va., and resides in Dennis Township. He previously served as a Class II officer in Middle Township and Sea Isle City.

TIDES : Feb. 28-March 7, 2018

DATE	HIGH		LOW	
	A.M.	P.M.	A.M.	P.M.
28	6:25	6:55		12:37
1	7:17	7:45	12:42	1:26
2	8:05	8:32	1:34	2:13
3	8:51	9:18	2:24	2:58
4	9:36	10:04	3:13	3:42
5	10:20	10:49	4:02	4:25
6	11:05	11:36	4:51	5:09
7	11:53		5:43	5:55

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VILLAS — Lower Township will accept new bids from contractors for roadway and utility improvements to Roseann Avenue after Township Council rejected all bids Feb. 5.

The lowest bidder substantially exceeded available funds.

In 2016, council passed a \$4.7 million bond ordinance to provide for drainage and storm water improvements and road reconstruction to Roseann Avenue and the Bayshore Estates area.

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Lower to accept new bids for flooding project

The project would include a pump station to increase drainage flow into Cox Hall Creek.

Mathis Construction submitted a base bid of \$7.5 million, while Perna Finnigan Inc. submitted a base bid of \$8.8 million.

During a Township Council meeting Feb. 21, Mark Sray, senior engineer with Mott MacDonald, said new bids would be accepted April 19 with a possible award date of May 7 and a notice to proceed May 21.

He said additional groundwater samples would be taken from Clearwater Drive to Bayshore Road.

Councilman David Perry said the project would go forward.

"It's a little bump in the road, so the speak, with the bid, but we are going to continue to go forward," he said.

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