

## Budget

Continued from Page A1

Earlier in the meeting, Mayor Edward Mahaney added a resolution to the agenda to hire a special attorney to represent the city in matters regarding the police department, the demotion of Chief Robert Sheehan and an investigation of alleged comp time abuse in the Police Department. (See related story in this edition.)

Meier asked City Solicitor Tony Monzo how much the special attorney would add to legal costs for 2015. Monzo said the special attorney had an hourly rate of \$150 depending on the scope of work and hours required.

Prior to council's adoption of the budget, resident Patricia Hendricks asked for a breakdown of legal expenses reserved for the year. City Chief Financial Officer Neil Young said \$575,000 was reserved for legal expenses, which included \$75,000 for the city's quest to change the regional school funding formula, \$350,000 for litigation concerning a mechanical room in Convention Hall built below flood level, \$110,000 for the city prosecutor, \$7,500 for bond counsel and \$17,500 for special legal items.

Hendricks said she was unable to find operating costs and revenues for Convention Hall in the budget.

"We don't know what it costs to run a show. We don't know what the revenues are. We don't know what the utilities are, we don't know anything," she said.

Hendricks said the public was assured during 2012 campaign promises that placing Convention Hall under the Tourism Utility would mean taxpayers would bear no cost. Young said he had a binder available with those figures.

City Manager Bruce MacLeod said he listed revenues and expenditures for all the city's utilities in January, when he presented his proposed budget to council.

Auditor Leon Costello said the tourism utility is self-liquidating. During the four years it has been in existence, it has accumulated a surplus of \$216,000, he said.

In the Tourism Utility's first year, there was a small deficit but in the following three years it has shown a positive result, Costello said.

Young said total operations of the Tourism Utility for 2014 resulted in a surplus fund increase of \$122,000. He said the utility had a number of revenue line items not just ticketed events in Convention Hall.

Resident Charlie Hendricks said he was the one who discovered Convention Hall had no flood insurance before Hurricane Sandy. He questioned why the city budget included \$350,000 for litigation concerning Convention Hall.

Hendricks said the city entered into a contract with the architectural firm of Kimmel Bogrette.

"Stupidly, the city decided to hold Kimmel Bogrette harmless," he said.

Hendricks said the city was paying four times the normal rate for flood insurance, which would amount to \$1 million over the life of Convention Hall.

Monzo said the city hired a special attorney to work with consulting engineers for Convention Hall litigation.

"The city is confident through special counsel that the city will prevail and recover all of its costs, including any excess flood insurance costs that were incurred in connection with this building," he said.

Tim Gay, a Cape May firefighter and vice president of International Association of Firefighters Local 3495, noted the city's proposed budget included a \$70,000 decrease in funds to the Fire Department.

Volunteerism in the department is at an all-time low, which requires off-duty career firefighters to respond from home when a fire response is needed, Gay said. He said only two of Cape May's 14 career firefighters live within the city limits.

"There currently is not an adequate number of firefighters arriving to fire scenes within a reasonable amount of time," Gay said. "These statistics leave our community and my fellow firefighters often in precarious and, frankly, dangerous positions."

He said response time of off-duty career firefighters ranged from seven to 17 minutes based on distance to their homes.

Gay said if the city does not improve the department, the city's rating could decrease, resulting in an increase in insurance premiums.

Meier offered a motion to amend the proposed budget, taking \$20,000 from \$75,000 earmarked for special legal counsel to change the regional school funding formula plus \$50,000 from \$350,000 for legal counsel for Convention Hall litigation.

"I want to take that \$70,000 and put it back into the Fire Department," he said.

The audience reacted with loud applause.

Meier said the Fire Department has 26 firefighters, of which 18 are volunteers. He said 12 volunteers are 61 or older and none can operate an EMT vehicle. The motion died when no other council member would offer a second.

Councilwoman Bea Pessagno said council met with Fire Chief Alex Coulter and that hiring one firefighter was not sufficient.

"We don't want a Band-Aid situation," she said. "We gave him our word and we will keep it that we will have a study of the whole public safety system."

Mahaney said council was committed this year to do a study of the police and fire departments in the areas of personnel, equipment and facilities.

## Winery events

Continued from Page A1

Winery are currently involved in litigation.

Kevin Celli, Willow Creek farm director and winemaker, said while the emphasis was being put on the type of events, the more important question is if the events are directly affecting the sale and the knowledge of their agricultural product.

"Any single event that we host at our farm has a direct link to not only the marketing of our agricultural product but the sale of our agricultural product," he said.

Celli said the state made clear with its pilot program it was acceptable to hold events such as weddings and birthday parties for the next 44 months. He said his mission is to get people to West Cape May and to the winery, expose them to the agricultural product and "hopefully give them a reason to come back."

Celli said the winery has operated for two years with little or no complaints from residents except a few people "who have been against us since our doors even opened." When a special occasion event is held at Willow Creek, the participant is required to buy a certain quantity of wine, he said.

"Our wine sales will always outweigh any other fees that we're charging those guests," Celli said.

Curtis Bashaw, owner of Beach Plum Farm adjacent to Willow Creek Winery, said he conducted lengthy research when he was negotiating to purchase his farm in 2005 and 2006. He provided letters to the board from county Open Space Director Barbara Ernst stating weddings were not contemplated under the deed of easement for Willow Creek Winery.

"Where does education stop and a party start?" asked Bashaw. "That's really what this debate is about, isn't it?"

He said the heritage of agriculture in New Jersey should be celebrated in an appropriate way.

"The debate is about scale and size and what is permitted without zoning review and what should possibly require some zoning review," Bashaw said.

He said S-837 was "special permission" to be able to officially host events outside the purview and intention of the

original Right-to-Farm Act. Bashaw said he supports the legislation because it would subject farms to site plan review for events that may go beyond a truly educational purpose. He said an example on the other extreme was Knotts Berry Farm in California that began as a berry farm but now has a roller coaster and other rides.

"I have 800 chickens right now. We've got a lot of eggs. I've got 200 pigs. So does that mean I can open a breakfast restaurant with eggs and sausage and tell people this is where your eggs come from and that's educational, or it is a restaurant?"

asked Bashaw.

Arsenault acknowledged receipt of a letter from attorney Colin Bell from the law firm of Hankin Sandman Palladino and Weintrob on behalf of Willow Creek Winery. Bell said he did not think the purpose of the hearing was to discuss all the requirements of the law but to decide the definition of a special occasion event.

He said the statute defines a special occasion event as a wedding, a life milestone event or other social or cultural event. Bell said what needed to be defined was "other social or cultural events" that should be

allowed under the pilot legislation.

He said no events were being held at Willow Creek that did not further the agricultural purpose of the farm. Bell said nonpreserved farms and preserved farms should be treated in the same manner when it comes to "marketing of their agricultural products and what they can and cannot do."

The board will receive public comment on the matter until April 30. Correspondence may be sent to: Barbara Ernst, 4 Moore Road, DN 309, Cape May Court House, NJ 08210 or email: Ernst@co.cape-may.nj.us.

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