

**REGULAR MEETING  
OF CITY COUNCIL OF THE CITY OF CAPE MAY, NJ  
Tuesday, January 4, 2011, 1:00pm**

The worksession/regular meeting of City Council of the City of Cape May was called to order by Mayor Mahaney at 1:00pm on Tuesday, January 4, 2011, in the Cape May City Hall Auditorium. The Clerk called the roll and the Pledge of Allegiance was recited.

Present: Councilmember Deanna Fiocca  
Mayor Edward J. Mahaney, Jr.  
Councilmember William H. Murray  
Councilmember Terri L. Swain  
Deputy Mayor Jack Wichterman  
City Manager Bruce MacLeod  
City Attorney Andrew Catanese  
City Clerk Diane Weldon  
Deputy Clerk Louise Cummiskey

Mayor Mahaney announced that under the Open Public Meetings Law, notice of this meeting was sent to the Cape May Star and Wave and The Press and a copy of the agenda was delivered to each Member of Council and was posted on the City Hall Bulletin Board.

Mayor Mahaney begins the meeting by asking Jim Wolfe of the Water and Sewer Department to come to the front of the room. The Mayor commends Jim for going above and beyond the call of duty recently when, in less than twenty-four hours, he called residents who were delinquent in paying their water/sewer bills and through his efforts, the City of Cape May received \$120,000.00 out of the \$160,000.00 of delinquent water/sewer charges due and owing.

Mayor Mahaney then advises that just prior to beginning the meeting, he received a telephone call from the Governor's Office advising that a check in the amount of \$49,921.00 has been released, to be paid to the City of Cape May for costs incurred during the snow storm of February, 2010.

**AGENDA ADDITION/DELETION OF LATE AGENDA ITEMS TO BE CONSIDERED FOR ACTION:**

**EARLY PUBLIC COMMENT ON AGENDA ITEMS** – Excluding items listed for public hearings

**WORK SESSION DISCUSSION ITEMS**

**CITY MANAGER ITEMS** – City Manager Bruce MacLeod advises that he attended a meeting regarding the beach replenishment at the Cape May Point State Park and in summary, the project is on schedule and completion is expected by mid February. The work on the Cape May beach section (Cove Beach) is scheduled to begin within the next week to ten days and it has been determined that instead of the 120 thousand cubic yards, the Cove Beach will receive the

optional, additional 40 thousand cubic yards of sand. There will not be an additional charge for the extra 40 thousand cubic yards of sand.

Mr. MacLeod advises that the final budget presentation is being put together for the special meeting on January 12, 2011.

### **ATTORNEY ITEMS**

### **CLERK'S ANNOUNCEMENTS**

City Manager's Budget Meeting – Wednesday, January 12, 2010 at 10am.

Mayor Mahaney advises that at the special meeting, there will be a second reading and adoption on the Ordinance increasing the weekly beach tag fees and a second reading and adoption of the Ordinance increasing the cost of ambulance transport by \$8.00 per mile. That increase will amount to approximately \$100.00 per transport.

### **REGULAR MEETING BUSINESS:**

#### **REPORTS RECEIVED BY THE CLERK:**

Overtime report for December, 2010

Cape May City Planning Board meeting minutes dated October 12, 2010

2% occupancy tax budget projection dated December 21, 2010

CMCMUA adoption of wastewater user charges for 2011

**Motion:** Mahaney

**Second:** Wichterman

Roll Call:

Fiocca Yes

Murray Yes

Swain Yes

Wichterman Yes

Mahaney Yes

#### **MINUTES:**

City Council meeting minutes dated December 7, 2010

City Council meeting minutes dated December 21, 2010

**Motion:** Wichterman

**Second:** Fiocca

Roll Call:

Fiocca Yes

Murray Yes

Swain Yes

Wichterman Yes

Mahaney Yes

The following Resolutions will be approved by Consent. Mayor Mahaney offers an explanation of the purpose of the following Resolutions for the benefit of the public.

**RESOLUTIONS:** Council will accept questions from the public on Consent Agenda Resolutions

- 01-01-2011 Designation of Public Agency Compliance Officer
- 02-01-2011 Resolution Appointing Fund Commissioner
- 03-01-2011 Resolution Appointing Alternate Fund Commissioner
- 04-01-2011 Resolution Appointing Risk Management Consultant for the City of Cape May Atlantic County Municipal Joint Insurance Fund
- 05-01-2011 Authorizing Tax Assessor to file a petition of appeal(s) and stipulations of settlement for the tax year 2011 with the Cape May County Board of Taxation
- 06-01-2011 Resolution Concerning Deferred School Tax Levy – City of Cape May School District
- 07-01-2011 Resolution Concerning Deferred School Tax Levy – City of Cape May – Lower Cape May Regional School District
- 08-01-2011 Approving Cash Management Plan of the City of Cape May
- 09-01-2011 2011 Debt Service Budget
- 10-01-2011 2011 Temporary Budget
- 11-01-2011 Resolution Authorizing Participation in Clean Communities Grant Program
- 12-01-2011 Resolution Authorizing Participation in Cops in Shops and Compliance Checks Program
- 13-01-2011 Authorizing City Clerk to Issue Bingo & Raffle Licenses throughout the year to qualified Organizations
- 14-01-2011 Resolution designating the employees of the City of Cape May who are authorized to serve on the County of Cape May task forces and/or teams
- 15-01-2011 Resolution designating official City of Cape May Physicians
- 16-01-2011 Resolution donating personal property to ARC
- 17-01-2011 Resolution approving list of peddlers’ designated locations
- 19-01-2011 Appointment to the Historic Preservation Commission of the City of Cape May

Deputy Mayor Wichterman asks Council to consider lowering the fee that the City collects on Raffle Licenses applied for by non-profit organizations. Since the organizations hold Raffles for the benefit of the community, Deputy Mayor Wichterman feels that a lesser fee would be more appropriate. The current fee is based upon the value of the prize, i.e. \$20.00 for each one thousand dollars, or part thereof, of the retail value of the prize to be awarded and the fee is paid to both the State and the City. Mr. Wichterman would like to see a limit of no more than \$100.00 on raffle items whose values are substantial.

Mayor Mahaney recommends that we pass the Resolution on the Consent Agenda and asks the City Clerk to provide Council with a list of monies collected over the last three years from Raffles so that Council may have all the facts before taking action.

**Motion:** Wichterman

**Second:** Swain

Councilmember Murray advises that one of the bills in the Payment of Bills Resolution is to reimburse him for monies expended at the League and he will have to abstain from voting on that Resolution.

Mayor Mahaney suggests that the Payment of Bills Resolution be removed from the Consent Agenda.

Deputy Mayor Wichterman amends his Motion by removing the Payment of Bills Resolution from the Consent Agenda.

Roll Call:

Fiocca	Yes
Murray	Yes
Swain	Yes
Wichterman	Yes
Mahaney	Yes

18-01-2011 Payment of bills

**Motion:** Mahaney/Makes the Motion for the payment of bills without the payment for Mr. Murray

**Second:** Wichterman

Roll Call:

Fiocca	Yes
Murray	Yes
Swain	Yes
Wichterman	Yes
Mahaney	Yes

**Motion:** Mahaney/Makes the Motion for the payment of the bill that pertains to Councilmember Murray

**Second:** Wichterman

Roll Call:

Fiocca	Yes
Murray	Abstain
Swain	Yes
Wichterman	Yes
Mahaney	Yes

### **UNFINISHED BUSINESS:**

### **NEW BUSINESS:**

- A) City Attorney
- B) City Manager
- C) City Clerk
- D) Councilmembers – Mr. Murray will not be at the meeting on January 18, 2011. Ms. Fiocca wishes everyone a happy new year.

**PUBLIC PORTION:** Those wishing to publicly comment shall come forward, give their name and address and speak into the microphone. Each speaker will be limited to five (5) minutes.

Jim Wyatt, 292 Windsor Avenue, Cape May, NJ commends the Fire Department and Fire Police of the City of Cape May for the excellent job they did in fighting the fire at the Merion Inn.

John Leo, 237 Capehart Lane, Cape May, NJ comments about the construction on Capehart Lane and Claghorn. The construction has been going on since September advises Mr. Leo and he comments that the construction has been damaging and disruptive but he is not here to complain about that. Mr. Leo is here today to complain about the proposed reconfiguration of the street when the work is finished. Mr. Leo advises that the neighborhood consists of an MUA property and residences and he is objecting to the removal of a median strip and broadening of Capehart Lane, which is a dead end Lane. Mr. Leo does not want the street to be changed and he believes that if the proposed change is implemented, it will create very difficult traffic patterns and specifically, many people will make U-turns in front of his home. He does not understand the City's reluctance to grant his wish and keep the street exactly as it is today and doesn't see how the change will help the town. He advises that he has requested meetings to no avail and ergo, his presence at today's worksession.

Mayor Mahaney wants to clarify that there were previous meetings about this aforementioned construction and when the meetings ended, it was the City's understanding that there was total agreement on what was going to occur. Subsequent to those meetings, Mayor Mahaney advises that on the day before Christmas, Mr. Leo emailed him and advised that he had changed his mind. Mr. Leo responds that he did not change his mind but rather he did not understand the proposal. Mayor Mahaney welcomes Mr. Leo today.

Mr. MacLeod presents two drawings of the area in question and explains the existing configuration and the proposed reconfiguration.

Ruth Leo, 237 Capehart Lane, Cape May, NJ joins the discussion. She describes the area around her home and advises of the pride she takes in maintaining her home. Mrs. Leo strongly objects to the removal of the median strip and the shrubs and trees on that median strip. Mrs. Leo advises that the trees provide a buffer to the noise, smell and dirt that come from the MUA facility. There is much discussion between the Leos and Mr. MacLeod about the resolution of the issue, which seems to revolve around trucks entering the MUA facility four times a year. Mrs. Leo advises that the median and the shrubs block her view of those trucks, four times a year.

Mayor Mahaney calls upon Paul Kates, the Engineer on the job, and asks his opinion as to the proposed changes to the street. Mr. Kates advises that the best course would be to go forward with the proposed plan.

Councilmember Fiocca would like to go to the area and see it for herself.

Mayor Mahaney suggests that members of council, individually, go down and look at the area so they can better understand the matter. The Mayor asks the City Clerk to put the matter on the

Agenda for the special meeting of Council on January 12, 2011. Mayor Mahaney also asks Jay Schatz, Shade Tree Commission, to meet with a the City Manager regarding the trees.

Tony Williams, 915 Washington Street, Cape May, NJ represents the Housing Authority. He asks if the City has made any decision about reducing the water rate being charged to the Housing Authority. Mr. MacLeod responds by asking for a conference call between the City, the Housing Authority and someone from HUD.

Councilmember Murray requests that arrangements for the call be made in a timely manner and Mr. MacLeod advises that he will be available tomorrow. Mr. Williams will contact Joe Fox, the Chairman of the Housing Authority and he will get back to the City Manager.

Jay Schatz, 25 Gurney Street, Cape May, NJ compliments the Fire Department on they way they handled the fire at the Merion Inn. Mr. Shatz comments that the article in the Atlantic City Press stated that the building was a Hotel or a Country Inn. That is not the case advises Mr. Schatz, it is an apartment building. Mr. Schatz also wants to commend the BID for their Christmas Decorations and the men and women of the City Public Works Department for their handling of the snow removal.

### **COUNCIL & CITY MANAGER COMMENTS**

### **ADJOURNMENT**

Motion made by Deputy Mayor Wichterman, seconded by Councilmember Swain to adjourn. Meeting adjourned at approximately 2:30 P.M.

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Edward J. Mahaney, Jr., Mayor

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Jack Wichterman, Deputy Mayor

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Deanna Fiocca, Councilmember

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Terri L. Swain, Councilmember

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William H. Murray, Councilmember

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Diane L. Weldon, City Clerk