

**REGULAR MEETING  
OF CITY COUNCIL OF THE CITY OF CAPE MAY, NJ  
Tuesday, June 15, 2010 – 5 P.M.**

The regular meeting of City Council of the City of Cape May was called to order by Mayor Mahaney at 5:00 P.M. Tuesday, June 15, 2010, in the Cape May City Hall Auditorium. The Clerk called the roll and the Pledge of Allegiance was recited.

Present: Councilmember David C. Kurkowski  
Mayor Edward J. Mahaney, Jr.  
Councilmember Linda A. Steenrod  
Councilmember Terri L. Swain  
Absent: Deputy Mayor Niels S. Favre  
Also Present: Councilmember Elect Jack Wichterman  
Councilmember Elect Deanna Fiocca  
Councilmember Elect William Murray  
City Attorney Anthony Monzo  
City Manager Bruce MacLeod  
City Clerk Diane Weldon  
Assistant to the City 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.

Minutes do not reflect the actual order in which the events occurred.

**COUNCIL COMMENTS**

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

Mayor Mahaney asks to add Resolution 140-06-2010 – Resolution for established a policy for review of City Projects.

**Motion:** Kurkowski

**Second:** Swain

Roll Call:

Favre	Absent
Kurkowski	Yes
Steenrod	Yes
Swain	Yes
Mahaney	Yes

Mayor Mahaney asks to amend Resolution 138-06-2010 which is a Resolution approving Liquor License Renewals for the 2010-2011 license year by removing Carney's and the Rusty Nail/Beach Shack from the Resolution because they have not obtained their Tax Clearance Certificates from the State of New Jersey.

City Clerk Diane Weldon explains that since we do not have another meeting before their licenses

expire at the end of June, the aforementioned parties will have to apply for an Ad Interim Permit from the State of New Jersey which will extend their license for thirty days.

**Motion:** Swain

**Second:** Mahaney

Roll Call:

Favre	Absent
Kurkowski	Yes
Steenrod	Yes
Swain	Yes
Mahaney	Yes

Mayor Mahaney asks to move Resolution 135-06-2010 to the top of the list.

135-06-2010 Resolution of the City of Cape May providing for a meeting not open to the public in accordance with the provisions of the New Jersey Open Public Meetings Act, N.J.S.A. 10:4-12 – convention hall contract negotiations, reorganization appointments, City of Cape May vs. Remington Vernick and Walberg, referendum petition

**Motion:** Steenrod

**Second:** Swain

Roll Call:

Favre	Absent
Kurkowski	Yes
Steenrod	Yes
Swain	Yes
Mahaney	Yes

Councilmember Kurkowski moves to go into closed session at approximately 5:10 P.M.

Mayor Mahaney reopens the council meeting at approximately 7:13 P.M.

**ORDINANCES FOR SECOND READING AND CONSIDERATION FOR ADOPTION:**

206-2010 Bond ordinance providing for various capital improvements of the City of Cape May, in the County of Cape May, New Jersey appropriating the aggregate amount of \$1,500,000 therefor and authorizing the issuance of \$1,425,000 bonds or notes of the City for financing the cost thereof

Mayor asks for motion to adopt Ordinance 206-2010.

**Motion:** Kurkowski

**Second:** Swain

Mayor Mahaney opens the meeting for a public hearing.

Mayor Mahaney closes the public hearing and asks for a roll call vote.

Roll Call:

Favre	Absent
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Kurkowski Yes  
Steenrod Yes  
Swain Yes  
Mahaney Yes

207-2010 Bond ordinance providing for various water and sewer utility improvements of the City of Cape May, in the County of Cape May, New Jersey appropriating the aggregate amount of \$1,000,000 therefor and authorizing the issuance of \$1,000,000 bonds or notes of the City for financing the cost thereof

Mayor asks for motion to adopt Ordinance 207-2010.

**Motion:** Kurkowski

**Second:** Swain

Mayor Mahaney opens the meeting for a public hearing.

Mayor Mahaney closes the public hearing and asks for a roll call vote.

Roll Call:

Favre Absent  
Kurkowski Yes  
Steenrod Yes  
Swain Yes  
Mahaney Yes

208-2010 Bond ordinance providing for various beach utility improvements of the City of Cape May, in the County of Cape May, New Jersey appropriating the aggregate amount of \$215,000 therefor and authorizing the issuance of \$215,000 bonds or notes of the City for financing the cost thereof

Mayor asks for motion to adopt Ordinance 208-2010.

**Motion:** Kurkowski

**Second:** Swain

Mayor Mahaney opens the meeting for a public hearing.

Mayor Mahaney closes the public hearing and asks for a roll call vote.

Roll Call:

Favre Absent  
Kurkowski Yes  
Steenrod Yes  
Swain Yes  
Mahaney Yes

**RESOLUTIONS:** Council will accept questions from the public on resolutions:

130-06-2010 Resolution to fix the date and time for the annual reorganization

**Motion:** Kurkowski

**Second:** Swain

Roll Call:

Favre Absent

Kurkowski Yes

Steenrod Yes

Swain Yes

Mahaney Yes

131-06-2010 Resolution allowing for the insertion of a special item of revenue in the budget pursuant to Chapter 159, PL 19

**Motion:** Swain

**Second:** Kurkowski

Roll Call:

Favre Absent

Kurkowski Yes

Steenrod Yes

Swain Yes

Mahaney Yes

132-06-2010 Refund of overpaid 2010 taxes

**Motion:** Kurkowski

**Second:** Swain

Roll Call:

Favre Absent

Kurkowski Yes

Steenrod Yes

Swain Yes

Mahaney Yes

133-06-2010 Resolution authorizing a utility bill adjustment due to catastrophic occurrence

**Motion:** Kurkowski

**Second:** Swain

Roll Call:

Favre Absent

Kurkowski Yes

Steenrod Yes

Swain Yes

Mahaney Yes

134-06-2010 Resolution authorizing purchase of one (1) new 2011 Ford Crown Victoria Police interceptors under state contract no. A72467

**Motion:** Kurkowski

**Second:** Swain

Roll Call:

Favre Absent

Kurkowski Yes

Steenrod Yes

Swain Yes  
Mahaney Yes

136-06-2010 Resolution authorizing final payment to Capital Concrete, Inc., for the Cape May Gateway Project, Contract 4

**Motion:** Kurkowski

**Second:** Swain

Roll Call:

Favre Absent  
Kurkowski Yes  
Steenrod Yes  
Swain Yes  
Mahaney Yes

137-06-2010 Payment of bills A

**Motion:** Kurkowski

**Second:** Swain

Roll Call:

Favre Absent  
Kurkowski Yes  
Steenrod Yes  
Swain Yes  
Mahaney Yes

137-06-2010 Payment of bills B

**Motion:** Kurkowski

**Second:** Steenrod

Roll Call:

Favre Absent  
Kurkowski Yes  
Steenrod Yes  
Swain Abstain  
Mahaney Yes

138 -06-2010 Resolution approving liquor license renewals for the 2010-2011 license year, as amended (removing Cape Island Beach Operator, LLC and Carney's, Inc.)

**Motion:** Kurkowski

**Second:** Swain

Roll Call:

Favre Absent  
Kurkowski Yes  
Steenrod Yes  
Swain Yes  
Mahaney Yes

139-06-2010 Resolution of the City of Cape May authorizing the annual 4<sup>th</sup> of July fireworks display

**Motion:** Kurkowski

**Second:** Swain

Roll Call:

Favre	Absent
Kurkowski	Yes
Steenrod	Yes
Swain	Yes
Mahaney	Yes

140-06-2010 Resolution establishing policy for review of city projects

**Motion:** Kurkowski

**Second:** Swain

Mr. Kurkowski asks why the work of this committee is only in the Historic District and suggests that we remove the words “within the Historic District” from the Resolution. Mayor Mahaney advises that the State Statutes mandate that such reviews are applicable only to properties within the Historic District and by making it outside the Historic District, it leaves the City liable for a review and requirements that are beyond what we require of our own taxpayers. However, this Resolution does not preclude the City Council, when they think it is appropriate, to set up a Committee to review a City project.

Mr. Kurkowski withdraws his request for an amendment.

Roll Call:

Favre	Absent
Kurkowski	Yes
Steenrod	Yes
Swain	Yes
Mahaney	Yes

**LICENSES:**

Merchandise raffle license and 50/50 raffle, Corinthian Yacht Club of Cape May, 1819 Delaware Ave., July 2, 2010, 6-9pm and July 17, 2010, 7-11pm.

Application for a catering permit, Frog Spring Corp. (Cabanas), Cape May Nature Center, 1600 Delaware Ave., Cape May, June 19, 2010 from 10am – 5pm., as amended

Mayor Mahaney asks if the Catering License is applicable on the rain date. City Clerk Diane Weldon advises she is uncertain and will call the State for guidance.

**Motion:** Mahaney

**Second:** Kurkowski

Roll Call:

Favre	Absent
Kurkowski	Yes
Steenrod	Yes
Swain	Yes
Mahaney	Yes

**REPORTS RECEIVED BY THE CLERK:**

Monthly report of tax collections for the period ending 4/30/2010  
Overtime report for May 2010  
Environmental Commission meeting minutes dated May 11, 2010  
Fire Department monthly report for May, 2010  
Shade Tree Commission meeting minutes dated May 13, 2010

**Motion:** Kurkowski

**Second:** Swain

Roll Call:

Favre	Absent
Kurkowski	Yes
Steenrod	Yes
Swain	Yes
Mahaney	Yes

**UNFINISHED BUSINESS:**

**NEW BUSINESS:**

A) City Attorney

B) City Manager Bruce MacLeod advises that Atlantic City Electric has agreed to postpone their rewiring work until the end of August or beginning of September based upon the concern of the City as to the increase in traffic during the summer season. The tree trimming will commence in June. The Great American Trolley and Trolley system will begin operation on July 2, 2010 and run through September 5, 2010. The Harborfest event is scheduled for this Saturday. On July 3, 2010, the Kiwanis will hold their pancake breakfast. Also on July 3, 2010, beginning at 1:00 P.M. the City will hold their Independence Day Parade, followed on July 4, 2010 between 8:30 P.M. and 9:00 P.M. the fireworks display will begin. On July 8, 2010, the summer movies at the beach will begin.

C) City Clerk Diane Weldon advises that the application for a Catering Permit does have a rain date on it.

D) Councilmembers – Mayor Mahaney thanks Mrs. Steenrod and Mr. Kurkowski for their hard work over the last four years. Mayor Mahaney gives Mrs. Steenrod and Mr. Kurkowski an elevated shot of the Washington Street Mall during the December 2009 snow storm to commemorate all of their hard work and their accomplishments in the renovation of the Washington Street Mall. Instead of looking at a plaque comments Mayor Mahaney, you can look at something which you tangibly had involvement in and which without your help, would never have turned out so beautifully.

Mr. Kurkowski advises that it has been his pleasure to serve as a councilmember in the City of Cape May and thanks everyone who voted for him. Mr. Kurkowski congratulates the Council Elect and advises that the town is in good hands. He comments that it has been a pleasure to work with Councilmember Swain and Mayor Mahaney, and finally, he thanks the City Manager, City Solicitor and the Clerk and her assistant for all their hard work at council meetings.

Ms. Steenrod advises that her time as a Councilmember has been a great learning experience. It

has been my privilege to represent you comments Ms. Steenrod and I want to remind you that this is a team effort. The more we work together, the better we are and whether we agree or disagree, the key is communication. I am honored to have had this opportunity to serve, and will be willing to help in any way I can. Ms. Steenrod thanks all who have helped her along the way.

Councilmember Swain thanks Linda and David for all their help when she first became a Councilmember and for teaching her what she really needed to know.

Mayor Mahaney comments that he had a lengthy conversation today with Deputy Mayor Favre who has undergone knee surgery and who is recuperating very well.

Mayor Mahaney advises that there is continued, amicable discussion on the Convention Hall project and we will announce our plan at the July 1, 2010 reorganization meeting.

**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.

Jay Schatz, 25 Gurney Street, Cape May. Mr. Schatz asks if there is any money in Bond Ordinance 206 to replace the Bridge Lighthouses. Mayor Mahaney advises there is not. Is there any money in the Ordinance to replace the lighthouses. What is Bond Ordinance 208 for? It is for Beach Utility, improvements to buildings and grounds and acquisition of equipment. Where is the money coming from to replace the outfall pipes. Bruce advises. Resolution 136. Happy with the work. He will need a new council member to the Shade Tree Commission. Mayor says it is a Liaison position.

Dawn DeMayo, advises that Convention Hall and the activities held there are critical to her business, especially in the fall and the spring. She feels it is important to advise Mayor and Council that we should try to do everything we can to move forward and make the new Convention Hall happen, as soon as possible.

Susan Mullen, 329 Congress Street, Cape May urges movement forward on the new Convention Hall. It is her hope that if the bids received meet the criteria and the funding that was already approved by the residents, that we move forward and not revisit a decision that has been made in the past. She would prefer not to again start at the beginning but move forward with what we have at hand.

Susan Tischler, 507 Washington Street Mall, Cape May also urges Mayor and Council to go forward with Convention Hall. She believes it would be devastating to put this off any further.

Joe Bogle, 513 Washington Street Mall, Cape May thanks Linda and David for all their hard work. Mr. Bogle advises that he has been operating a business on the promenade for the past 32 years. He further advises that when Convention Hall closed, you might as well have condemned the businesses on the promenade. He is distressed to see these Convention Hall issues being revisited and urges Mayor and Council to move forward. Convention Hall is really an important centerpiece to this Community and everybody will use it and everybody will benefit from it.

Barbara Masemore, 609 Columbia Avenue, Cape May agrees with the need for a Convention center. She states that business is going down and we need to spend money to make money and the sooner we do it the better. If we don't have tourists, taxes will have to go up advises Mrs.

Masemore.

**COUNCIL & CITY MANAGER COMMENTS**

Councilmember Kurkowski moves to go into Closed Session.

Motion made by Councilmember Swain to adjourn. Meeting adjourned at approximately 8:50 P.M.  
Motion carried.

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Edward J. Mahaney, Jr., Mayor

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**ABSENT**  
Niels S. Favre, Deputy Mayor

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David Kurkowski, Councilmember

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Linda Steenrod, Councilmember

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Terri L. Swain, Councilmember

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Diane L. Weldon, City Clerk