

**SPECIAL SESSION  
OF CITY COUNCIL OF THE CITY OF CAPE MAY, NJ  
Wednesday, January 12, 2011 – 12:30 P.M.**

The following attended the special session:

Present: Councilmember Deanna Fiocca  
Mayor Edward J. Mahaney, Jr.  
Councilmember William H. Murray  
Councilmember Terri L. Swain  
Deputy Mayor Jack Wichterman

Also Present: City Manager Bruce MacLeod  
City Treasurer James Penn  
City Clerk Diane L. 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 recommends that we add a category to Resolution 20-01-2011, which is Negotiations with the NJDEP and the US Army Corp of Engineers regarding the Beach Replenishment Program in the Lower Cape May Meadows.

Motion: Mahaney  
Second: Wichterman  
Roll Call  
Fiocca: Yes  
Mahaney: Yes  
Murray: Yes  
Wichterman: Yes  
Swain: Absent

Mayor Mahaney turns the meeting over to the City Manager, Bruce MacLeod. The Mayor thanks Mr. MacLeod for all his efforts in preparing the Budget.

**BUDGET PRESENTATION** – City Manager, Bruce MacLeod, begins by explaining the purpose of this Special Budget Meeting and reads his budget message. He then offers a power point presentation which explains the spreadsheets detailing the numbers reported in his message. Mr. MacLeod advises that the spreadsheets will show how he arrived at the numbers in the budget. He comments on and explains the City budget along with the Beach Utility budget and the Water/Sewer Utility budget.

Mr. MacLeod explains how surplus funds work in the State of New Jersey and there is discussion between Mr. MacLeod and Mayor Mahaney about the benefits of having “enough” surplus in your budget to help you pay for items not budgeted through the following year.

As Mr. MacLeod goes over the Water & Sewer Budget, there is discussion between the Mayor, the Deputy Mayor and Mr. MacLeod regarding how the rates are set and what impacts those rates.

Finally, Mr. MacLeod goes over the Beach Utility Budget and explains how he arrived at the amount on the revenue side of the budget. He then explains how that revenue is used during the year.

Mr. MacLeod hands the budget over to Mayor and Council and suggests a target date of February 15, 2011 to introduce the budget and March 15, 2011 for consideration and adoption of the operating budgets of the City for 2011.

### **DISCUSSION ITEMS**

Amendments to Chapter 310 – Licenses and Permits – City Manager Bruce MacLeod explains that the City is proposing to add a few business classifications to the Mercantile License categories, as follows: grass cutting; whole house, condo, apartment cleaning; and property maintenance businesses. In addition to the addition of the aforementioned categories, Mr. MacLeod advises that the City would like to clarify the language governing late charges assessed when a person fails to obtain a Mercantile License in a timely fashion.

Deputy Mayor Wichterman asks for a timeline and Mr. MacLeod would like to introduce the Ordinance at the next meeting of council. Deputy Mayor Wichterman asks about enforcement and Mr. MacLeod advises that the Code Enforcement Officer and his assistant will work on enforcing the provisions of the Ordinance.

Councilmember Murray asks about the fees and is advised that they will remain the same. Mr. Murray believes the current fees are inequitable and Mr. MacLeod advises that the City should review the current fee structure in the future.

There is a consensus of Council to move forward on the aforementioned Ordinance. Mayor Mahaney asks the Clerk/City Manager to notify the City Solicitor to make the appropriate changes to the existing Ordinance.

USDA Sanitary Sewer Improvements – Phase III project (Cape Hart Lane). Mayor Mahaney asks if Council wants to go forward with the widening of the Lane or whether they will honor the wishes of Mr. and Mrs. Leo as set forth during the council meeting of January 4, 2011. Deputy Mayor Wichterman advises that he visited the area and spoke to the Leos and Mr. Wichterman agrees that the road should not be widened. Councilmember Murray asks to see the drawings of the area and upon his review and after much discussion, he votes to leave the Lane as it currently exists, as far as the median is concerned. Councilmember Fiocca agrees with Councilmember Murray. Councilmember Swain notes that the change would be better for the area. Mr. Murray agrees but advises that if the median is removed, the residents are giving up their view. Ms. Fiocca agrees the median should remain. Mayor Mahaney asks Mr. MacLeod to call the Leos and advise as to the decision of Mayor and Council.

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

223-2010 Ordinance of the City of Cape May amending Chapter 158 of the revised general ordinances of the City of Cape May

Mayor asks for motion to adopt Ordinance 223-2010.

**Motion:** Wichterman

**Second:** Swain

Mayor Mahaney opens the meeting for a public hearing.

Hearing no public comment, Mayor Mahaney closes the public hearing and asks for a roll call vote.

Roll Call:

Fiocca Yes

Murray Yes

Swain Yes

Wichterman Yes

Mahaney Yes

224-2010 Ordinance of the City of Cape May amending Chapter 13-5.6 of the revised general ordinances of the City of Cape May raising the payment for emergency medical services

Mayor asks for motion to adopt Ordinance 224-2010.

**Motion:** Wichterman

**Second:** Swain

Mayor Mahaney opens the meeting for a public hearing.

Hearing no public comment, Mayor Mahaney closes the public hearing and asks for a roll call vote.

Roll Call:

Fiocca Yes

Murray Yes

Swain Yes

Wichterman Yes

Mahaney Yes

**RESOLUTIONS**

20-01-2011 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* – negotiations – Depot Market, Beachfront Restaurant Lease, beach replenishment (as amended)

**Motion:** Wichterman

**Second:** Swain

Roll Call:

Fiocca            Yes  
Murray           Yes  
Swain             Yes  
Wichterman    Yes  
Mahaney         Yes

**PUBLIC PORTION**

Rich Degener asks about the Beach Replenishment project and whether anyone has a problem with adding the additional 40 thousand square yards of sand. The Mayor advises there is no problem and that council will be discussing the project in closed session.

**COUNCIL/CITY MANAGER COMMENTS**

**CLOSED**

Negotiations – Depot Market, Beachfront Restaurant Lease

**Motion** made by Deputy Mayor Wichterman to adjourn the meeting and go into closed session. The meeting adjourned at approximately 12:25 P.M.

**Motion** made by Deputy Mayor Wichterman, to open the closed executive session of the meeting and go back into open session.

**Motion** made by Deputy Mayor Wichterman to adjourn. Meeting adjourned at 1:25 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