

**SPECIAL MEETING  
OF THE  
CAPE MAY CITY COUNCIL  
Monday, November 22, 2010  
10:00am**

The special meeting of City Council of the City of Cape May was called to order by Mayor Mahaney at 10:00am on Monday, November 22, 2010, 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  
City Attorney Anthony Monzo  
City Manager Bruce MacLeod  
City Clerk Diane Weldon  
Deputy Clerk Louise Cummiskey

Absent: Deputy Mayor Jack Wichterman

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.

**RESOLUTION:**

243-11-2010 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* – negotiations – beach replenishment

**Motion:** Swain

**Second:** Murray

Roll Call:

Fiocca: Yes

Murray: Yes

Swain: Yes

Wichterman: Absent

Mahaney: Yes

**Motion** made by Councilmember Swain, seconded by Councilmember Murray to go into closed executive session.

**CLOSED:** Negotiations – Beach replenishment

**Motion** made by Councilmember Swain to close the executive session and return to open session.

**Motion** made by Councilmember Fiocca, seconded by Councilmember Swain to recess the meeting until 4:00pm.

Fiocca: Yes  
Murray: Yes  
Swain: Yes  
Wichterman: Absent  
Mahaney: Yes

Meeting reconvened at 4:00pm.

Roll Call:

Fiocca: Yes  
Murray: Yes  
Swain: Yes  
Wichterman: Yes  
Mahaney: Yes

Mayor Mahaney explained the NJDEP emailed a document to the City Manager which included the following and requested the document be attached to the resolution:

“This letter will serve to amend the State Aid Agreement between the City of Cape May and the Office of Engineering and Construction. As the SAA states, the cost to the City of Cape May of this beach replenishment project, which includes the sand placement on the beach, mobilization and demobilization, and administrative costs, is estimated to be \$214,500. The Office of Engineering and Construction, at the City of Cape May's request, will limit the City's final cost share, based on actual costs determined at the conclusion of the project, to not exceed the sum of \$250,000.”

“The Office of Engineering and Construction also recognizes the City of Cape May's desire for the Cove Beach to remain a municipal beach which is open to the public, and recognizes that the Cove Beach is expected to remain so, subject, of course, to all federal, state, and local requirements.”

**Motion** made by Councilmember Murray, seconded by Councilmember Fiocca to add the following resolution to the agenda:

244-11-2010 Resolution authorizing the City of Cape May to enter into a state aid agreement with the New Jersey Department of Environmental Protection for construction of

Lower Cape May Meadows-Cape May Point New Jersey ecosystem restoration project, project # 6056-R2.

Roll Call:

Fiocca: Yes  
Murray: Yes  
Swain: Yes  
Wichterman: Yes  
Mahaney: Yes

Deputy Mayor Wichterman commented that he hoped the replenishment would not create a steep beach. Mayor Mahaney assured the public that the Army Corps was aware of the City's concerns regarding spinal cord injuries. Councilmember Murray thanked the NJ DEP for their cooperation and consideration in this matter.

**Motion** made by Councilmember Murray, seconded by Deputy Mayor Wichterman to adopt Resolution #244-11-2010 Resolution authorizing the City of Cape May to enter into a state aid agreement with the New Jersey Department of Environmental Protection for construction of Lower Cape May Meadows-Cape May Point New Jersey ecosystem restoration project, project # 6056-R2.

Fiocca: Yes  
Murray: Yes  
Swain: Yes  
Wichterman: Yes  
Mahaney: Yes

**PUBLIC PORTION:**

Ed Johnston, 405 Beach Avenue was informed the project completion dated would be April, 2011. Mr. Johnston requested sand fences be installed temporarily to prevent the wind blown sand from blowing onto his property. Mr. Johnston also suggested short groins be installed as a permanent solution.

Paul Johnston, 405 Beach Avenue also requested a snow fence 75 yards west of the Cove Restaurant.

Jay Shatz, 25 Gurney St., was assured there would be no upheaval due to the piping plovers.

Mayor Mahaney closed the public portion of the meeting and asked for a motion to adjourn.

Motion made by Councilmember Fiocca, seconded by Councilmember Murray to adjourn. Meeting adjourned at approximately 4:20pm.

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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