

**REGULAR MEETING
OF CITY COUNCIL OF THE CITY OF CAPE MAY, NJ
Tuesday, December 21, 2010 – 7 P.M.**

The regular meeting of City Council of the City of Cape May was called to order by Mayor Mahaney at 7:00pm on Tuesday, December 21, 2010, in the Cape May City Hall Auditorium. The Clerk called the roll.

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

PRESENTATION:

Boy Scout Troop 73 of West Cape May conducts the opening ceremonies and makes a presentation of a collage of drawings by Norman Rockwell, celebrating the 100th anniversary of Boy Scouts of America. Mayor Mahaney asks the Scout members to introduce themselves and thanks them for the gift, advising that the collage will be displayed prominently in the City of Cape May.

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.

PRESENTATION:

2011 Seasonal Beach Tag Winner – Angelica Yeager, 8th grade, Teitelman School; and
2011 Saturday-to-Saturday Beach Tag Winner – Sean Jacoby, 8th grade, Teitelman School

Mayor Mahaney introduces both winners, thanks them for their efforts, and presents them with \$100.00 savings bonds from the City of Cape May.

PRESENTATION:

Cape May Police Department Re-accreditation presentation - Chief Diane Sorantino. Chief Sorantino gives a brief description about the accreditation program. The law enforcement accreditation program is means of maintaining the highest standards of professionalism in law enforcement, advises the Chief and accreditation is a yardstick to measure how effective your agency programs and services are. Chief Sorantino asks John Bobick to come to the podium and she commends him for his work in managing the accreditation process for the City of Cape May. Because of the work involved in overseeing the re-accreditation process, Chief Sorantino presents Sergeant Bobick with the “exceptional duty” award.

Mayor Mahaney thanks the members of the CMPD for all the work they do in providing needy children in our community with Christmas.

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

Mayor Mahaney asks for the deletion of Resolution 264-12-2010, a Resolution approving the transfer of a liquor license because the City Clerk has not yet received all the documentation required.

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

ORDINANCE FOR INTRODUCTION:

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

Mayor Mahaney advises that the sole purpose of the Ordinance is to increase the amount of the weekly beach tags to \$15.00.

Motion: Wichterman
Second: Swain
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

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

City Clerk announces that the ordinances just introduced will have a public hearing on January 12, 2011 at 10:00 A.M.

ORDINANCE FOR SECOND READING AND CONSIDERATION FOR ADOPTION:

220-2010 Ordinance amending the Cape May City Administrative Code changing the date of municipal elections from the second Tuesday in May to the Day of General Election, the Tuesday after the first Monday in November

Mayor asks for motion to adopt Ordinance 220-2010.

Motion: Wichterman

Second: Fiocca

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

221-2010 An Ordinance amending Sections 92-3C and 92-6 of the Cape May City Code – copy fees

Mayor asks for motion to adopt Ordinance 220-2010.

Motion: Mahaney

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

222-2010 An Ordinance amending Chapter 7, Section 7-37.1, and adding a new Section 7-44.4 of the Cape May City Code – handicapped parking

Mayor asks for motion to adopt Ordinance 220-2010.

Motion: Mahaney

Second: Fiocca

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: Council will accept questions from the public on resolutions:

- 254-12-2010 Resolution authorizing refund of overpaid 2010 utilities
- 255-12-2010 Resolution authorizing the release of performance guarantee for Sea Mist Cape May, LLC
- 256-12-2010 Resolution authorizing professional services contract with Employee Care for an Employee Assistance Program
- 257-12-2010 Resolution authorizing utility bill adjustment due to a catastrophic occurrence
- 258-12-2010 Resolution fixing the rate of interest on delinquent taxes and assessments
- 259-12-2010 Resolution authorizing change order for contract with Albrecht & Heun, Inc., as amended (typographical error in amount)
- 260-12-2010 Resolution approving amusement games license for Peter & Adele Tiburzio – 732Beach
- 261-12-2010 Resolution approving amusement games license for Peter & Adele Tiburzio – 406Beach
- 262-12-2010 Transfers of Appropriations – 2010 Budget
- 263-12-2010 Cancellation of unexpended balances of appropriations in the current fund
- 265-12-2010 Resolution approving an agreement between the City of Cape May and Hunter Roberts Construction Group, LLC
- 266-12-2010 Payment of bills A

Motion to approve Resolutions 254-12-2010, 255-12-2010, 256-12-2010, 257-12-2010, 258-12-2010, 259-12-2010, 260-12-2010, 261-12-2010, 262-12-2010, 263-12-2010, 265-12-2010, and 266-12-2010.

Resolution 264-12-2010 was removed from the list.

Motion: Mahaney

Second: Wichterman

Roll Call:

Fiocca	Yes
Murray	Yes
Swain	Yes

Wichterman Yes
Mahaney Yes

266-12-2010 Payment of bills B

Motion: Mahaney

Second: Wichterman

Roll Call:

Fiocca Yes
Murray Yes
Swain Abstain
Wichterman Yes
Mahaney Yes

267-12-2010 Resolution authorizing the re-bid of lease of restaurant located at 702 Beach Avenue

Motion: Mahaney

Second: Wichterman

Roll Call:

Fiocca Abstain
Murray Yes
Swain Yes
Wichterman Yes
Mahaney Yes

REPORTS RECEIVED BY THE CLERK:

Report of tax collections for the period ending 9/30/2010 and 10/31/2010

Overtime report for November 2010

Assessors Office monthly report dated December 8, 2010

Construction permit activity report dated for November, 2010

WSM Mgmt. Co., Inc., meeting minutes for July 19th, August 2nd, September 20th, October 4th,
October 18th, November 1st

Fire Department monthly report for November, 2010

CMCMUA adjustment for 2010 wastewater user charges

Shade Tree Commission meeting minutes dated November 12, 2010

Shade Tree Commission Community Forestry Management Plan for 2011-2015

Report of tax lien sale – December 1, 2010

Motion: Fiocca

Second: Swain

Roll Call:

Fiocca Yes
Murray Yes
Swain Yes
Wichterman Yes
Mahaney Yes

MINUTES:

City Council closed executive session meeting minutes dated December 7, 2010

Motion: Fiocca

Second: Wichterman

Roll Call:

Fiocca Yes

Murray Yes

Swain Yes

Wichterman Yes

Mahaney Yes

UNFINISHED BUSINESS:

NEW BUSINESS:

A) City Attorney – Mr. Monzo advises he received a complete application from East Cape May Associates for the Army Corp permit which is the final step in implementing the settlement agreement of July 2009 which he is leaving in the Clerk’s Office for review by Mayor and council. Further, Mr. Monzo advises that he received a draft remedial action work plan from JCP&L which he will also leave with the City Clerk for council to review and comment. Deputy Mayor Wichterman asks to sit on the JCP&L committee in Ms. Steenrod’s place.

B) City Manager – Mr. MacLeod follows up on JCP&L project and advises that there will not be any activity that will interrupt the operation of the dog park. Mr. MacLeod advises that there are seasonal beach tags on sale in the Tax Office for \$15.00 in person or \$15.75 by mail. There are two seasonal tags on sale this year comments Mr. MacLeod. One is the 100th anniversary commemorative tag and the other is the tag designed by the student who received the award tonight. The City Manager advises that the latest report of the room occupancy tax has been received and upon analysis of the revenue received for the year 2010, there is an increase of \$22,443.00. The demolition of the old Convention Hall and Solarium buildings is almost complete and will be fully completed by the end of the year. Finally, Mr. MacLeod advises that on December 17, 2010, bids were received for pile contracts and the City is still reviewing the bids. Mr. MacLeod wishes everyone a happy holiday season.

C) City Clerk Diane Weldon reminds all that the City Manager will present the 2011 budget on January 12, 2011 at 10:00 A.M. in the auditorium and that on January 11, 2011, the city will conduct the bid auction for the beachfront restaurant property at 10:00 A.M. Finally, the next City Council Meeting will be held on January 4, 2011 at 1:00 P.M.

D) Councilmembers- Swain – wishes everyone a happy, safe holiday. Deputy Mayor Wichterman advises that two assemblymen from Ocean County want to assess \$1.00 to shore towns for every beach tag sold and he strongly opposes the bill. The Deputy Mayor would like to offer a Resolution that the Mayor and Council of the City of Cape May are in opposition to that bill. Mayor Mahaney agrees and seconds Mr. Wichterman’s Motion. Mr. Murray wants to hold off voting on this Resolution as he has no knowledge of the facts and would like to research the matter before he votes on it.

Mayor Mahaney suggests that the Resolution be drafted immediately and circulated and sent out. Ms. Swain asks Mr. Monzo if she should abstain from voting on this Resolution as she is involved in the matter, through her business and connection with fertilizer vendors. Mr. Monzo

believes that it would not be a conflict but that if Ms. Swain feels uncomfortable voting on this, she should abstain.

268-12-2010 Resolution objecting to \$1.00 fee from beach tags

Motion: Wichterman

Second: Murray

Roll Call:

Fiocca	Yes
Murray	Abstain
Swain	Abstain
Wichterman	Yes
Mahaney	Yes

Deputy Mayor Wichterman wishes everyone a happy holiday season. Councilmember Murray reads a proposal that he has prepared regarding the Parking Committee, which he reads. Councilmember Murray advises that Joe Fox, Housing Authority Chairman, sent a letter to council, as requested, asking for a reduction in the water and sewer costs assessed to the Housing Authority. Mr. Fox would like to pay a flat rate of \$80,000.00 which is a 12% to 13% increase from last year. Mr. Murray would like to accept Mr. Foxes proposal to pay the \$80,000.00.

Councilmember Fiocca would like fill the position of Council liaison to the HPC and wishes everyone happy holidays.

Motion: Mahaney

Second: Wichterman

Roll Call:

Fiocca	Yes
Murray	Yes
Swain	Yes
Wichterman	Yes
Mahaney	Yes

Mayor Mahaney asks Mr. MacLeod to contact Council regarding Mr. Foxes request. Mayor wishes everyone Merry Christmas.

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.

John Fleming, 1484 Washington Street, Cape May, NJ, asks about the re-bid of the lease of the beachfront restaurant. Mr. Fleming asks if the lease was recently renegotiated for several years. Mayor Mahaney advises that it was but that the tenant has walked away from the lease and the City will resolve outstanding issues with the tenant and upon resolution, will make an announcement. Mr. Fleming asks if the taxpayers are being affected by the events and the Mayor advises they are not.

Tony Williams, 915 Washington Street, Cape May, NJ speaks on behalf of Chairman Fox of the Cape May Public Housing Authority. Mr. Williams wants to clarify that the Housing Authority is asking for an adjustment to their water and sewer bill, not as a non-profit, but as an agency of the City of Cape May.

Niels Favre, 817 Kearney Avenue, Cape May, NJ is concerned about long range planning for the City. Mr. Favre believes that the economy, as well as lack of direction is part of the problem with buildings being run down throughout the city and would like Mayor and council to look at a plan to revitalize the core of our city. He suggest giving people incentives to open new businesses in the area of the new Convention Hall and the movie theatre, especially retain businesses. Mr. Favre thanks all the council for their service.

Mr. Murray advises Mr. Favre that there is a plan endorsement meeting on January 6, 2011 at 10:00 A.M. that will address some of Mr. Favre's concerns. Mayor Mahaney outlines all of the projects currently planned for the City. Deputy Mayor Wichterman talks about \$600,000.00 that is available for improvements to the City.

COUNCIL & CITY MANAGER COMMENTS

Motion made by Mayor Mahaney, seconded by Councilmember Swain to adjourn. Meeting adjourned at approximately 8:30 P.M.

Edward J. Mahaney, Jr., Mayor

Jack Wichterman, Deputy Mayor

Deanna Fiocca, Councilmember

Terri L. Swain, Councilmember

William H. Murray, Councilmember

Diane L. Weldon, City Clerk