

**REGULAR MEETING
OF CITY COUNCIL OF THE CITY OF CAPE MAY, NJ
Tuesday, March 1, 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, March 1, 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
City Solicitor Anthony Monzo
City Manager Bruce MacLeod
City Auditor Leon Costello
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.

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

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

PRESENTATION: ACMJIF Safety Awards – Bob Smith gives an overview of the goals of the safety program and future objectives for safety in the City of Cape May. Mr. Smith credits all the City Departments, as well as their Department Heads for helping the City achieve a gold award for outstanding performance. In addition to the gold award, the City also realized a monetary award of \$3,400.00. Bob talks about the training that City employees are required to complete to keep them safe and based upon all the training and cooperation by city employees, the City of Cape May's performance has reached the "gold" level. Mr. Smith advises that some of the \$3,400.00 which the City received will be used toward a second "Health and Wellness Fair" and some of the money will be used to purchase safety equipment for our School Crossing Guard.

Mayor Mahaney and City Manager Bruce MacLeod commend Mr. Smith for his efforts as without him, the City would have been unable to achieve its current status.

Terry Brown and Jean Whelan, Department of Civic Affairs, approach the table to speak about the Cape May Waves Swimming Program. Mr. Brown advises that the Swim Program is the longest running City Program. The swim team currently recognizes 73 active members and has maintained that membership for the past four to five years. The team is divided into six age groups with

categories for girls and boys. Mr. Brown comments that this year's season record was 4 and 2, and the highlight of the season was the winning of the coveted Sportsmanship Award. This speaks for the character of our team, and how the children behave and conduct themselves among their peers. Mr. Brown commends the supervisor of the team, Jean Whalen, and advises that she deserves more credit than anyone for the success of the program. Mr. Brown recognizes the coaches and parents who help make this program such a success. We are extremely proud of this program, comments Mr. Brown, and it is a credit to the City of Cape May for their support and maintenance of the program.

PROCLAMATION: Read Across America

City Clerk reads the Proclamation.

WORK SESSION DISCUSSION ITEMS

2011 CAPE MAY CITY BUDGET:

Ordinance for Introduction: Ordinance 233-2011 Ordinance to exceed the municipal budget appropriation limits and to establish a cap bank

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

Resolution 48-03-2011 Resolution approving introduction of 2011 City of Cape May Local Municipal Budget

City Auditor, Leon Costello, explains the Budget which is being proposed and how the process works.

City Clerk reads the Resolution.

Motion: Fiocca
Second: Murray
Roll Call:
Fiocca Yes
Murray Yes
Swain No
Wichterman Absent
Mahaney No

Councilmember Swain reads a statement, a copy of which is attached to these minutes.

Mayor Mahaney reads a statement, a copy of which is attached to these minutes.

The Resolution is defeated.

Mr. Costello asks that someone get back to him with potential changes and a new introduction date. Mayor Mahaney advises that the introduction date would be March 22, 2011 and Mr. MacLeod advises that when introduced on March 22, 2011, the City of Cape May would be compliant with the revised calendar issued by the State of New Jersey.

Councilmember Murray wants to clarify that he voted for the proposed budget because he endorsed the cut. He comments that he has looked through the Mayor's statement and the Mayor focused on three areas: the Police Department, the Fire Department and the Beach Patrol. Mr. Murray comments he is not willing to "gut" the personal safety departments of the City of Cape May. Again, Mr. Murray advises that he supports the one cent budget cut and when he has an opportunity to read the statements made today by Councilmember Swain and Mayor Mahaney, he will prepare a response.

City Manager MacLeod advises that at this point we can introduce the budget on the table today, receive other recommendations and revisions from Council, or schedule another meeting for deliberations and discussion. Mr. MacLeod will be available to meet with council individually if there is not a call for a special meeting between today and March 22, 2011.

There is further discussion regarding whether or not the City will have to enact Ordinances to effectuate the cut of one cent in the proposed budget.

CITY ENGINEER REPORT

City Engineer, Ray Roberts, speaks about what will happen during the next few months from an engineering standpoint.

The Road Program Ordinance has been introduced and if adopted, his firm will be preparing design documents in April and construction will begin soon after Labor Day. That work will include Corgie Street, and a section of Cape May Avenue.

Secondly, Mr. Roberts talks about the underground storage tank at Canning House Lane. Sampling will begin the week of March 14th and should be completed by April 1, 2011. Thereafter, an evaluation report will be prepared which will include the remediation action plan.

There is a significant maintenance problem for the sewer on Washington Street between Sydney Avenue and Texas Avenue, advises Mr. Roberts. He speaks about how to remedy the problem and will put together some pricing for the repair. Mr. MacLeod advises that the City is aware of the problem and has set aside funds to perform the repairs.

Finally, Mr. Roberts discusses the water tank at Columbia and Madison Avenues. He advises that the tank was designed in 1934 and built in 1937. It is 77 years old and nothing has been done structurally to the tank. Mr. Roberts advises that at the April worksession, he will offer an

action plan which will describe maintenance issues of the existing tank, and whether if the tank is removed, will the second water tank servicing the City be sufficient to provide enough water for fire protection and domestic service.

CITY MANAGER ITEMS

City Manager Bruce MacLeod advises that the City will accept bids for Beach Concessions this coming Friday, March 4, 2011 at 10:00 A.M. Bids for the new Convention Hall will be accepted on March 8, 2011 at 1:00 P.M.

ATTORNEY ITEMS

Mr. Monzo wants to clarify something for council to consider for the Budget. Currently, the Police Department has a Table of Organization in the Ordinance as required by State Law. The Fire Department does not have a Table of Organization determining the maximum number of positions. One council decides about staffing levels, Mr. Monzo believes the Ordinance should match the staffing levels.

CLERK'S ANNOUNCEMENTS

The March regular council meeting is scheduled for March 22, 2011 at 1:00 P.M. The April regular meeting is scheduled for April 20, 2011 at 7:00 P.M. The School Board election has been rescheduled for Wednesday, April 27, 2011 from 4:00 P.M. until 9:00 P.M.

REGULAR MEETING BUSINESS:

Consent Agenda

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

Resolutions

- 49-03-2011 Resolution approving certified list of LOSAP qualified City of Cape May Volunteer Fire Department members for the year 2010
- 50-03-2011 Resolution authorizing purchase of one (1) new restroom trailer
- 51-03-2011 Payment of bills A
- 52-03-2011 Release of Maintenance Guarantee for 817 Columbia Ave.

Motion: Mahaney

Second: Murray

Roll Call:

Fiocca Yes

Murray Yes

Swain Yes

Wichterman Absent

Mahaney Yes

51-03-2011 Payment of bills B

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

REPORTS RECEIVED BY THE CLERK:

2% Occupancy Tax Budget Projection dated February 22, 2011
Shade Tree Commission meeting minutes dated February 10, 2011
Cape May City Fire Department monthly report for January, 2011
Construction Permit Activity Report for January, 2011
Cape May City Police Department monthly report for January, 2011
Monthly report of tax collections for the period ending 12/31/2010
Environmental Commission meeting minutes dated January 28, 2010

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

MINUTES:

City Council meeting minutes dated February 15, 2011
Closed Executive Session City Council meeting minutes dated February 15, 2011
Special Session City Council meeting minutes dated February 18, 2011

City Council Meeting Minutes dated February 15, 2011
Closed Executive Session City Council meeting minutes dated February 15, 2011

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

Special Session City Council Meeting Minutes dated February 18, 2011

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

UNFINISHED BUSINESS:

NEW BUSINESS:

- A) City Attorney
- B) City Manager – Mr. MacLeod reminds everyone that seasonal Beach Tags are currently on sale and this year there are two seasonal tags, one recognizing the 100 years of lifeguards in the City of Cape May and the other tag which was designed by an elementary school student. The pre season price is good through March 31, 2011.
- C) City Clerk
- D) Councilmembers

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.

COUNCIL & CITY MANAGER COMMENTS

Motion made by Councilmember Murray to adjourn the meeting. Meeting adjourned at approximately 2:25 P.M.

Edward J. Mahaney, Jr., Mayor

ABSENT

Jack Wichterman, Deputy Mayor

Deanna Fiocca, Councilmember

Terri L. Swain, Councilmember

William H. Murray, Councilmember

Diane L. Weldon, City Clerk

