

**REGULAR MEETING
OF CITY COUNCIL OF THE CITY OF CAPE MAY, NJ
Tuesday, May 18, 2010 – 7:00 P.M.**

The regular meeting of City Council of the City of Cape May was called to order by Mayor Mahaney at 7:00 P.M. Tuesday, May 18, 2010, in the Cape May City Hall Auditorium. The Clerk called the roll.

Present: Deputy Mayor Niels S. Favre
Councilmember David C. Kurkowski
Mayor Edward J. Mahaney, Jr.
Councilmember Linda A. Steenrod
Councilmember Terri L. Swain

Also Present: City Attorney Anthony Monzo
City Manager Bruce MacLeod
City Clerk Diane Weldon
Assistant to the City Clerk Louise Cummiskey

Mayor Mahaney welcomes the Council Elect, Bill Murray, Deanna Fiocca and Jack Wichterman to our meeting.

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.

Flag Ceremony and Pledge of Allegiance to the Flag

WCM Cub Scouts Pack 73 Webelos Den, Brian Favre and Kirk Lindsay, Leaders

Will Berger	Kyle Verycken
Cooper Bingham	Gage Warner
Brett Favre	Kevin Weber
Beck Lindsay	Noah Young
Anthony Marko	

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

114-05-2010 Resolution regarding City of Cape May city-wide annual sidewalk sale

115-05-2010 Authorization for the City of Cape May to award Pittsburgh Avenue Lifeguard Tower Construction

116-05-2010 Resolution authorizing emergency contract for repair of Queen Street stormwater outfall pipes

Two amendments to the Closed Session Resolution. The first is to add the Contract of the Fire Chief to the negotiations category and the second is to add a disciplinary personnel matter.

One Motion was made to add all three of the above Resolutions and the two amendments to the Closed Session Resolution.

Motion: Favre

Second: Steenrod

Roll Call:

Favre Yes

Kurkowski Yes

Steenrod Yes

Swain Yes

Mahaney Yes

ORDINANCES FOR INTRODUCTION:

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

Motion: Kurkowski

Second: Swain

Prior to voting, Mayor Mahaney asks Mr. MacLeod to explain the three bond ordinances, 206, 207 and 208 and their relevance to the City Budget.

Mr. MacLeod advises that the first Bond Ordinance is for projects related to the General Capital Budget. During our budget meetings, advises Mr. MacLeod, different projects were discussed and the list of projects totaled \$1.5 million. There is a required 5% downpayment and this Ordinance would authorize \$1,425,000 of bonds or notes to be sold to finance the various projects. Mr. MacLeod provides the summary of the projects.

The second Bond Ordinance #207-2010 is for improvements relative to the Water and Sewer Utility. There is no downpayment required for this Ordinance and Mr. MacLeod summarizes the categories of spending for this Ordinance. Most of the dollars spent will be used for the City Road Program.

The third Bond Ordinance #208-2010 is related to the Beach Utility and there is no downpayment required. Mr. MacLeod advises that the money set forth in this Ordinance will be used to improve buildings and grounds and acquire equipment.

Roll Call:

Favre Yes
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

Motion: Kurkowski

Second: Swain

Roll Call:

Favre Yes
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

Motion: Favre

Second: Swain

Roll Call:

Favre Yes
Kurkowski Yes
Steenrod Yes
Swain Yes
Mahaney Yes

ORDINANCES FOR SECOND READING AND CONSIDERATION FOR ADOPTION:

204-2010 Ordinance of the City of Cape May amending Chapter 7 to authorize the issuance of on-street parking permits

Mayor asks for motion to adopt Ordinance 204-2010.

Motion: Kurkowski

Second: Swain

Mayor Mahaney opens the meeting for a public hearing.

Bob Biehn, 315 Franklin Street, Cape May, NJ wants to thank everyone for revising this Ordinance. He hopes it can be expeditiously implemented so the residents can take advantage of the benefits this summer.

Terry Willis, 109 North Street, Cape May, NJ also wants to express her gratitude to the council for this Ordinance.

Mrs. Steenrod wants to thank all the committee members who worked on this Ordinance.

Mr. Kurkowski asks if Mr. Monzo has had any update from Tom Kelly of the Office of Legislative Services. Mr. Monzo advises that he and Mr. Kelly have been trying to get in touch but haven't spoken; however, he has not had any negative feedback.

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

Roll Call:

Favre	Yes
Kurkowski	Yes
Steenrod	Yes
Swain	Yes
Mahaney	Yes

205-2010 Bond ordinance providing for improvements to the storm water collection system in and by the City of Cape May, in the County of Cape May, New Jersey, appropriating \$275,000. therefore and authorizing the issuance of \$261,250 bonds or notes of the city to finance part of the cost thereof

Mayor asks for motion to adopt Ordinance 205-2010.

Motion: Kurkowski

Second: Swain

Mr. MacLeod explains that this spring it became apparent that there were issues with the storm water pipes that released the water into the ocean. The pipes developed holes and instead of releasing the water into the ocean, the water was plunging through the holes in the pipe and creating sink holes along the ocean water line. For public safety reasons, it is necessary to correct the problem.

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	Yes
Kurkowski	Yes
Steenrod	Yes

Swain Yes
Mahaney Yes

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

103-05-2010 Resolution providing for the insertion of a special item of revenue in the 2010 budget pursuant to Chapter 159 PL 1948

Motion: Favre

Second: Steenrod

Roll Call:

Favre Yes
Kurkowski Yes
Steenrod Yes
Swain Yes
Mahaney Yes

104-05-2010 Resolution authorizing utility bill adjustments due to catastrophic occurrence

Motion: Favre

Second: Swain

Roll Call:

Favre Yes
Kurkowski Yes
Steenrod Yes
Swain Yes
Mahaney Yes

105-05-2010 Resolution establishing policy for HPC review of City projects

Motion: Kurkowski

Second: Steenrod

Mr. Kurkowski asks for an amendment to the language in the second to the last paragraph where it says "...including public streets, bridges, parks, rights-of-way, outdoor malls and the promenade/boardwalk area, shall also be referred to the HPC." Mr. Kurkowski would like to add, "for an advisory report," to the end of that sentence.

Ms. Swain asks for clarification of the process. Mr. Monzo complies.

Mayor Mahaney comments on the Resolution. He believes the implementation could be improved upon and expedited if some adjustments are made to the Resolution. The Mayor advises that the language in the Resolution on the table gives the HPC authority that exceeds what the State Statute mandates. The Mayor suggests that we should establish an ad hoc committee, appointed by Council, for the purpose of reviewing any City project while the project is being formulated.

Mr. Monzo advises that City Council has the authority to delegate authority to the HPC to review things on an advisory capacity. He continues by noting that what the Mayor is suggesting would help the City obtain advice from the HPC in the early stages of a project. It is permitted by the law.

Ms. Steenrod advises that she suggested that this Resolution be drafted so the City could obtain the expert advise of the HPC in order for City Council to make better decisions. There is discussion between Mayor Mahaney, Ms. Steenrod and Mr. Monzo as to the intent of this Resolution and how to clarify the language in the Resolution.

Mr. Kurkowski withdraws his prior Motion to adopt Resolution #105-05-2010.

Mr. Favre supports this Resolution but feels the language in the existing Resolution is much too broad. There believes we need a provision for emergencies and he likes the idea of a committee.

Councilmember Swain thinks the language in the Resolution should be more defined so there is no question as to the goal we are trying to achieve.

Mr. Kurkowski and Ms. Steenrod withdraw their Motion and Second.

Roll Call:

Favre	Yes
Kurkowski	Yes
Steenrod	Yes
Swain	Yes
Mahaney	Yes

106-05-2010 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 – collective bargaining, litigation, as amended

Motion: Favre

Second: Kurkowski

Roll Call:

Favre	Yes
Kurkowski	Yes
Steenrod	Yes
Swain	Yes
Mahaney	Yes

107-05-2010 Resolution authorizing reduction of performance guarantee – No. 3 – Osprey Landing

Motion: Favre

Second: Swain

Roll Call:

Favre	Yes
Kurkowski	Yes
Steenrod	Yes
Swain	Yes
Mahaney	Yes

108-05-2010 Authorization for the City of Cape May to reject all bids for Contract No. 13 – Queen Street outfall repairs

Mayor Mahaney asks if we can do Resolution #108 and Resolution #116 together as they address the same issue. He asks Mr. Mott to come to the podium to explain these two Resolutions.

Mr. Mott advises that Resolution #108 will reject bids accepted for slip lining to the Queen Street outfall pipes. Fourteen contractors were contacted to submit bids and only one contractor responded. His bid was two times the amount of our budget. After speaking with the Public Works Superintendent and the City Manager, Mr. Mott advises that it was determined that total replacement of the lines was the best way to resolve the problem. Three bids were solicited, an “A” bid to replace the first 80 feet, a “B” bid to replace the first 160, and a “C” bid to replace all 240 feet. The budget for replacement of all 240 feet was \$300,000.00. The bid received today is for \$194,500.00. We will be able to replace all 240 feet of all three of the pipes. Mr. Mott explains why the pipes have corroded so quickly and then explains how to avoid that in the future.

Mr. Favre asks if this new plan replaces the pipes in their entirety and Mr. Mott confirms. Mr. Favre is concerned about safety as the work is being completed and Mr. Mott advises that he will insure that safety is paramount.

Motion: Kurkowski

Second: Steenrod

Roll Call:

Favre	Yes
Kurkowski	Yes
Steenrod	Yes
Swain	Yes
Mahaney	Yes

116-05-2010 Resolution authorizing emergency contract for repair of Queen Street stormwater outfall pipes

Motion: Favre

Second: Steenrod

Roll Call:

Favre	Yes
Kurkowski	Yes
Steenrod	Yes
Swain	Yes
Mahaney	Yes

109-05-2010 Resolution approving UAW collective bargaining agreements

Motion:

Second:

Roll Call:

Favre Yes
Kurkowski Yes
Steenrod Yes
Swain Yes
Mahaney Yes

110-05-2010 Resolution of the City of Cape May to affirm the City's Civil Rights Policy with respect to all officials, appointees, employees, prospective employees, volunteers, independent contractors, and members of the public that come into contact with municipal employees, officials and volunteers

Mr. Monzo advises that this Resolution is a requirement of the Municipal Excess Liability Fund, and along with four or five modifications to the Personnel Policy Manual, is being implemented to obtain the MEL discount for premiums as well as a lower deductible and co-insurance amount.

Motion: Kurkowski

Second: Favre

Roll Call:

Favre Yes
Kurkowski Yes
Steenrod Yes
Swain Yes
Mahaney Yes

111-05-2010 Resolution of the City of Cape May replacing the current personnel policy manual with an updated, amended and restated personnel policy manual

Motion: Favre

Second: Steenrod

Roll Call:

Favre Yes
Kurkowski Yes
Steenrod Yes
Swain Yes
Mahaney Yes

112-05-2010 Award of contract for the supplying of electrical service and repairs

Motion: Kurkowski

Second: Favre

Roll Call:

Favre Yes
Kurkowski Yes
Steenrod Yes
Swain Yes
Mahaney Yes

113-05-2010 Payment of bills A

Motion: Favre

Second: Kurkowski

Roll Call:

Favre Yes

Kurkowski Yes

Steenrod Yes

Swain Yes

Mahaney Yes

113-05-2010 Payment of bills B

Motion: Steenrod

Second: Favre

Roll Call:

Favre Yes

Kurkowski Yes

Steenrod Yes

Swain Abstain

Mahaney Yes

114-05-2010 Resolution regarding City of Cape May city-wide annual sidewalk sale

Motion: Favre

Second: Kurkowski

Roll Call:

City Manager MacLeod advises that the sidewalk sale will take place on May 20, 21, 22, and 23, 2010 and will run from 9:00 A.M. until 7:00 P.M. each day.

Favre Yes

Kurkowski Yes

Steenrod Yes

Swain Yes

Mahaney Yes

115-05-2010 Authorization for the City of Cape May to award Pittsburgh Avenue Lifeguard Tower Construction

Mr. Mott advises that the Beach Patrol desires to replace the tower at the end of Pittsburgh Avenue and have acquired all of the materials. Five quotes were received for the project and the lowest successful bidder was Jim Regan of Seaside Construction at a bid of \$12,500.00.

Motion: Kurkowski

Second: Swain???

Roll Call:

Favre Yes

Kurkowski Yes

Steenrod Yes
Swain Yes
Mahaney Yes

REPORTS RECEIVED BY THE CLERK:

Construction permit activity report for April, 2010
Historic Preservation Commission meeting minutes dated March 22, 2010
Environmental Commission meeting minutes dated April 13, 2010
Assessors Office monthly report dated May 5, 2010
Monthly report of tax collections for the period 3/31/2010
Fire Department monthly report for April, 2010

Motion: Favre
Second: Kurkowski
Roll Call:
Favre Yes
Kurkowski Yes
Steenrod Yes
Swain Yes
Mahaney Yes

UNFINISHED BUSINESS:

Deputy Mayor Favre asks for Mayor and Council's indulgence and reads a brief farewell statement. Based upon a medical necessity, Mr. Favre will be unable to attend the next two Council meetings in June and wanted to publicly say his good-byes.

NEW BUSINESS:

- A) City Attorney
- B) City Manager – Mr. MacLeod announces that he is working with Terry Brown, Buzz Mogck and Payton Bowman from Cabanas on a Professional Volleyball Tournament to be held this summer on Saturday, July 17, 2010. He is also working on a kite flying weekend which will be held during the second week in September.
- C) City Clerk – Diane Weldon certifies the results of the Municipal Election, held on May 11, 2010 as follows: William H. Murray, 540 votes; Deanna Fiocca, 499 votes; and John Wichterman, 490 votes.
Ms. Weldon then advises that she has been caused to rescind the certification of the petition submitted for referendum vote against Ordinances 200-2010 and 201-2010 based upon information recently received from the Board of Elections. The Petitioners will have until May 27, 2010 to submit a new petition.
- D) Councilmembers – Deputy Mayor Favre advises that on May 31st, there will be a Memorial Day observance at 9:00 A.M. at the Columbia Avenue monument.

Councilmember Kurkowski wishes Mr. Favre well in his surgery and thanks him for his service over the years.

Councilmember Steenrod also wishes Mr. Favre well in his surgery and extends her congratulations to the Council Members Elect, as well as to the people who ran and were unsuccessful in their bid for election to City Council.

Mayor Mahaney speaks about the scale model of the City of Cape May and scale models of the proposed Harbor View Park and the proposed Rotary Park which were created by the Temple students and given to the City. The Mayor then acknowledges the Cape May Dancers recital which he attended and thoroughly enjoyed. The Mayor thanks the three new members elect, as well as Mrs. Steenrod and the City Clerk for attending the rededication of the Cape May Library. Mayor Mahaney mentions that he had an opportunity to look at a power point presentation which explains the role and responsibilities of the HPC. The Mayor advises that the HPC hopes to use the presentation to strengthen their relationship with the Zoning Board, Environmental Commission and Shade Tree Commission and they are hoping to set up a day in June to make their presentation to the City Council, as well as the Planning, Zoning, Environmental and Shade Tree Members. Finally, Mayor Mahaney thanks Mr. Favre for his commitment to the City of Cape May.

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.

Councilmember elect Jack Wichterman advises that the main concern of the people who live in Cape May is the new Convention Hall and the cost and size of same. He asks that the newly elected members of Council have a chance to be involved in the final decision on the project.

Mayor Mahaney advises they all will be involved and thanks Mr. Wichterman for his input.

Joe Fox, Chairman, Cape May Housing Authority. Mr. Fox advises that under his leadership during the past fifteen years, the public housing in the City has been well maintained and it has been a less troubled agency. Mr. Fox has come before Council this evening because of a large increase in the sewer and water bill of the housing authority and asks them for some help. Mayor Mahaney advises that he has asked Mr. Wolfe of the W&S Department to give Mr. MacLeod a file on this account so we can look more closely at the situation.

Jay Schatz, 25 Gurney Street, Cape May, NJ welcomes the new City Council members. He is disappointed that Resolution 105-05-2010 was tabled. He then talks about the Library and congratulates Mayor and Council on the renovation.

Shaine Meier, 1217 Vermont Avenue, Cape May, NJ comments that one of the lighthouses on the bridge has a light out. He then asks about the City of Cape May and an explanation of its historic designation.

Jim Wyatt, 292 Windsor Avenue, Cape May, NJ advises that he would like to remind council that Martin Kimmell has in his file, five plans for the new Convention Hall. He informs that plan #4 was liked by the entire City and came in well under 10 million dollars. He can't understand why we have to go back to Martin Kimmell and get another plan.

COUNCIL & CITY MANAGER COMMENTS

CLOSED: Collective Bargaining - UAW, IAFF
Litigation - parking meter referendum petition

Motion made by Councilmember Steenrod to go into Closed Session, seconded by Deputy Mayor Favre.

Motion made by Councilmember Steenrod to open the closed session meeting and go back into open session.

RESOLUTIONS

109-05-2010 Resolution approving UAW collective bargaining agreements

Motion: Favre

Second: Steenrod

Roll Call:

Favre Yes

Kurkowski Yes

Steenrod Yes

Swain Yes

Mahaney Yes

Motion made by Councilmember Steenrod to adjourn. Meeting adjourned at approximately 11:30 P.M. Motion carried.

Edward J. Mahaney, Jr., Mayor

Niels S. Favre, Deputy Mayor

David Kurkowski, Councilmember

Linda Steenrod, Councilmember

Terri L. Swain, Councilmember

Diane L. Weldon, City Clerk