

**REGULAR MEETING
OF CITY COUNCIL OF THE CITY OF CAPE MAY, NJ
Tuesday, June 1, 2010 – 1pm**

The worksession/regular meeting of City Council of the City of Cape May was called to order by Mayor Mahaney at 1:00 P.M. Tuesday, June 1, 2010, in the Cape May City Hall Auditorium. The City Clerk called the roll and the Pledge of Allegiance was recited.

Present: Councilmember David C. Kurkowski
Mayor Edward J. Mahaney, Jr.
Councilmember Linda A. Steenrod
Councilmember Terri L. Swain
Absent: Deputy Mayor Niels Favre
Also Present: City Attorney Anthony Monzo
City Manager Bruce MacLeod
City Clerk Diane Weldon

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.

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

WORK SESSION DISCUSSION ITEMS

Library Committee – Anita DeSatnick, Ed Hutchinson, Eileen Cassidy, Janice Davis, George Catanese.

Anita DeSatnick speaks of the Library Committee and their efforts in establishing a scholarship fund for students from Cape May, West Cape May and Cape May Point. Since their inception in 2003, the Committee has disbursed \$87,100.00 to eighteen worthy Cape May students to further their educations.

Mayor Mahaney thanks the committee for all of their efforts and asks that they continue to act in an advisory capacity in the future.

Mayor Mahaney asks Robert Smith, ACMJIF Fund Commissioner, to come to the podium for an annual presentation. Mr. Smith highlights our accomplishments during the past year and sets forth our goals for the current year advising that the most important aspect of our program is loss control and the reduction of the frequency and severity of accidents and claims. Mr. Smith advises that safety training is paramount to our program and highlights the areas of training available to all personnel as well as all public officials. Next, Mr. Smith speaks of our loss ratio snapshot and advises that between 2005 and 2009, Workers Compensation Claims constituted 73% of all claims of the City. As previously mentioned, a lot of effort goes into training employees and their safety is paramount. They are required to report any unsafe conditions and immediately report all accidents. Mr. Smith then shows a short film on conducting meetings. In

summary, Mr. Smith again advises of all the thought, time and effort that goes into our safety program and invites anyone who wishes to attend our Safety Meeting which take place on the third Thursday of every month at 9:00 A.M.

ENGINEER REPORT

Mayor Mahaney asks the City Engineer, Jim Mott, to come to the table and Mr. Mott reports as follows:

Cape May Avenue, Phase I is on the agenda today for final acceptance and the final billing for the project is \$5,000.00 less than the bid. Sometime next month, the State Aide application for Cape May Avenue, Phase II will be prepared and that will include the southern portion of Cape May Avenue down to Pittsburgh Avenue.

DCA Handicap Beach Access Phase I is nearing completion and there are some minor punch list items left to be completed. We will also complete the paving of the promenade from Ocean Street to Gurney Avenue. The CAFRA Permit is expected within the next two weeks and as soon as the permit is received, we will be ready to go.

DCA Handicap Beach Access Phase II. The contracts have been signed and the materials are ordered. Powder coated aluminum will be used for the railings and that work should begin within the next two weeks.

NJ Clean Energy Program. The project has been completed and we are awaiting payment from the State prior to finalizing payment to the Contractor.

2009 Road Program. The program is moving along quite well. All the utility work and gravel work on Ohio Avenue has been completed and the base paving has been completed on Idaho Avenue. There is one more day of concrete work on Maryland Avenue and then the under drains will be installed. Concurrent with that, the road will be boxed out and the contractor will be bringing in the subgrade and all of the roads should be paved by June 18, 2010.

Gateway Project. The solar walkway lighting will be installed this week, as well as some of the punch list work on the landscaping. The work should be completed by Friday and a final payment amount will be presented at the next council meeting.

USDA Sanitary Sewer Improvements. There is a two million dollar Grant from the USDA for this work and the work will not begin until September 15, 2010 with a completion date of April 15, 2011.

Elmira Street Project. We are trying to widen Elmira Street for traffic in both directions. A design has been completed but there is one more right-of-way that needs to be acquired and once obtained, we will go out to bid.

Queen Street Outfalls. An emergency CAFRA Permit was received, the contract was awarded and the contractor is expected to mobilize this week and the work should be completed in two to three weeks.

Mr. Kurkowski asks for a completion date for the DCA projects, Phase I and Phase II. Mr. Mott advises that on Phase I, there are some minor punch list items which are minimal and he expects

the widening of the Promenade to be completed next week. Mr. Mott anticipates that my next meeting, that project should be completed. As to Phase II, the work will begin and one location and be completed before moving to the next location. They should all be completed within the next four weeks.

Mayor Mahaney asks Tom Carroll to come to the table to give the report of the Cape May City Bridge Design Committee.

Mr. Carroll advises that he circulated a recommendation that was passed by the Design Committee. The recommendation is that the existing lanterns be removed and the spot should be capped off until either funding or an appropriate design could be found. The committee also determined that the gaslights in the area should be lowered to between 11 and 14 feet. Mr. Carroll then speaks at length about design in the City of Cape May and Resolution 123-06-2010 which is on today's agenda.

Ms. Swain clarifies that Mr. Carroll's Design Committee Report only deals with the removal of the monuments on the bridge. Mr. Carroll advises that the Design Committee had a difference of opinion as to whether the Committee was only supposed to look at the lanterns on the bridge or whether the Committee should be trying to incorporate in their thinking how to prevent this situation in the future and that is why he brought up Resolution 123-06-2010.

Mayor Mahaney advises that the sole purpose of the Committee was to review the light piers on the bridge and if it was determined by the Committee that something more appropriate should be substituted, a design and cost estimate would be submitted to council. If something different were to replace the existing light piers, it would have to be funded through other sources.

JULY 1, 2010 REORGANIZATION MEETING

Mayor Mahaney and City Clerk Diane Weldon speak about the draft Agenda for the July 1, 2010 Reorganization Meeting. Mayor Mahaney clarifies that Council Elect can choose who they desire to offer the invocation, and who they desire to swear them into office. The Mayor further explains that there are professional appointments and board appointments that have to be made, most of them by council, and he suggests that they get together as a group to discuss those appointments.

There is discussion about Boards and Commissions and how they are appointed.

CITY MANAGER ITEMS

City Manager Bruce MacLeod advises he has been meeting with Atlantic City Electric regarding the replacement of wires starting around the third week of June and continuing through October. Bids will be received on June 7, 2010 and the contract will be awarded shortly thereafter. The work will include a few streets in Cape May City, West Cape May and Cape May Point, more specifically, Broad Street to West Perry starting at Bank Street, running out to Broadway and then continuing down Sunset Boulevard into Cape May Point. Also, work will be done on Broadway, starting in West Cape May and continuing to Beach Avenue in Cape May. There will be temporary traffic disruptions, as trucks and equipment will move from telephone pole to telephone pole along the way. Work will be performed four days a week, Monday through Thursday.

The Great American Trolley will operate daily for the summer season beginning July 2, 2010 and running through September 5, 2010. The hours of operation are 12:00 Noon until 11:00 P.M. The parking lot at Cape May City Elementary School will be the base location.

The Memorial Day Weekend appeared to be a good one. Beach tag sales were strong totaling more than \$84,000.00 which is an increase of \$17,000.00 over Memorial Day Weekend last year.

The Beach Safety brochure is being made available in City Hall in the Tax Office and the Clerk's Office as well as at Beach Tag Operations in Lifeguard Headquarters. The Chamber of Commerce will also be given the brochure. Chad DeSatnick is reaching out to local realtors for placement of the brochures with their weekly rentals. We are also working with Tom Andress in hopes that we can get the brochures placed in the Welcome Bag that is given out in many of the accommodations.

For the second year, as part of the Beach Safety Program, presentations will be made to the children of the Cape May Elementary School on June 11, 2010 and to the children at Our Lady Star of the Sea on June 4, 2010.

Mr. Murray commends the City for their mass parking efforts.

ATTORNEY ITEMS

CLERK'S ANNOUNCEMENTS

The City Clerk announces that Tuesday, June 8, 2010 is our primary election and polls will be open from 6:00 A.M. until 8:00 P.M.

REGULAR MEETING BUSINESS :

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

117-06-2010 Resolution approving liquor license renewals for the 2010-2011 license year

Motion: Kurkowski

Second: Steenrod

Roll Call:

Favre Absent

Kurkowski Yes

Steenrod Yes

Swain Yes

Mahaney Yes

118-06-2010 Refund of overpaid 2010 taxes – 209 Congress Place

119-06-2010 Refund of overpaid 2010 taxes – 1320 Cape May Avenue

120-06-2010 Refund of overpaid 2010 taxes - 1604 New York Avenue

121-06-2010 Refund of overpaid 2010 taxes – 1528 Yacht Avenue

Mayor Mahaney asks that Resolutions 118, 119, 120 and 121 be combined.

Motion: Kurkowski

Second: Steenrod

Roll Call:

Favre	Absent
Kurkowski	Yes
Steenrod	Yes
Swain	Yes
Mahaney	Yes

122-06-2010 Release of performance guarantee for Cape May Beach Club, LLC

Motion: Kurkowski

Second: Steenrod

Roll Call:

Favre	Absent
Kurkowski	Yes
Steenrod	Yes
Swain	Yes
Mahaney	Yes

123-06-2010 Resolution establishing policy for HPC review of City projects

Motion: Kurkowski

Second: Steenrod

Roll Call:

Favre	Absent
Kurkowski	Yes
Steenrod	Yes
Swain	No
Mahaney	No

Mayor Mahaney advises as to why he has voted against this Resolution.

124-06-2010 Resolution authorizing a final payment to Ray Angelini, Inc., for the solar photovoltaic system for lifeguard headquarters and public works building, Contract 3

Motion: Mahaney

Second: Kurkowski

Roll Call:

Favre	Absent
Kurkowski	Yes
Steenrod	Yes
Swain	Yes
Mahaney	Yes

125-06-2010 Resolution authorizing Change Order #1 and final payment to Paramount Enterprises, Inc., for the Cape May Avenue, Phase I, Contract 2 project

Motion: Kurkowski

Second: Swain

Roll Call:

Favre	Absent
Kurkowski	Yes
Steenrod	Yes
Swain	Yes
Mahaney	Yes

126-06-2010 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 Lpublic Meetings Act, N.J.S.A. 10:4-12 – Contract Negotiations – convention hall, attorney-client privilege – Beach Theatre Foundation

Motion: Kurkowski

Second: Swain

Roll Call:

Favre	Absent
Kurkowski	Yes
Steenrod	Yes
Swain	Yes
Mahaney	Yes

127-06-2010 Payment of bills

Motion: Kurkowski

Second: Swain

Roll Call:

Favre	Absent
Kurkowski	Yes
Steenrod	Yes
Swain	Yes
Mahaney	Yes

128-06-2010 Resolution of the City of Cape May approving an amendment to the second amended and restated agreement between Kimmel Bogrette Architect & Site, Inc. and the City of Cape May

Motion: Kurkowski

Second: Swain

Roll Call:

Favre	Absent
Kurkowski	Yes
Steenrod	Yes
Swain	Yes
Mahaney	Yes

LICENSES:

-Raffle License, Ducks Unlimited NJ State Committee, June 19, 2010 10as-5pm, Harborfest/Nature Center of Cape May, Delaware Ave., Cape May.

-Raffle License, Kiwanis club of Cape May, June 19, 2010 through August 17, 2010, Nature Center of Cape May, Delaware Avenue, Cape May.

Motion: Kurkowski

Second: Swain

Roll Call:

Favre	Absent
Kurkowski	Yes
Steenrod	Yes
Swain	Yes
Mahaney	Yes

REPORTS RECEIVED BY THE CLERK:

Shade Tree Commission meeting minutes date April 8, 2010

Cape May City Police Department meeting minutes for April, 2010

HPC meeting minutes dated April 26, 2010

CMCMUA meeting minutes dated March 3rd March 17th, April 7th and April 21st

City of Cape May Fire Department monthly report for April, 2010

City of Cape May Planning Board meeting minutes dated April 13, 2010

Motion: Kurkowski

Second: Swain

Roll Call:

Favre	Absent
Kurkowski	Yes
Steenrod	Yes
Swain	Yes
Mahaney	Yes

MINUTES:

City Council worksession/regular meeting minutes dated May 4, 2010

City Council closed executive session meeting minutes dated May 4, 2010

City Council worksession/regular meeting minutes dated May 18, 2010

City Council closed executive session meeting minutes dated May 18, 2010

Motion: Kurkowski

Second: Swain

Roll Call:

Favre	Absent
Kurkowski	Yes
Steenrod	Yes
Swain	Yes
Mahaney	Yes

Mr. Kurkowski would like to work on resolving the language contained in Resolution 123-06-2010 and hopes to do so by the next meeting as he would like to vote on it.

Mr. Monzo would like specific comments from council so that he can edit the Resolution.

Ms. Steenrod would like some specific clarity in the language of the Resolution.

UNFINISHED BUSINESS:

NEW BUSINESS:

A) City Attorney

- B) City Manager – Mr. MacLeod advises that the deadline for filing applications by seniors or disabled residents for what is commonly known as the senior freeze has been extended to August 2, 2010. The original deadline was today. Anyone with questions should call the Tax Collector’s Office. Before the next council meeting, the first Boardwalk Craft Show will take place on the Promenade on June 12, 2010 and June 13, 2010 from 10:00 A.M. until 5:00 P.M.
- C) City Clerk
- D) Councilmembers

Mr. Kurkowski would like to comment on the Memorial Day Ceremony which he attended again this year. It is a wonderful tradition and he thanks everyone who made it such a wonderful event.

Mr. Wichterman comments on the pedestrian cross walk.

Mayor Mahaney commends City Employees for all their efforts this weekend for making sure that all the services offered by the City were provided effectively and efficiently. It was a big weekend and hopefully the business community got off to a good start.

The tourism surveys have been distributed and there are over 4,000 surveys being circulated throughout the City. We are hoping for the first set of surveys to be returned within the next three weeks.

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.

Bob Biehn, 315 Franklin Street, Cape May, NJ has a few items he would like to touch on today. As to Convention Hall, he suggests it should be called a Community Center and not Convention Hall. He believes the City has had great success with Movies on the Beach and although he is not a proponent of Movies on the Beach, he believes that we could hold dance recitals on the beach until we have a new Convention Hall. He comments about Beach Theatre and thinks it is important to keep it operational so people can go to the movies when visiting Cape May. Finally, he asks City Manager MacLeod about the on-street parking applications and Mr. MacLeod advises that the applications are being reviewed today and will be made available no later than tomorrow morning.

Chuck MacPherson, Fire Chief, West Cape May. He refers to a letter dated April 1, 2010 and advises that he has been talking to Mr. MacLeod about the matter. On May 10, 2010, his communications with Mr. MacLeod ended. Chief MacPherson advises that he has left several voice messages and has not received a return call. Mr. MacLeod responds that he provided his cell phone number to Chief MacPherson and that since he does not have a secretary at City Hall, he has not retrieved his messages and relies mostly on his cell phone. Chief MacPherson asks for a file on a specific firefighter and Mr. MacLeod advises that he will make sure that he gets the file. Mr. MacLeod advises that he will be glad to sit down with Chief MacPherson and gives him his cell phone number. He asks Chief MacPherson to call him to schedule an appointment later in the week. Chief MacPherson wants to schedule the appointment and Mr. MacLeod agrees to meet with him on June 3, 2010 at 9:00 A.M.

Chief Inderwies asks to attend the meeting.

COUNCIL & CITY MANAGER COMMENTS

Motion made by Councilmember Kurkowski to go into closed session at 2:45 P.M.

Edward J. Mahaney, Jr., Mayor

ABSENT

Niels S. Favre, Deputy Mayor

David Kurkowski, Councilmember

Linda Steenrod, Councilmember

Terri L. Swain, Councilmember

Diane L. Weldon, City Clerk