

**REGULAR MEETING
OF CITY COUNCIL OF THE CITY OF CAPE MAY, NJ
Tuesday, July 5, 2011 – 1pm**

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, July 05, 2011, in the Cape May City Hall Auditorium. The Clerk called the roll and the Pledge of Allegiance was recited.

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

Absent: Councilmember Deanna Fiocca

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.

COUNCIL COMMENTS

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

WORK SESSION DISCUSSION ITEMS

United States Lifesaving Association Championship Program - 2011. Captain Buzz Mogck, Lieutenant Harry Back and Ed Zebrowski, Jr. of the Cape May Beach Patrol and the USLA are present. Mayor Mahaney comments that this is the fifth time in 23 years that the City of Cape May has hosted the Nationals and while the event is not a major economic package for the City of Cape May, it does generate tremendous national publicity and public relations. Captain Buzz Mogck refers everyone to this year's program, prepared by Lt. Back, which sets forth the event calendar. He mentions that for the first time, the Juniors competition will take place on the first day of the event and believes that spotlighting the Juniors will help keep the tradition alive. Captain Mogck mentions that all competitors will be given a bracelet so that they can easily be recognized by Beach Taggers, as approximately 600 junior competitors and 800 adult competitors are expected. City Manager MacLeod advises there will be a series of tents along the Promenade with food and drink for the benefit of the competitors and information for the public on safe swimming. Captain Mogck, at the Mayor's request, mentions that Chicago, New

England, Florida, Texas, California, Virginia Beach, Outer Banks, Hilton Head, Hawaii, New York and the Hamptons are among some of the Beach Patrols that will be represented at the event. There is discussion regarding media coverage and the promotion of the event.

Handicapped parking space – Julie Todd, 1005 New York Ave., Cape May, NJ. Mayor Mahaney asks Mr. Monzo to make an amendment to the Ordinance for introduction at the next Council meeting.

ENGINEER REPORT

Ray Roberts distributes a copy of the monthly engineer's report. He begins with the Washington Street sewer repair project and advises that the work will be performed prior to Labor Day. Mr. Roberts mentions that one of the requirements in the contract will be that the contractor will only be permitted to work on Tuesday, Wednesday and Thursday which are the least busy traffic days of the week. The second project, advises Mr. Roberts, is the 2011 FY Road program and he states that he is currently looking at a minimum impact time line so the business owners on Jefferson Street will not be unduly inconvenienced while the project is being completed. The under- ground storage tank Case #23 is the third item on the list, and Mr. Roberts advises that his firm is preparing the response action outcome report for delivery to the State. The second underground tank, which his firm is investigating is Case #48, and he has been authorized to proceed with the project and anticipates that work will commence around July 18, 2011. The report on the water tank issue has indicated that the interior of the tank is in better shape than the exterior of the tank which is very good news, comments Mr. Roberts. The rehabilitation of the tank is an alternative for the City to consider and by doing so, the tank will probably last another 40 to 60 years. At this time, we need to look at the cost of rehabilitation as opposed to the cost of a new tank and we will have a report for review by July 22, 2011. The next item advises Mr. Roberts is the ADA improvements, small cities program. A grant has been accepted and a formal engineers agreement will be submitted to the City for execution and submission to DCA. The last item on the agenda is the fountain repair on the mall and Mr. Roberts indicates that a leak was found and repaired in a very timely manner with the help of Bud Concrete and the City's Public Works Department.

Deputy Mayor Wichterman wants to make sure that when the road program work commences, the work is done in a timely fashion. Mr. Roberts advises they are taking every precaution to make that happen.

CITY MANAGER ITEMS

ATTORNEY ITEMS

CLERK'S ANNOUNCEMENTS

REGULAR MEETING BUSINESS:

ORDINANCE FOR SECOND READING AND PUBLIC HEARING:

236-2011 Bond Ordinance providing the beach replenishment projects in and by the City of Cape May, in the County of Cape May, New Jersey, appropriating \$300,000 therefor and authorizing the issuance of \$200,000 bonds or notes of the City for financing the cost thereof
Mayor asks for motion to adopt Ordinance 234-2011.

Motion: Swain

Second: Wichterman

Mayor Mahaney opens the meeting for a public hearing.

Hearing no comment, Mayor Mahaney closes the public hearing and asks for a roll call vote.

Roll Call:

Fiocca	Absent
Murray	Yes
Swain	Yes
Wichterman	Yes
Mahaney	Yes

The following Resolutions will be approved by Consent. Mayor Mahaney offers an explanation of the purpose of the Resolutions for the benefit of the public.

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

155-07-2011	Appointments to the Cape May City Fire Police
156-07-2011	Resolution of support from local governing body authorizing the Sustainable Jersey Grant funded by Wal-Mart
157-07-2011	Resolution adopting environmentally preferable green purchasing policy
158-07-2011	Refund of overpaid 2011 taxes
159-07-2011	Payment of bills
160-07-2011	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, <i>N.J.S.A. 10:4-12</i> –contract negotiation – Fire Chief

Motion: Wichterman

Second: Swain

Roll Call:

Fiocca	Absent
Murray	Yes
Swain	Yes
Wichterman	Yes
Mahaney	Yes

REPORTS RECEIVED BY THE CLERK:

Under \$500. check register

Cape May City Zoning Board meeting minutes dated March 24th and March 31st

Overtime report for June, 2011
Monthly report of tax collections for May, 2011

Motion: Swain

Second: Wichterman

Roll Call:

Fiocca	Absent
Murray	Yes
Swain	Yes
Wichterman	Yes
Mahaney	Yes

MINUTES:

Regular meeting minutes dated June 8, 2011

Closed Executive Session meeting minutes dated June 8, 2011

Closed Executive Session meeting minutes dated June 21, 2011

Regular meeting minutes dated June 21, 2011

Motion: Wichterman

Second: Mahaney

Roll Call:

Fiocca	Absent
Murray	Yes
Swain	Abstain
Wichterman	Yes
Mahaney	Yes

UNFINISHED BUSINESS:

NEW BUSINESS:

- A) City Attorney
- B) City Manager
- C) City Clerk
- D) Councilmembers

Deputy Mayor Wichterman asks if bills under \$500.00 are being paid without consent by Mayor and Council. Mr. MacLeod advises that in some cases they are, but it is up to the discretion of the Treasurer.

Councilmember Murray speaks about a potential problem in town regarding bicyclists without headlights. He comments that those bicyclists are difficult to see and would like Mr. MacLeod to talk to the Police Chief to see if we can enforce a State law requiring bicyclists to have lights if they are being ridden in the PM hours.

Mayor Mahaney requests Mr. MacLeod to speak to Chief Sorantino to look into obtaining a Grant to purchase headlights and taillights for bicycles. The Mayor mentions that the

Superathalon will take place next Monday at 6:00 P.M. Finally, the Mayor comments that our town was packed for the Fourth of July Celebration and everyone thoroughly enjoyed the scheduled events.

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 Deputy Mayor Wichterman, seconded by Councilmember Swain, to go into closed session. The regular meeting adjourned at 2:10 P.M.

CLOSED – contract negotiations – Fire Chief

Motion made by Councilmember Swain to go back into open session. Motion made by Councilmember Murray to adjourn the meeting. Meeting adjourned at approximately 3:00 P.M.

Edward J. Mahaney, Jr., Mayor

Jack Wichterman, Deputy Mayor

ABSENT
Deanna Fiocca, Councilmember

Terri L. Swain, Councilmember

William H. Murray, Councilmember

Diane L. Weldon, City Clerk