

**REGULAR MEETING OF THE
CITY COUNCIL OF THE CITY OF CAPE MAY, NJ
Tuesday, April 16, 2013 7:00 P.M.**

The worksession/regular meeting of City Council of the City of Cape May was called to order by Mayor Mahaney at 7:00 P.M. Tuesday, April 16, 2013 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 Deputy Mayor Jack Wichterman
Also Present:	City Attorney Anthony Monzo City Manager Bruce MacLeod City Clerk Louise Cummiskey Deputy Clerk Patricia Harbora
Absent:	Councilmember Terri L. Swain

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:

102-04-2013 – A Resolution 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.
City of Cape May vs. Stewart's, LLC of Cape May **Added to Agenda**

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

ORDINANCES FOR INTRODUCTION:

267-2013 – Bond Ordinance Providing for Beach Utility Improvements of the City of Cape May In the County of Cape May, New Jersey Appropriating the Aggregate Amount of \$475,000 Therefor and Authorizing the Issuance of \$475,000 Bonds or Notes of the City to Finance Part of the Cost Thereof

Motion: Wichterman
Second: Mahaney

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

268-2013 – Bond Ordinance Providing for Various Improvements to the Water and Sewer System of the City of Cape May, in the County of Cape May, New Jersey, Appropriating the Aggregate Amount of \$1,050,000 Therefor and Authorizing the Issuance of \$1,050,000 Bonds or Notes of the City to Finance Part of the Cost Thereof

Motion: Wichterman
Second: Fiocca

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

269-2013 – 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 \$1,900,000 Therefor and Authorizing the Issuance of \$1,425,000 Bonds or Notes of the City to Finance Part of the Cost Thereof

Motion: Wichterman
Second: Murray

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

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

RESOLUTIONS:

- 96-04-2013 – Resolution Supporting Sustainable State Funding for Preservation and Stewardship of Open space, Parks, Farmland and Historic Sites in New Jersey
- 97-04-2013 – Resolution Authorizing Purchase of One (1) new 2013 Type III Ambulance
- 98-04-2013 – Resolution of the City of Cape May Approving the 6th Annual Harborfest Celebration
- 99-04-2013 – Resolution Authorizing Submission of a Grant application and Execution of a Grant Agreement with the New Jersey Department of Environmental Protection for the Municipal Public Access Planning Grant Program
- 100-04-2013 – Resolution Authorizing Utility Bill Adjustment Due to Catastrophic Occurrence
- 101-04-2013 – Payment of Bills
- 102-04-2013 – A Resolution 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. City of Cape May vs. Stewart's, LLC of Cape May **Added to Agenda**

Motion: Mahaney
Second: Murray

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

MINUTES:

City Council Regular Meeting Minutes dated February 19, 2013
City Council Special Meeting Minutes dated February 28, 2013

Motion: Fiocca
Second: Mahaney

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

REPORTS RECEIVED BY THE CLERK:

Assessor's Office Monthly Report dated April 8, 2013
WSMMC Events Meeting Minutes dated January 2, February 20, and February 27, 2013
WSMMC Regular Meeting Minutes dated March 4, 2013
City of Cape May Zoning Board Meeting Minutes dated February 28, 2013
City of Cape May Environmental Commission Meeting Minutes dated March 26, 2013
City of Cape May HPC Meeting Minutes dated March 25, 2013
Monthly Report of Tax Collections for the Period December 31, 2012
City of Cape May Fire Department Monthly Report dated April, 2013
City of Cape May Planning Board Meeting Minutes dated March 12, 2013
Overtime Report – March, 2013

Motion: Wichterman
Second: Murray

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

NEW BUSINESS:

- A) City Attorney
- B) City Manager - Mr. MacLeod reports that a sink hole was found on the Promenade at Beach Avenue and Ocean Street. The City Engineer was notified and is in the process of determining the cause of the problem. The Water Tank Project at Madison Avenue is on schedule, comments Mr. MacLeod, and is due to be completed by mid May. Mr. MacLeod reports that the sandblasting of the tank will occur between April 29 and May 3, 2013 and thereafter, the tank will be painted, filled and in operation by Memorial Day weekend. Finally, Mr. MacLeod advises that the CMCMUA end of year report for shared sewer cost has been released and the City of Cape May will receive a credit in excess of \$143,000 for the year 2012.
- C) City Clerk
- D) Councilmembers – Councilmember Fiocca reports that the handrails at Poverty Beach are rotted and asks that Public Works repair them.

Councilmember Wichterman reports on the School Funding Project. Mr. Wichterman advises that a decision was rendered by an Administrative Law Judge in Bergen County which supported the Municipality's position which is similar to the situation in the City of Cape May. Mr. Wichterman will contact Mr. Gagliardi and ask him to attend a Council meeting to explain the situation more fully.

Mr. Monzo comments that the Law Judge provides a recommendation to the Commissioner of Education. The Commissioner can accept, reject or modify the decision of the Administrative Law Judge and the ultimate determination of the Commissioner of Education becomes a final

Agency decision. Thereafter, either party has the right to go to the Appellate Division of Superior Court.

Deputy Mayor Murray agrees that the City is making the right decision in pursuing the school funding project because the formula will never be changed politically.

Mayor Mahaney thanked the residents and businesses who supported the 1st Annual Green Festival at Convention Hall last weekend. The Event was a great success with vendors, speakers and entertainment.

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 thanks Mr. Wichterman for his effort regarding the school funding project. Also, Mr. Fleming thanks City Council and the City Manager for the beautiful landscaping at the Landing.

Mayor Mahaney advises Mr. Fleming that the Shade Tree Commission will replace the trees that were destroyed around his property as a result of a motor vehicle accident.

Bernie Haas, 1016 Illinois Avenue, Cape May asks if he can obtain a copy of the minutes from the Tourism Utility Committee; for an update on the website launch for Convention Hall; if the bathrooms on Gurney and the Beach are near completion; and when completed, if "The National Historic Landmark" will be stenciled on the renovated water tower.

Mr. MacLeod advises that the public can obtain a copy of the Tourism Utility Committee meeting minutes from the Clerk's Office; the City is reviewing and testing the website before the site is launched, which will be in the near future; the Beach Utility Bond Ordinance introduced at today's meeting includes money for improvements to the restrooms; and he is not aware of any change in the lettering on the water tank.

Mr. Haas asks if the City can use the open lot behind the Beach Theater building for a parking lot and if the City has been in contact with the owners.

Mr. Monzo advises that the last communication with the property owner was in the year 2012 and if the owner is interested in leasing the lot to the City for parking, the owner would need to pursue approval from the Planning Board.

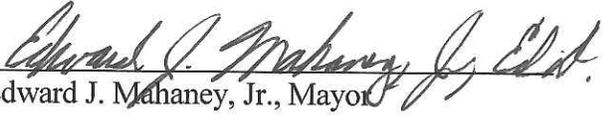
CLOSED SESSION

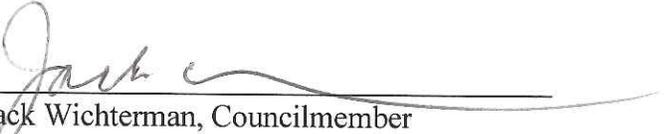
Motion made by Mayor Mahaney, seconded by Councilmember Fiocca to go into Closed Session at 7:35P.M.

Motion made by Councilmember Fiocca to go back into open session.

ADJOURNMENT

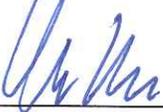
Motion made by Councilmember Fiocca to adjourn. The meeting adjourned at approximately 8:10 P.M.

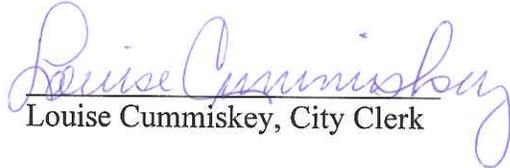

Edward J. Mahaney, Jr., Mayor


Jack Wichterman, Councilmember


Deanna Fiocca, Councilmember

ABSENT
Terri L. Swain, Councilmember


William H. Murray, Deputy Mayor


Louise Cumiskey, City Clerk