

**WORKSESSION/REGULAR MEETING OF THE
CITY COUNCIL OF THE CITY OF CAPE MAY, NJ
Tuesday, April 2, 2013, 1:00pm**

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, April 2, 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.
Deputy Mayor William H. Murray
Councilmember Terri L. Swain
Councilmember Jack Wichterman

Also Present: City Attorney Anthony Monzo
City Manager Bruce MacLeod
City Clerk Louise Cummiskey
Deputy Clerk Patricia Harbora

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

Mayor's Advisory Committee

Mayor Mahaney thanks Scott Thomas, Curtis Bashaw and Hillary Prichard, all members of the Mayor's Advisory Committee, for their effort in putting together the 2013 Cape May Improvement Project, and for attending today's meeting.

Mr. Bashaw reports on behalf of the members present. (See report attached.)

ENGINEER REPORT

Paul Mangiaracina presents his report as follows:

FY2011 Road and Utility improvements Program – the project is complete.

Underground Storage Tank, Canning House Lane – R&V is submitting the Response Action Outcome (RAO.)

Water Tank and Standpipe, Madison and Columbia Avenue - The replacement of the struts and sway rods is near completion. The exterior blasting and prime coat is to be completed by April 26, 2013 and the final coat is to be completed by May 17, 2013. It is anticipated that the tank will begin being filled on May 20, 2013.

Mayor Mahaney mentions that the City will allow construction on Saturday so the project will be complete by Memorial Day.

Canning House Lane Standpipe – The USDA approved funds for the rehabilitation of the Canning House Lane Standpipe. There is a resolution on today’s agenda to advertise for bids in May 2013.

FY2012 NJDCA Small Cities Grant Application-ADA Improvements – There is a Resolution on today’s agenda authorizing a change order for additional asphalt. The construction is near complete.

FY2012 NJDOT Municipal Aid – Funds have been awarded in the amount of \$180,000.00 in conjunction with the reconstruction of Cape May Avenue from Madison to Reading Avenues.

FY2012 Road and Utility Improvement Program (Phase I), Cape May Avenue from Madison to Reading Avenues is near completion. The contractor will begin pavement repair on Pennsylvania Avenue, weather permitting.

Washington Street (Ocean Street to Franklin Street) – There is a change order resolution on today’s agenda for the relocation of the existing water main. Construction is anticipated to be complete by May 17, 2013

City Hall Rehabilitation – The masonry repairs are completed and the windows are near completion. There is a resolution on today’s agenda authorizing R&V to proceed with Phase II of the project.

FY2013 NJDCA Small Cities Grant Application – The City has been awarded a grant in the amount of \$400,000.00.

FY2013 NJDOT Municipal Aid, Cape May Avenue (North side) from Reading to Trenton Avenues – an application has been submitted and we are awaiting notification of an award.

Harbor Lane Bulkhead – The field survey is complete and the city has submitted a Grant application through FEMA to Cape May County for the 404 Hazard Mitigation Grant Program.

Emergency Wells #5, and #7 – There is a resolution on today’s agenda authorizing the Engineer to proceed with the project.

ORDINANCES FOR INTRODUCTION

266-2013 – An Ordinance Approving Agreement of Sale By and Between City of Cape May and RFB Properties NJ-3, LLC, Authorizing the Acquisition of Real Property Known as Block 1061, Lots 52 and 53 on the Tax Map of the City of Cape May

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

Mayor Mahaney announces that the Second Reading and Public Hearing for Ordinance 266-2013 will be held on May 7, 2013

ORDINANCES FOR SECOND READING AND ADOPTION:

265-2013 – An Ordinance Amending and Restating Chapter 258 - Flood Damage Prevention

OPEN PUBLIC HEARING

Motion: Swain
Second: Wichterman

Mayor Mahaney asks Mr. Monzo to explain the Ordinance.

Mr. Monzo explains the purpose of the Ordinance.

Mayor Mahaney advises that by amending the City Ordinance, the residents will not be waiving any rights to appeal the development of flood insurance maps and regulations.

MOTION TO CLOSE PUBLIC HEARING

Motion: Murray
Second: Wichterman

MOTION TO ADOPT

Motion: Wichterman
Second: Fiocca

Roll Call:
Fiocca Yes
Swain Yes

Murray Yes
Wichterman Yes
Mahaney Yes

RESOLUTIONS:

- 84-04-2013 – Resolution Authorizing Remington, Vernick & Walberg Engineers to Perform Survey, Engineering and Construction Phase Services for a Standby Generator at Well #5 and Well #7
- 85-04-2013 – Resolution Authorizing Remington, Vernick & Walberg Engineers to Perform Survey, Engineering and Construction Phase Services for City Hall Exterior Renovations – Phase II
- 86-04-2013 – Resolution Authorizing Remington, Vernick & Walberg Engineers to Perform Survey, Engineering and Construction Phase Services for Canning House Lane Standpipe Renovations
- 87-04-2013 – Resolution approving Professional Services Agreement Between Preservation Design Partnership, LLC and the City of Cape May
- 88-04-2013 – Resolution Providing for the Insertion of a Special Item of Revenue in the Budget Pursuant to Chapter 159 PL 1948
- 89-04-2013 – Resolution of the City of Cape May Approving Award of Contract for Risk Management Consultant (**Removed from Consent**)
- 90-04-2013 – Refund of Overpaid 2012 Utilities
- 91-04-2013 – Resolution Authorizing Street Opening at 109 Mount Vernon Avenue, Cape May, New Jersey
- 92-04-2013 – Payment of Bills
- 93-04-2013 – Resolution Designating the 2013 Bathing Beaches
- 94-04-2013 – Resolution Authorizing Change Order No. 1 for Contract with Axios, Inc. for FY 2012 NJDCA Small Cities Block Grant Various ADA Improvements – Phase 2
- 95-04-2013 – Resolution Authorizing Change Order No 1 for Contract with RTW Construction for FY 2012 Utility and Road Program-Phase II

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

- 89-04-2013 – Resolution of the City of Cape May Approving Award of Contract for Risk Management Consultant

Motion: Wichterman
Second: Swain

Councilmember Wichterman insists that the Risk Management Consultant, Marsh & McLennan, keep City Council apprised of all insurance matters.

Councilmember Fiocca feels that the City should look into other Risk Management Consultants.

Deputy Mayor Murray requests that City Council be involved in the appointment of a Risk Management Consultant each year.

Mayor Mahaney asks Mr. MacLeod to set up a Committee to review the appointment of a Risk Management Consultant.

Deputy Mayor Murray and Councilmember Wichterman volunteer and Councilmember Fiocca volunteers as an alternate.

Roll Call:

Fiocca	Yes
Swain	Yes
Murray	Yes
Wichterman	Yes
Mahaney	Yes

Mayor Mahaney makes a Motion to establish a subcommittee for Risk Management which would include two Councilmembers, the City Manager, the City Fund Commissioner and Deputy Fund Commissioner and the Risk Management Consultant. The committee will serve for the remainder of the year 2013.

Motion: Mahaney
Second: Wichterman

Roll Call:

Fiocca	Yes
Swain	Yes
Murray	Yes
Wichterman	Yes
Mahaney	Yes

MINUTES:

City Council Special Meeting Minutes dated January 23, 2013

Motion: Mahaney
Second: Fiocca

Roll Call:

Fiocca	Yes
Swain	Yes
Murray	Yes
Wichterman	Yes
Mahaney	Yes

MINUTES:

City Council Worksession/Regular Meeting Minutes dated February 5, 2013

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

MINUTES:

City Council Closed Meeting Minutes dated March 5, 2013

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

REPORTS RECEIVED BY THE CLERK:

Monthly Report of Tax Collections for the Period December 31, 2012
Occupancy Tax Budget Projection dated March 21, 2013
HPC Meeting Minutes dated January 14, January 28, and February 25, 2013
City of Cape May Planning Board Meeting Minutes dated January 22, 2013

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

NEW BUSINESS:

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

D) Councilmembers – Mr. Wichterman comments on a recent incident regarding an attack by a pit-bull on another dog in the City of Cape May. Mr. Wichterman asks the City Solicitor if the City can amend its ordinance for dangerous dogs to require a muzzle when in public.

Mr. Monzo replies that there is a State Statute for Potentially Dangerous Dogs. However, the Municipal Court Judge will determine at the hearing of this matter, whether this incident falls under the State Statute.

Deputy Mayor Murray asks if the breed matters because all dogs can be dangerous.

Councilmember Fiocca advises that after speaking with homeowners that own dogs, their insurance may increase based upon the breed of the dog.

Mr. Monzo will look into the State Statute and report back to Council.

Mayor Mahaney thanks the Washington Street Mall Merchants and the Chamber of Commerce for assisting the City with the annual Easter Fashion Stroll. Also, the Mayor thanks the local newspapers for the wonderful photos taken and Channel 40 news for the video on U-tube which can be viewed on the City website. Finally, the Mayor announced that the City's first Green Festival will be held on April 13, 2013 from 10am to 4pm at Convention Hall.

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.

Terry Werner, 311 Claghorn Place, Cape May asks about the flood gate on West Perry Street and specifically, asks if repairs have been started.

Mayor Mahaney advises that the flood gate is maintained by the County and he asks Mr. MacLeod to schedule a meeting with Dale Foster, County Engineer, and to let Ms. Werner know when the meeting is scheduled.

John Van De Vaarst, 1030 Ohio Avenue, Cape May comments on the recommendations offered by the Mayor's Advisory Committee and suggests that recycled materials be employed whenever possible. Also, Mr. Van De Vaarst would like to see the Ordinance governing dangerous dogs in the City of Cape May amended.

George Costich, Victorian Towers, Cape May comments that the City's website is an excellent way of communication in the City of Cape May. Also, Mr. Costich believes that any breed of animal can be dangerous and the behavior of the animal depends on the training.

Jerry Gaffney, 810 Columbia Ave, Cape May inquires as to the purchase price of the Vance's Bar properties. Mr. Gaffney objects to the purchase of the properties and wants the voters to decide by referendum whether or not the City should purchase the properties.

Mr. MacLeod advises that 50% of the purchase price will be provided by Blue and Green Acres grant money.

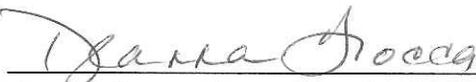
Mr. Monzo advises that the Ordinance is being introduced today and will be published, per statute, and that today is not the time for a public hearing. Next month, at the hearing, the public will have the right to comment on the Ordinance, which will determine the Council's vote. Mr. Monzo advises that two appraisals have been performed and those appraisals have been approved by the DEP to support the grants.

ADJOURNMENT:

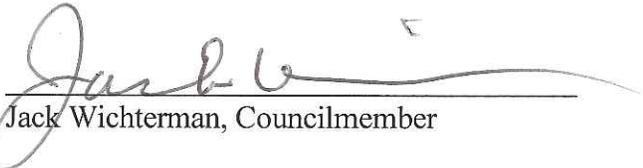
Motion made Councilmember Fiocca to adjourn. The meeting adjourned at approximately 2:55 P.M.

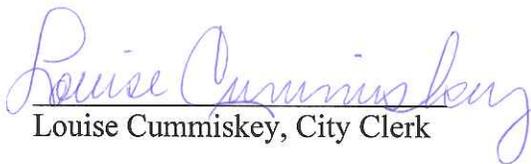

Edward J. Mahaney, Jr., Mayor


William H. Murray, Deputy Mayor


Deanna Fiocca, Councilmember


Terri L. Swain, Councilmember


Jack Wichterman, Councilmember


Louise Cumiskey, City Clerk