

**WORKSESSION/REGULAR MEETING  
OF CITY COUNCIL OF THE CITY OF CAPE MAY, NJ  
Tuesday, August 21, 2012, 7:00pm**

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, August 21, 2012 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  
Councilmember Terri L. Swain  
Deputy Mayor 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.

**PROCLAMATION – Philadelphia Boys Choir**

**COUNCIL COMMENTS**

Mayor Mahaney thanked those who assisted the City in making the Philadelphia Boys Choir visit to the City of Cape May a memorable experience.

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

- 216-08-2012 - Resolution Affirming the Commitment of City Council to Govern the City of Cape May in Accordance with the Council – Manager Plan – **Added to Agenda**
- 217-08-2012 - Resolution Reaffirming Cape May City Council's Commitment to the New Jersey Open Public Meeting Act – **Added to Agenda**

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

**ORDINANCES FOR SECOND READING AND CONSIDERATION FOR ADOPTION:**

254-2012 Ordinance Granting Renewal of Municipal Consent to Comcast of Wildwood, LLC to Construct, Connect, Operate and Maintain a Cable Television and Communications System in the City of Cape May, New Jersey.

Mayor Mahaney explains that based upon the adoption of this Ordinance, the City of Cape May will have access to a dedicated station which will be shared with Cape May Point and West Cape May and Comcast will install the technology to conduct live and taped broadcasts from Cape May Convention Hall.

Councilmember Murray comments that there is a franchise fee associated with the renewal of the City's agreement with Comcast and also, the State of the Art Technology will allow the City's dedicated channel to communicate with the citizens of Cape May, Cape May Point and West Cape May.

**OPEN PUBLIC HEARING**

Motion: Wichterman  
Second: Swain

**CLOSE PUBLIC HEARING**

Motion: Wichterman  
Second: Fiocca

**ADOPTION**

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

255-2012 An Ordinance of the City of Cape May to Amend the Section 525-14 of the Cape May City Code

Craig Hurless, Planning/Zoning Board Engineer, offers an explanation of the proposed ordinance which involves the creation of an overlay district for the R1 residential zoning district along Cape May Avenue in the City of Cape May. The passage of this Ordinance will allow for greater lot coverage within that area.

## OPEN PUBLIC HEARING

Motion: Murray  
Second: Wichterman

## PUBLIC HEARING

Louis Dwyer, Esquire, on behalf of Ron & Kim Tupper, 1209 Cape May Avenue, Cape May, NJ speaks in favor of the adoption of Ordinance 255-2012.

Dan DeWaters, 1200 Cape May Avenue, Cape May, NJ speaks in favor of the adoption of Ordinance 255-2012.

Jay Schatz, Shade Tree Commission Chairman, speaks against the adoption of Ordinance 255-2012.

Al Beale, 1224 Idaho Avenue, Cape May, NJ speaks against the adoption of Ordinance 255-2012.

Deb Lukens, 1037 Cape May Avenue, Cape May, NJ, speaks in favor of the adoption of Ordinance 255-2012.

Larry Fagan, 1119 Idaho Avenue, Cape May, NJ speaks against the adoption of Ordinance 255-2012.

Mary Frances Batten, 1218 Cape May Avenue, Cape May, NJ speaks in favor of the adoption of Ordinance 255-2012.

Marcella Borucki 403 Philadelphia Avenue, Cape May, NJ speaks against the adoption of Ordinance 255-2012.

Tom Christie, 1016 Cape May Avenue, Cape May, NJ speaks in favor of the adoption of Ordinance 255-2012.

Perry Collier, 1257 Cape May Avenue, Cape May, NJ speaks in favor of the adoption of Ordinance 255-2012.

Jim Pagliuca, 1306 Cape May Avenue, NJ speaks in favor of the adoption of Ordinance 255-2012.

Lydia Inderwies, 911 Philadelphia Avenue, Cape May, NJ speaks against the adoption of Ordinance 254-2012.

Daniel LaVecchia, 1314 Cape May Avenue, Cape May, NJ speaks in favor of the adoption of Ordinance 254-2012.

## CLOSE PUBLIC HEARING

Motion: Wichterman  
Second: Murray

## ADOPTION

Motion: Mahaney  
Second: Fiocca  
Roll Call:  
Fiocca Yes  
Murray No  
Swain Yes  
Wichterman No  
Mahaney Yes

Councilmember Murray advises that he voted no to the passage of this Ordinance as he believes that if the City is approving an increase in lot coverage, the increase should apply to all R1 Districts.

Councilmember Swain states that she relied on the expertise of Mr. Hurless and the Planning Board in making her decision to vote in the affirmative.

Deputy Mayor Wichterman believes that the passage of this Ordinance will divide the community and notes that the residents in the R1 Zone on Cape May Avenue will realize an increase in their property taxes based upon the increase in lot coverage.

Mayor Mahaney comments that there is no right or wrong opinion and states that this decision should be based upon planning for the future of the City of Cape May. The Mayor advises that the City's Planning Board has studied this matter for the past year and based upon their review, it has been determined that this Ordinance is consistent with the Master Plan of the City of Cape May.

## RESOLUTIONS:

- 203-08-2012 – Resolution of the City of Cape May Authorizing Remington and Vernick Engineers to Perform FY 2012 Road and Utility Improvement Program – Washington Street (Ocean Street to Franklin Street)
- 204-08-2012 – Refund of Overpaid 2012 Utilities
- 205-08-2012 – Resolution of the City of Cape May to Approve Member of Cape May Volunteer Fire Company
- 206-08-2012 – Resolution Providing for the Insertion of a Special Item of Revenue in the Budget Pursuant to Chapter 159 PL 1948
- 207-08-2012 – Resolution Approving New Collective Bargaining Agreement with UAW Local 2327 Representing City of Cape May Lifeguards
- 208-08-2012 – Resolution Approving New Collective Bargaining Agreement with UAW Local 2327 Representing City of Cape May Lieutenant Lifeguards
- 209-08-2012 – Refund of Overpaid 2012 Utilities

- 210-08-2012 – Authorizing Utility Bill Adjustment Due to Catastrophic Occurrence
- 211-08-2012 – Payment of Bills A
- 211-08-2012 – Payment of Bills B – **Remove from Consent**
- 212-08-2012 – Resolution Awarding Contract for Supply of Anticipant Agent
- 213-08-2012 – Resolution Awarding Contract for Supply of Calcium Hypochlorite
- 214-08-2012 – Resolution Awarding Contract for Supply of Water Meter Installation Materials
- 215-08-2012 – Resolution Awarding Contract for Water Sewer Materials and Supplies
- 216-08-2012 - Resolution Affirming the Commitment of City Council to Govern the City of Cape May in Accordance with the Council – Manager Plan – **Remove from Consent**
- 217-08-2012 - Resolution Reaffirming Cape May City Council’s Commitment to the New Jersey Open Public Meeting Act – **Remove from Consent**

Motion: Wichterman

Second: Swain

Roll Call:

Fiocca	Yes
Murray	Yes
Swain	Yes
Wichterman	Yes
Mahaney	Yes

- 216-08-2012 - Resolution Affirming the Commitment of City Council to Govern the City of Cape May in Accordance with the Council – Manager Plan

Councilmember Murray comments that there have been numerous concerns that the City is not acting in accordance with the Falkner Act and therefore asked for this Resolution to be placed on the Agenda.

Councilmember Swain asks the City Attorney to explain the purpose of the adoption of this Resolution.

Mr. Monzo replies that the Council/Manager form of government was adopted by the City of Cape May in 2004 and that the adoption of this Resolution adds nothing in the terms of Councils’ requirement to comply with the Council/Manager plan.

Motion: Murray

Second: Wichterman

Roll Call:

Fiocca	Yes
Murray	Yes
Swain	No
Wichterman	Yes
Mahaney	Yes

- 217-08-2012 - Resolution Reaffirming Cape May City Council’s Commitment to the New Jersey Open Public Meeting Act

Mayor Mahaney explains that the Mayor and Council are not to disclose any matters discussed in closed session until the matter is resolved

Councilmember Fiocca likens the adoption of this Resolution to reaffirming her Oath of Office.

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

211-08-2012 Payment of Bills B

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

**MINUTES:**

City Council Worksession/Regular Meeting Minutes dated August 7, 2012  
City Council Closed Executive Session Meeting Minutes dated August 7, 2012

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

**REPORTS RECEIVED BY THE CLERK:**

Cape May Police Department reports for the month of July, 2012  
Construction Permit Activity Report for the period July 1, 2012 to July 31, 2012  
Cape May Fire Department monthly report for July, 2012  
Assessor's Office Monthly Report dated August 10, 2012  
HPC Meeting Minutes dated July 23, 2012

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

**UNFINISHED BUSINESS:**

**NEW BUSINESS:**

- A) City Attorney – Mr. Monzo advises that the City of Cape May recently received a check in the amount of \$80,000.00 from the Estate of Edward D. Ross.
- B) City Manager – Mr. MacLeod reports that the summer season revenue has increased compared to last year and then advises of the upcoming events.
- C) City Clerk – Ms. Cummiskey reads a thank you letter from the Cape May United Methodist Church regarding a recent visit by the children from the Camden Neighborhood Center and their remarkable day in Cape May.
- D) Councilmembers – Councilmember Murray would like to install a change machine on the promenade to accommodate tourists and he will research and report back on his progress.

Deputy Mayor Wichterman agrees that a change machine on the promenade is a good idea. Mr. Wichterman comments on the beach concessions and food vending on the beaches and would like to look at the language in the leases for the future.

Mayor Mahaney announced that the National Night Out was a great success. The Mayor thanked Chief Sorantino and the wives of the City's Police Officers for preparing over 500 hot dogs for the occasion.

**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.

Michael Cimino , 204 Atlantic Avenue, Cape May, NJ comments that there is still food being served on the beach from Hotel/Motels and other food businesses and does not think it is fair to the street vendors.

Joseph Peruto, 429 W. Perry Street, West Cape May, NJ thanked Mayor, Council and the City Manager for addressing some of the vendor issues.

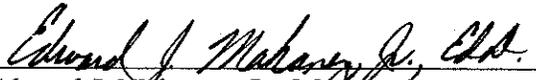
George Costich, Victorian Towers Cape May, NJ would like to video the Boys Choir. Also Mr. Costich is concerned about the approaching hurricane season and the City's ability to protect their equipment.

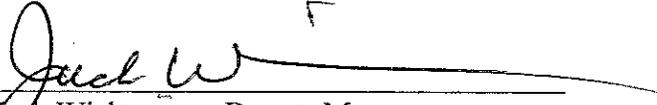
City Manager, Bruce MacLeod, advises that Emergency Management will direct the City as to when to remove the City's equipment.

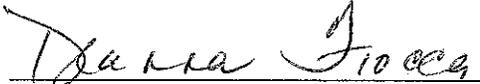
**COUNCIL & CITY MANAGER COMMENTS**

**ADJOURNMENT**

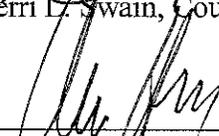
Motion made by Councilmember Murray, seconded by Councilmember Swain to adjourn. The regular meeting adjourned at 9:30 P.M.

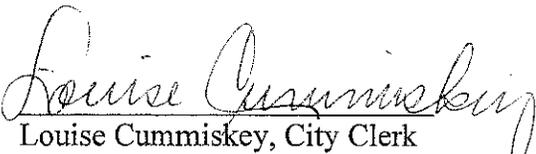
  
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Edward J. Mahaney, Jr., Mayor

  
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Jack Wichterman, Deputy Mayor

  
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Deanna Fiocca, Councilmember

  
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Terri L. Swain, Councilmember

  
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William H. Murray, Councilmember

  
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Louise Cumiskey, City Clerk