

**WORKSESSION/REGULAR MEETING  
OF CITY COUNCIL OF THE CITY OF CAPE MAY, NJ  
Tuesday, August 7, 2012, 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, August 7, 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.

**COUNCIL COMMENTS**

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

**PROCLAMATION**

National Night Out

Mayor Mahaney thanks the Police Department, Fire Department, Veteran Vendors and the Businesses who participated in this event.

**WORK SESSION DISCUSSION**

**ENGINEER REPORT**

Raymond M. Roberts, P.E., of Remington & Vernick offers his report as follows:

FY 2011 Road and Utility Improvement Program – Mr. Roberts advises that the project is near completion and the contractor is addressing punch list items.

Underground Storage Tank Canning House Lane NJDEP Case #98-05-06-1200-48 – Mr. Roberts advises that the City is awaiting receipt of the filed Deed notice.

Madison Avenue-Columbia Avenue Water Tank Rehabilitation – Mr. Roberts advises that the project is scheduled to begin on September 10, 2012 and that monthly meetings with the USDA will take place on the first Wednesday of every month beginning October 3, 2012. Mr. Roberts also provides the tentative schedule for the Canning House Lane Standpipe rehabilitation.

FY 2011 NJDCA Small Cities ADA Project– Mr. Roberts states that he completed his final inspection of this project.

FY 2012 NJDCA Small Cities Grant – Mr. Roberts advises that the Notice of approval for Release of Funds has been received and the City may now proceed with the survey and design of the project to include Carpenters Lane (Perry to Jackson) and Beach Access at Madison, Pittsburgh, Perry and Broadway.

FY 2012 NJDOT Municipal Aid – A grant application has been filed electronically and funds in the amount of \$180,000.00 have been awarded.

FY 2012 Road and Utility Program, includes two contracts - Cape May Avenue and Washington Street and Mr. Roberts states that both will be bid as one contract. Mr. Roberts provides a schedule for the completion of the project.

City Hall Rehabilitation - Windows and Masonry work – Mr. Roberts comments that there will be a pre-construction meeting on August 9, 2012 and there is a targeted completion date of May 10, 2013.

FY 2013 NJDCA Small Cities Grant Application – Ray Roberts advises that the Grant Application will be reviewed by the City Manager and the Grants Coordinator and the application will be submitted before August 31, 2012.

#### **CITY MANAGER ITEMS**

Mr. MacLeod advises that the time of the Lower Cape May Regional High School Band Concert performance will be changed to 8:00 P.M. instead of 7:00 P.M. and the concert will take place on August 8, 2012. Mr. MacLeod thanked the sponsors of the annual “National Night Out” and advises that the City of Cape May will host the United States Lifeguard Association Championships again this year. The Event and Races will begin on August 8<sup>th</sup> and continue through August 11<sup>th</sup> with lifeguards from many states participating in the event. Finally, Mr. MacLeod offers a report of monies collected for Beach Tag fees, Parking Meter fees and Occupancy Tax fees, to date.

#### **ATTORNEY ITEMS**

Mr. Monzo announces that the Boy Scouts will sponsor a flag lowering ceremony in honor of Gene Sole at the Cove on August 11, 2012.

#### **CLERK'S ANNOUNCEMENTS**

The City Clerk announced that notices have been sent to all city residents who live within two hundred feet of Cape May Avenue regarding the proposed Zoning change.

## REGULAR MEETING BUSINESS

### ORDINANCES FOR INTRODUCTION

256-2012 An Ordinance of the City of Cape May Amending and Restating Chapter 434 Solid Waste, Recycling of the Cape May City Code

Motion: Wichterman  
Second: Fiocca

Roll Call:  
Fiocca yes  
Murray yes  
Swain yes  
Wichterman yes  
Mahaney yes

Resolutions are offered by Consent

### RESOLUTIONS:

- 185-08-2012 – Refund of Overpaid 2012 Utilities
- 186-08-2012 – Resolution Appointing City of Cape May School Crossing Guards for the 2012/2013 School Year
- 187-08-2012 – 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 – Negotiations – Lifeguards; Litigation – Mount Construction
- 188-08-2012 – Resolution Canceling all Utility Bills Issued for the year 2011
- 189-08-2012 – Resolution Establishing and Adopting a City of Cape May Complete Streets Policy
- 190-08-2012 – Resolution to Award Bid – Electric Service and Repairs
- 191-08-2012 – Resolution Authorizing Utility Bill Adjustment due to Catastrophic Occurrence
- 192-08-2012 – Payment of Bills “A”
- 192-08-2012 – Payment of Bills “B” **Remove from Consent Agenda**
- 193-08-2012 – Resolution Approving Amendment to Employment Agreement **Remove from Consent Agenda**
- 194-08-2012 – Resolution Declaring Certain Surplus Items as Surplus Property and Authorizing Sale of Same
- 195-08-2012 – Resolution Authorizing the Application for and the Execution of a Subcontract with the County of Cape May for the Municipal Alliance Program
- 196-08-2012 – Resolution Supporting the New Jersey/New York Clean Ocean Zone
- 197-08-2012 – Resolution Authorizing the Purchase of One New 2013 GMC Sierra Stake Body Truck for use by Public Works Dept. Under State Contract No. A78847 (\$39,401.00)
- 198-08-2012 – Resolution Authorizing the Purchase of an Electric, Self-Propelled, Scissor Life for Public Works

- 199-08-2012 -- Resolution Authorizing the Donation of a Surplus Trailer to a Non-Profit Organization
- 200-08-2012 -- Resolution Amending Remington and Vernick Engineers Agreement to Perform FY 2012 Road and Utility Improvement Program -- Cape May Avenue (Madison Avenue to Reading Avenue)
- 201-08-2012 -- Resolution Amending Remington and Vernick Engineers Agreement to Perform Grant Application Assistance for FY 2013 NJDCA Small Cities Program
- 202-08-2012 -- Resolution Authorizing Change Order No. 3 to the Contract with Axios, Inc.

Motion: Wichterman  
 Second: Murray

Roll Call:  
 Fiocca yes  
 Murray yes  
 Swain yes  
 Wichterman yes  
 Mahaney yes

192-08-2012 -- Payment of Bills "B"

Motion: Murray  
 Second: Fiocca

Roll Call:  
 Fiocca yes  
 Murray yes  
 Swain Abstain  
 Wichterman yes  
 Mahaney yes

193-08-2012 - Approving Amendment to Employment Agreement

Motion: Murray  
 Second: Wichterman

Roll Call:  
 Fiocca yes  
 Murray yes  
 Swain Abstain  
 Wichterman yes  
 Mahaney yes

**MINUTES:**

City Council Worksession/Regular Meeting Minutes dated July 3, 2012

Motion: Fiocca  
Second: Wichterman

Roll Call:  
Fiocca yes  
Murray yes  
Swain yes  
Wichterman yes  
Mahaney yes

City Council Worksession/Regular Meeting Minutes dated July 17, 2012  
City Council Closed Executive Session Meeting Minutes dated July 17, 2012

Motion: Murray  
Second: Wichterman

Roll Call:  
Fiocca Abstain  
Murray yes  
Swain yes  
Wichterman yes  
Mahaney yes

**REPORTS RECEIVED BY THE CLERK:**

2% Occupancy tax projection for 2012  
Overtime Report - July 2012  
Zoning Board of Adjustment meeting Minutes dated April 26, 2012  
Zoning Board of Adjustment Meeting Minutes dated May 24, 2012  
Shade Tree Meeting Minutes dated July 12, 2012

Motion: Wichterman  
Second: Swain

Roll Call:  
Fiocca yes  
Murray yes  
Swain yes  
Wichterman yes  
Mahaney yes

**UNFINISHED BUSINESS:**

**NEW BUSINESS:**

- A) City Attorney
- B) City Manager – Mr. MacLeod advises that tax bills have been mailed out for this year and payment will be received through August 21, 2012. Thereafter, there will be a late charge with interest.
- C) City Clerk
- D) Councilmembers – Deputy Mayor Wichterman reports that eight out of nine Mayors have responded positively to his suggestion for a meeting on the School funding formula and he will keep us advised of the progress.

Councilmember Murray comments on the dangerous condition for pedestrians at the WAWA in the City of Cape May and would like the City Manager to schedule a meeting with Dale Foster, Cape May County Engineer, to try and work out a solution to the problem.

Mayor Mahaney comments on the success of the Convention Hall concert events, mentioning that the Ricky Nelson concert tribute was a sellout.

**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

Joe Peruto- 429 W. Perry Street Cape May, NJ comments on the service of food on the beaches by the beach concession operators and he would like Council to consider allowing the hot dog vendors to have runners on the beach. Also, Mr. Peruto would like Council to consider moving the vendor location on 1st Avenue to 2nd Avenue, which is closer to the bathrooms.

Mike Cimino - 204 Atlantic Avenue W. Cape May, NJ comments about the food concession on the beach and how this is soliciting and contributing to the trash on the beaches.

Tony Genero - 690 Petticote Creek Lane, Cape May, NJ asks Council if there is a way to have quarters available for tourists who would like to park at the meters. Deputy Mayor Wichterman agrees with Mr. Genaro and will discuss with Council the possibility of installing machines on the promenade.

William Gaffney – 810 Columbia Avenue, Cape May, NJ asks Council if anyone from the public may attend the School funding meeting. Mr. Wichterman comments that only the Mayors in the nine municipalities originally contacted will attend the meeting which will be held in Long Beach Township. Finally, Mr. Gaffney questions the status of the CRDA funds. Mr. MacLeod advises that the application has been signed and completed and the City is waiting for the CRDA to release the funds. Mayor Mahaney asks the City Manager to contact the Chairman of the CRDA regarding a time frame for the receipt of the funds.

George Costick – Victorian Towers, Cape May, NJ advises that there is a projection room behind a picture in the auditorium and feels that the City should use the room. Mr. Costick would like the City to communicate with the citizens on their availability to use Convention Hall.

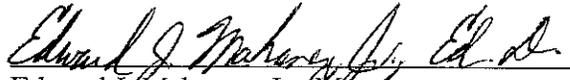
**COUNCIL & CITY MANAGER COMMENTS**

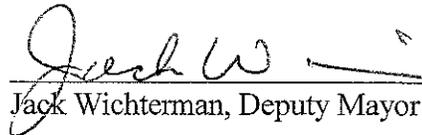
**CLOSED:**

**ADJOURNMENT**

Motion made by Mayor Mahaney to adjourn. The meeting adjourned at approximately 2:45 P.M.

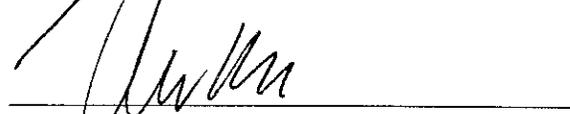
Date: August 7, 2012

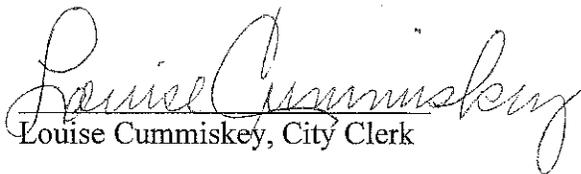
  
Edward J. Mahaney, Jr., Mayor

  
Jack Wichterman, Deputy Mayor

  
Deanna Fiocca, Councilmember

  
Terri L. Swan, Councilmember

  
William H. Murray, Councilmember

  
Louise Cummiskey, City Clerk

