

**WORKSESSION/REGULAR MEETING
OF CITY COUNCIL OF THE CITY OF CAPE MAY, NJ
Tuesday, August 6, 2013, 1:00 P.M.**

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 6, 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, The Press and a copy of the agenda was delivered to each Member of Council and was posted on the City Hall Bulletin Board.

Mayor Mahaney announced that the new FEMA maps will be available sometime during the week of August 12, 2013. The Mayor introduces Colleen Scully, Construction Technical Assistant, and advises that Ms Scully will be available to help residents and answer any questions regarding the new maps.

The Mayor reports that the City of Cape May recently received a letter from the State of New Jersey changing the City's status from a Class 8 to a Class 6 in the Community Rating System. That change in rating equates to a Flood Insurance Policy discount of twenty (20%) percent instead of the ten (10%) percent currently in effect.

Mayor Mahaney advises residents that they have until September 29, 2013 to voice any concerns with FEMA about the new maps. The Mayor advises that the City of Cape May will hold another Town Meeting to discuss the flood maps in early 2014.

City Solicitor, Tony Monzo, comments that the preliminary work maps will replace the advisory base flood elevation maps currently being used and that the City will be working from those maps once released.

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

Resolution 193-08-2013 – Resolution Appointing “Outdoor Seating” Committee (**Added to Consent Agenda**)

Motion: Mahaney
Second: Fiocca

Roll Call:

Fiocca Yes
Murray Yes
Swain Yes
Wichterman Yes
Mahaney Yes

PROCLAMATION

National Night Out in Cape May will be held on August 6, 2013 at the Cape May Elementary School from 6:00 P.M. to 9:00 P.M.

WORK SESSION DISCUSSION

271-2013 – Ordinance Amending Section 7-54 of the Cape May City Administrative Code

City Manager, Bruce MacLeod, explains the Ordinance, which if adopted would allow a property owner to obtain a designated parking space on the street, in front of their driveway apron. Mr. MacLeod explains that if the property in question does not have sufficient footage (22 feet) to park a vehicle across the driveway apron, then the City will not sacrifice a legal, metered, parking space in order to accommodate the request.

Councilmember Fiocca would like to confirm that such a request would be considered on a case by case basis and Mr. MacLeod advises each case will be looked at for compliance.

ENGINEER REPORT

Ray Roberts, City Engineer, offers his report as follows:

FY 2011 Road and Utility Improvement Program is being closed out by RV

Underground Storage Tank – Canning House Lane – Case #98-05-06-1200-48 – We are awaiting the NJDEP to issue the “No Further Action” documentation.

Water Tank and Standpipe

Madison Avenue – The wireless providers are currently installing their antennae and the project is almost complete;

Canning House Lane Standpipe – Bids were opened on July 31, 2013 and the qualified bidder was Corrosion Control Corporation.

FY 2012 NJDCA Small Cities Grant Program – there is a small punchlist to be completed and that work will begin after Labor Day.

FY 2012 NLDOT Municipal Aid – Funds were awarded to the City in the amount of \$180,000.00 and will be used to reconstruct Cape May Avenue from Madison to Reading.

FY 2012 Road and Utility Improvement program – Phase I – The Contractor, Infrastructure, LLC has failed to return and complete the items on the punchlist to include pavement repair on Pennsylvania Avenue and sodding the island. The City Solicitor has been in touch with the Bond Company regarding the matter. Washington Street (Ocean to Franklin) Phase II, there are a few items left on the punchlist which will be completed after Labor Day.

City Hall Rehabilitation – Phase II is underway and bids will be advertised on August 31, 2013 with a construction completion date of December 20, 2013.

FY 2013 NJDCA Small Cities Grant Application – Carpenter’s Lane (Jackson to Decatur Streets) – It is anticipated that construction will begin on January 6, 2014 and will be completed by Memorial Day, 2014.

FY 2013 NJDOT Municipal Aid – Cape May Avenue (north side) Reading to Trenton – The City has been awarded \$175,000.00 in aid and the work is scheduled to be performed as part of the FY 2013 Road and Utility Program.

Harbor Lane Bulkhead – A Field Study has been completed and the permit has been submitted to the NJDEP.

Emergency Generator for Wells #5 and #7 – Final plans and specifications have been submitted to the Water/Sewer Department for review.

Demolition of Building (Vance property) – It is anticipated that bids will be advertised in early September with a construction completion date of November, 2013.

Gurney Street Storm Drain – Construction to begin January 2014.

FY 2013 Road and Utility Improvement Program – three sites – a topographic and utility survey are scheduled to begin the week of August 5, 2013.

FY 2014 NJDCA Small Cities Grant Application – An engineer’s report with graphics and cost estimates has been prepared and submitted to Mark Blauer.

CITY MANAGER ITEMS

Mr. MacLeod reports that the Beach Theater loan repayment now totals \$67,750.00. The Occupancy Tax received as of July 13, 2013 is \$255,937.00 which amount sets forth earnings through May, 2013. The Occupancy Tax collected is \$2,964.00 less than last year through the same time period. Parking meter revenue to date for 2013 is \$520,705.00 which is \$39,172.00 less than last year through the same time period. Beach tag revenue to date is \$1,384,774.00 which is \$17,788.00 less than last year through the same time period.

CLERK'S ANNOUNCEMENTS

Ms. Cummiskey announces that there will be a Special Primary Election on Tuesday, August 13, 2013. Poles will be open from 6:00 A.M. until 8:00 P.M.

REGULAR MEETING BUSINESS

RESOLUTIONS:

- 179-08-2013 – Resolution Authorizing Purchase of 2013 Ford Police Interceptor Sedan Under State Contract No. A82925 (\$23,245.00)
- 180-08-2013 – Resolution Refunding Overpaid 2013 Taxes
- 181-08-2013 - Resolution Refunding Overpaid 2013 Taxes
- 182-08-2013 – Resolution Refunding Overpaid 2012 Taxes
- 183-08-2013 – Resolution Authorizing Utility Bill Adjustment Due to Catastrophic Occurrence
- 184-08-2013 – Resolution Authorizing the City Clerk to Issue Bingo and Raffle Licenses Throughout the Year to Qualified Organization
- 185-08-2013 – 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
- 186-08-2013 – Resolution Awarding Contract – Canning House Lane Standpipe Rehabilitation
- 187-08-2013 – Resolution Canceling Real Estate Taxes
- 188-08-2013 – Resolution Authorizing Change Order No. 2-Final-Madison Avenue Storage Tank
- 189-08-2013 – Resolution Awarding Contract for the Supply of a Promenade Public Address System
- 190-08-2013 – Resolution of the City of Cape May to Cancel Unpaid Taxes
- 191-08-2013 – Payment of Bills
- 192-08-2013 – Resolution Approving Professional Services Agreement between Remington & Vernick Engineers and the City of Cape May Related to FY 2013 Road and Utility Program
- 193-08-2013 – Resolution Appointing “Outdoor Seating” Committee (**Add to Consent**)

Motion: Mahaney
Second: Murray

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

MINUTES:

City Council Worksession/Regular Meeting Minutes dated June 3, 2013
City Council Worksession/Regular Meeting Minutes dated July 2, 2013
Closed Executive Session Meeting Minutes dated July 16, 2013

Motion: Fiocca
Second: Swain

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

REPORTS RECEIVED BY THE CLERK:

City of Cape May Planning Board Minutes dated June 11, 2013

Occupancy Tax Budget Projection Report dated July 19, 2013

City of Cape May Environmental Commission Meeting Minutes dated July 23, 2013

Motion: Wichterman
Second: Fiocca

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

NEW BUSINESS:

A) City Attorney

B) City Manager – Mr. MacLeod reports that the City of Cape May has advertised for the supply and delivery of one (1) new 2013 compact track loader and for the supply and delivery of cargo containers which bids will be due on August 7, 2013 at Noon. On August 14, 2013, there will be bid openings for the supply of water meter installation materials and the supply of water/ sewer materials and new garage doors and operators for the City Fire House. Finally, on August 21, 2013 bids for electrical maintenance service and repairs for the City of Cape May will be opened at Noon.

Mr. MacLeod announced that on August 17, 2013 from 9:30 A.M. to 12:30 P.M., the City of Cape May will sponsor a Special Event initiated by the State of New Jersey titled “Stronger Than the Storm.” There will be sand castle building and kite flying on the beach.

C) City Clerk

D) Councilmembers – Councilmember Wichterman reports that representatives of the municipalities of the Regional School District, the Superintendent of Education, and the School Board, met with Dr. Richard Stepura, Superintendent of Education, regarding the school funding matter. Dr. Stepura gave Lower Township and the Borough of West Cape May sixty (60) days to submit their feasibility studies.

Councilmember Fiocca asks Mr. MacLeod to have the overgrown branches cut back that are encroaching on a parking space at Mt. Vernon Avenue.

Mayor Mahaney advises that the last Stockton Concert of the season will take place on Monday, August 12, 2013, featuring Peter Noone and Herman's Hermits.

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.

Kate Wyatt – 292 Windsor Avenue, Cape May, is here on behalf of the Taxpayers Association which supports Councilmember Wichterman and City Council on the School funding matter. See copy of Statement attached hereto and made a part hereof. Ms. Wyatt inquires as to the date property owners will receive the 20% discount on flood insurance.

Mayor Mahaney advises that residents will be informed when the discount becomes effective.

Ms. Wyatt asks the City Manager about the flooding on Windsor Avenue from the Cape Island Creek. Ms. Wyatt advises that the Taxpayers Association is researching outdoor seating policies in the City. Ms. Wyatt asks when the City review committee on outdoor seating will have their report completed.

Mr. MacLeod advises that the flood gates at Cape Island Creek have been replaced by the County of Cape May and that the County Engineer, Dale Foster, has confirmed that the flood gates are in proper working condition.

Mayor Mahaney comments that there is a sunset provision in the Resolution regarding outdoor seating and consequently, the report will be available December 31, 2014.

Jim Wyatt – 292 Windsor Avenue, Cape May, comments that the Washington Street Mall businesses are not being diligent in maintaining the outside appearance of their establishments. Mr. Wyatt feels that the businesses should be responsible to clean up their areas and asks the City to look into the matter.

Mayor Mahaney advises that the City Manager is taking steps to correct the problem.

Peter Iurato, 1318 Idaho Avenue, Cape May, asks Council if maintenance can be done to repair the Lighthouses by the bridge, as the skirts are falling off and they no longer make a nice impression on people coming into the City.

Mr. MacLeod agrees that the Lighthouses do require maintenance.

Therese Thompson, Capri Motor Lodge, 1033 Beach Drive, Cape May asks if restrooms will be installed at the end of Madison Avenue on Beach Drive. Ms. Thompson is opposed as she feels their installation would create a dangerous condition in that area. Ms. Thompson complains about the noise from the exhaust fans at the Ocean Club.

Mayor Mahaney advises that when the exhaust fan was installed, a City inspector was sent out and he issued several citations. The owner of the Ocean Club is appealing the City's citations and a hearing has been scheduled before the County Construction Board of Appeals on August 7, 2013 at 5:30 P.M.

Harry Poole, 1243 Illinois Avenue, Cape May asks what the City has done about the resident that is operating a business from his home.

Mr. MacLeod advises that the Construction Official met with the business owner and this issue was supposed to be resolved. The City Manager, Code Enforcement and Construction Official will view this property tomorrow and take the necessary steps to correct this problem.

Deputy Mayor Murray has passed the property many times and agrees with Mr. Poole.

CLOSED SESSION

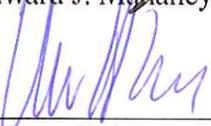
Motion made by Mayor Mahaney, seconded by Deputy Mayor Murray to go into closed session at 2:41 pm.

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

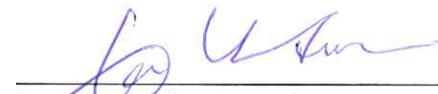
ADJOURNMENT

Motion made by Councilmember Wichterman, seconded by Councilmember Fiocca to adjourn. The meeting adjourned at 5:10 P.M.

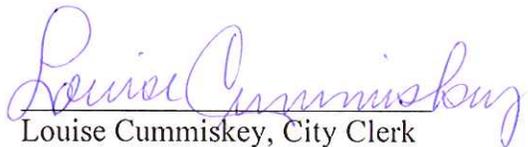

Edward J. Mahaney, Jr., Mayor


William H. Murray, Deputy Mayor


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Louise Cumiskey, City Clerk

