

**REGULAR MEETING OF THE  
CITY COUNCIL OF THE CITY OF CAPE MAY, NJ  
Tuesday, December 18, 2012, 7:00pm**

The regular meeting of City Council of the City of Cape May was called to order by Mayor Mahaney at 7:00 P.M. Tuesday, December 18, 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 Cumiskey  
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.

**AWARD OF BEACH TAG DESIGNS**

**Cassidy Fletcher – Seasonal winner**

**Gabrielle Labaco – Weekly winner**

The Beach Tag design program in the City of Cape May began in 1977, wherein the City asks students of the surrounding Elementary schools to submit a design for a seasonal and weekly beach tag for the upcoming summer season, explains Mayor Mahaney. A winner is chosen and the winning design is used to represent a seasonal and weekly tag for the upcoming year. The Mayor announces that this year's winner for the seasonal design is Ms. Cassidy Fletcher, an eighth grade student from Teitelman School and Ms. Gabrielle Labaco is the winner of the weekly tag design. Ms. Fletcher, who is in the audience, thanks Mayor and Council for choosing her design and explains that she drew an anchor because the design was simple and reminded her of the beach.

**COUNCIL COMMENTS**

**AGENDA ADDITION/DELETION OF LATE AGENDA ITEMS TO BE CONSIDERED**

Resolution 301-12-2012 - Opposing Senate Bill No. S-2368

Mayor Mahaney explains that Senate Bill No. S-2368 was introduced by Senate President Sweeny and State Senator Dorey and its purpose is to ban the sale of beach tags in Municipalities that receive state and federal aid for replenishing their beaches.

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

#### **ORDINANCES FOR SECOND READING**

259-2012 An Ordinance Amending Section 158-3 of the Cape May City Code concerning Beach Fees and Charges

Motion to Open Public Hearing

Motion: Wichterman  
Second: Swain

Fiocca Yes  
Murray Yes  
Swain Yes  
Wichterman Yes  
Mahaney Yes

#### **PUBLIC HEARING**

Jerry Gaffney - 810 Columbia Avenue, Cape May, NJ advises that he recently reviewed the 2011 and 2012 Beach Utility Budgets and inquires as to the amount of the proposed increase in fees and the number of tags sold in 2012. City Manager, Bruce MacLeod, advises that the daily tag will increase from \$5.00 to \$6.00, and the seasonal tag will increase from \$25.00 to \$28.00. Mr. MacLeod advises that approximately 130,000 beach tags were sold in 2012.

Mr. Gaffney asks what the anticipated 2012 Surplus will be for the Beach Utility. Mr. MacLeod replies that the year is not yet complete, but that some of the surplus in the Utility was used last year which considerably reduced the surplus amount. Also, Mr. MacLeod reminds Mr. Gaffney that when he presented the budget last year, he advised that a rate increase for beach tags would be considered for the year 2013.

Councilmember Wichterman comments that many people purchase beach tags during the Christmas season because of the reduced rate. Mr. Wichterman explains that the revenues from the increase in beach tags will be used to replace restrooms on the beachfront.

Mr. Gaffney feels that this is not a good time to increase the cost of beach tags and hopes the increase will not impact Tourism in the City. Mr. Gaffney urges the City to table their decision on the increase.

#### Motion to Adopt

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

Mayor Mahaney explains that the increase has been considered over the past twelve months and the City has worked on all adjustments needed to keep the beaches clean and safe.

#### **CITY MANAGER ITEMS**

Mr. MacLeod announces that he will be attending a meeting on the replenishment of the Cove Beach as well as hearings to increase water allocations for both Lower Township and for the American Water Company which supplies Middle Township. Mr. MacLeod also tells us that \$20 million of State money will be allocated to market New Jersey's Tourism industry for 2013.

#### **ATTORNEY ITEMS**

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

The City Clerk announces that the Reorganization Meeting and the Worksession/Regular Meeting of City Council will be held on January 1, 2013 at Noon.

#### **REGULAR MEETING BUSINESS:**

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

#### **RESOLUTIONS:**

- 288-12-2012 – Resolution Directing the Distribution of the City of Cape May Net Returned Surplus funds Held in Trust by the Atlantic County Municipal Joint Insurance Fund
- 289-12-2012 – Authorizing Utility Bill Adjustment Due to Catastrophic Occurrence
- 290-12-2012 – Resolution Authorizing the Municipal Court of Cape May to Amend the Local Supplemental Violations Bureau Schedule
- 291-12-2012 – Resolution Authorizing Final Payment to Garrison Enterprises, Inc.
- 292-12-2012 – Resolution Authorizing Professional Services Contract with Employee Care for an Employee Assistance Program
- 293-12-2012 – Resolution Authorizing Release of Performance Guarantee

- 294-12-2012 – 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 – Vance’s Bar; Contract Negotiations, PD Captain and Lieutenant
- 295-12-2012 – Payment of Bills “A”
- 295-12-2012 – Payment of Bills “B” **Removed from Consent Agenda**
- 296-12-2012 – Resolution Authorizing Change Order No. 2 for Contract with Mangan Masonry Restoration, Inc. for the City Hall Exterior Façade Repairs
- 297-12-2012 – Resolution Extending the Agreement for Operation of Mall Information Booth
- 298-12-2012 - Resolution for Cancellation of Unexpended Balances of Appropriations in the Beach Utility Operating Fund
- 299-12-2012 - Resolution for Transfers of Appropriations – 2012 Budget
- 300-12-2012 - Resolution for Cancellation of Unexpended Balances of Appropriations in the Tourism Utility Operating Fund
- 301-12-2012 - Opposing Senate Bill No. S-2368 **Add to Consent Agenda**

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

295-12-2012 – Payment of Bills “B”

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

**MINUTES:**

**REPORTS RECEIVED BY THE CLERK:**

- Cape May Police Department monthly report for the period 11/1/2012 through 11/30/2012
- Cape May Fire Department Monthly Report dated November, 2012
- Construction Permit Activity Report for the period November 1, 2012 to November 30, 2012
- City of Cape May Tax Assessor monthly Report dated November 7, 2012
- Monthly Report of Tax Collection for the period October 31, 2012
- Environmental Commission Meeting Minutes dated October 9, 2012
- City of Cape May Planning Board Meeting Minutes dated August 14, 2012

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

Mayor Mahaney announces that the City has a \$10,000.00 payment for the travel show partnership with the Mid Atlantic Center for the Arts. Michael Zuckerman, Director of Mid-Atlantic Center for the Arts & Humanities is in the audience and he thanks the Mayor and Council for working so well together.

**UNFINISHED BUSINESS:**

**NEW BUSINESS:**

- A) City Attorney
- B) City Manager
- C) City Clerk –
- D) Council members – Councilmember Swain wishes everyone a Merry Christmas and is proud to serve on the Cape May City Council.

Deputy Mayor Wichterman inquires as to the work being performed on Lafayette Street and Mr. MacLeod advises that the Gas Company is currently replacing gas lines in that area. Mr. MacLeod is asked to contact the County Engineer regarding the condition of the road.

Councilmember Murray wishes everyone a Happy Holiday.

Councilmember Fiocca wishes everyone a Merry Christmas and a Happy and Healthy New Year.

Mayor Mahaney announces that he, Carl Behrens and Bruce MacLeod will represent the interests of the City of Cape May at a hearing regarding water allocation. The Mayor advises that a meeting will be held with FEMA to discuss economical development and said meeting will also be open to the public. The Mayor advises that the City of Cape May recently received a FEMA Grant in the amount of \$35,000.00 which money will go towards the installation of a wireless Public Address System along the beach front. This new system is important as it will allow the City to communicate with the Public in the case of an emergency, advises the Mayor. For the first time, the Police Department of the City of Cape May hosted a Christmas Party for all the children in the community, and Mayor Mahaney advises that it was a huge success. The Mayor wishes everyone a Merry Christmas and Happy New Year.

**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.

Bernie Haas, 1016 Illinois Avenue, Cape May, NJ mentions that the City of Cape May recently awarded a contract to an Arkansas company for the design of the Convention Hall Website and he would like to know if the money for the contract is coming from the Tourism Utility budget. Mr. Haas would also like to know if the contract was awarded to the lowest bidder. Mr. MacLeod advises that the money for the website design was taken from the City Manager's budget and the Tourism Utility budget and the Arkansas company was the lowest and only bidder.

Tim Walsh, 1022 New York Avenue, Cape May, NJ asks if the "No Parking" sign at the end of Beach Avenue near the Cove will have flashing lights. Mayor Mahaney advises that the no parking sign is temporary and has been placed on Beach Avenue as a result of the beach replenishment project.

George Costich, Victorian Towers, Cape May, NJ comments that the City of Cape May should seek Federal assistance to install a sprinkler system in City Hall.

### CLOSED SESSION

Motion made by Deputy Mayor Wichterman to go into closed session

### ADJOURNMENT

Motion made Deputy Mayor Wichterman to adjourn. The meeting adjourned at approximately 8:10 P.M.

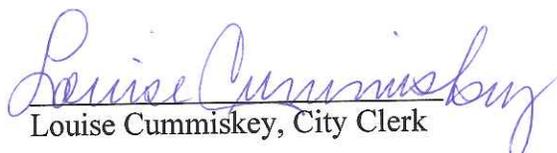
  
Edward J. Mahaney, Jr., Mayor

  
Jack Wichterman, Deputy Mayor

  
Deanna Fiocca, Councilmember

  
Terri L. Swain, Councilmember

  
William H. Murray, Councilmember

  
Louise Cummiskey, City Clerk