

**WORKSESSION/REGULAR MEETING
OF CITY COUNCIL OF THE CITY OF CAPE MAY, NJ
Tuesday, December 4, 2012, 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, December 4, 2012 in the Cape May City Hall Auditorium. The Clerk called the roll and the Pledge of Allegiance was recited.

Present: 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

Absent: Councilmember Deanna Fiocca

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:

286-12-2012 - Providing for the Insertion of a Special Item of Revenue in the Budget Pursuant to Chapter 159 PL 1948
287-12-2012 – Resolution regarding School Funding

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

WORK SESSION DISCUSSION

HPC Presentation – Design Standards; Interaction with other City Boards; Surveys of Properties

PRESENTATION

Chairman Warren Coupland, HPC Member Roger Furlin, and Edith Kopsitz, Board Secretary come to the table. Mr. Coupland, offers a power point presentation on design and building standards in the City of Cape May. Mr. Coupland advises that the City of Cape May is listed as the Queen of Seaside Resorts and draws many visitors due to the Victorian Homes. In 1976, the City was registered as a National Historic Landmark in New Jersey with 1,525 vintage structures of which more than 600 date back to the 19th Century. Mr. Coupland asserts that he will continue to meet with the City Council to ensure the Cape May City National Landmark status is maintained.

Deputy Mayor Wichterman commends Mr. Coupland for a job well done and Councilmember Murray comments that the HPC is very strict and therefore, Mr. Coupland’s role as Chariman is not an easy one. Councilmember Swain asks when the Construction, Planning and Zoning Boards will be updating new standards and Mr. Coupland replies that the new standards would be updated in March 2013.

Mr. Coupland further advises that in December, 349 houses in the City of Cape May will be surveyed and will go to City Council for approval. Approximately 900 surveys have been completed to date and the City of Cape May was approved for \$25,000.00 in grant money from the State to continue the surveys. Mr. Coupland advises that homeowners will be receiving letters regarding the surveys in the New Year.

BUDGET PRESENTATION

Joanne Klineburger, Chairman and Susan Tishler, Vice Chairman of the Washington Street Mall Management Company, Inc. come to the table.

Mayor Mahaney advises that 4 ½ years ago, the City Council of the City of Cape May asked the Mall Merchants if they would make a commitment for \$2.5 million for renovations to the Mall. The Association agreed and a Business Improvement District was created. By Ordinance, each year the Association must appear before Council to present their Budget.

Ms. Tishler presents a Budget in the amount of \$58,877.00. Most of that amount will be used for advertising and the beautification of the Mall, advises Ms. Tischler. Mayor Mahaney mentions that the decorations on the Mall have been spectacular this year and Ms. Tishler would like the credit to be given to Hillary Prichard, Bonnie Mullock and Pam Smarro along with the Decorating Committee. Deputy Mayor Wichterman asks if the assessments for 2012 are the same for 2013. Ms. Tishler replies that they are. Mr. MacLeod comments that the revenue for the Association is derived by assessments placed on each business in the District. Mayor Mahaney thanks the Association for their contribution to the Trolley service, which greatly helps visitors get around the City during the crowded summer season. Mr. Wichterman mentions that it is his understanding that the Cape May City Mall is one of the most successful outdoor Malls in the country. Ms. Tishler confirms that fact which is as a result of the relationship between City Council, the Chamber of Commerce, the BID and the MAC.

ENGINEER REPORT

Mr. Raymond Roberts, Remington & Vernick offers his report as follows:

FY 2011 Road and Utility Improvement Program project is substantially complete and the punchlist items have been addressed.

The Remedial Action Report on the Underground Storage Tank at Canning House Lane has been submitted and we are expecting the issuance of a permit by the NJDEP by the end of December. A Response Action Outcome will then be filed.

Water Tank and Standpipe rehabilitation project is ongoing with meetings being held on the first Wednesday of every month. The interior tank has been cleaned and painted and the exterior will be painted and completed by May 13, 2013.

Canning House Standpipe - the USDA has approved the City's request to use the USDA funds for the rehabilitations of the Madison Avenue Tank and Canning House Lane Standpipe. As only one tank may be offline at one time, the bids for this project will be advertised May 2013.

FY 2011 NJDCA Small Cities ADA Improvements has been completed.

FY 2012 NJDCA Small Cities Grant Application for ADA Improvements - Carpenters Lane (Perry to Jackson) and Beach Access at Madison, Pittsburg h, Perry and Broadway has been awarded.

FY 2012 NJDOT Municipal Aid funds were awarded in the amount of \$180,000.00 for the reconstruction of Cape May Avenue (Madison to Reading Avenue).

FY 2012 Road and Utility Improvement Program - Phase I - Reading, scheduled to be completed by December 14, 2012.

Washington Street (Ocean to Franklin Street) Phase II - A Contract was awarded on December 4, 2012 with work to commence on January 7, 2013.

City Hall Rehabilitation - Masonry work is expected to be completed by December 7, 2012. The installation of the window replacement will begin on December 19, 2012 and Interior renovations will be advertised for bids on January 19, 2013 with a May 2013 target for completion.

FY 2013 NJDCA Small Cities Grant Application was submitted for accessible sidewalk ramps city wide. We are awaiting notice of award.

FY 2013 NJDOT Municipal Aid - Cape May Avenue (North side) from Reading to Trenton Avenues. Applications have been submitted and we are awaiting notice of award.

Harbor Lane Bulkhead – A Field Survey has been completed and design and permitting are underway.

CITY MANAGER ITEMS

Mr. MacLeod talks about the Washington Street Mall Information Booth which has been leased to the Mid Atlantic Center for the Arts (MAC) since 2000. A Resolution will be considered at the next City Council Meeting to extend the Lease for ten years. This booth provides information for MAC tours, activities in Cape May and provides the sale of seasonal beach tags.

ATTORNEY ITEMS

Mr. Monzo advises that he obtained a list of the current parking fines from the Court Administrator and he has prepared a Resolution to address the increases which were previously discussed. A Resolution will be on the next Agenda for approval by City Council. Mr. MacLeod comments that after City Council approves the Resolution, it will be sent to the Assignment Judge.

CLERK'S ANNOUNCEMENTS

Ms. Cumiskey announces that Seasonal Beach Tags are currently available at the reduced rate of \$15.00 through March 31, 2013.

ORDINANCES FOR SECOND READING

258-2012 An Ordinance to Update the Uniform Salary and Classification Plan for the Department of Personnel Positions in the City of Cape May.

MOTION TO OPEN FOR PUBLIC COMMENT

Motion: Wichterman
Second: Murray

PUBLIC PORTION:

MOTION TO INTRODUCE ORDINANCE

Motion: Murray
Second: Wichterman

Roll Call:

Fiocca Absent
Murray Yes
Swain Yes
Wichterman Yes
Mahaney Yes

REGULAR MEETING BUSINESS:

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

RESOLUTIONS: Council will accept questions from the public on the Consent Agenda Resolutions

- 274-12-2012 – Resolution Authorizing a Professional Services Agreement between the City of Cape May and Porzio Bromberg & Newman, P.C.
- 275-12-2012 – Providing for the Insertion of a Special Item of Revenue in the Budget Pursuant to Chapter 159 PL 1948
- 276-12-2012 – Authorizing Utility Bill Adjustment due to Catastrophic Occurrence
- 277-12-2012 – Amusement Games License, Peter and Adele Tiburzio-732-736 Beach Avenue
- 278-12-2012 – Amusement Games License, Peter and Adele Tiburzio – 406 Beach Avenue
- 279-12-2012 – 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; UAW Contract Negotiations, Firefighter and Blue Collar Overtime
- 280-12-2012 – Authorizing Purchase of Police In-Car Cameras and Video Recording System Under State Contract Numbers A53766 and A75583 (\$31,512.55)
- 281-12-2012 – Authorizing Purchase of Design and Development of Official Website for Cape May Convention Hall
- 282-12-2012 – Resolution Awarding Contract – FY2012 Utility and Road Program, Phase 2 – Washington Street from Ocean Street to Franklin Street
- 283-12-2012 – Resolution Awarding Contract – ADA Improvements FY 2012 Small Cities Program – Phase 2
- 284-12-2012 – Payment of Bills “A”
- 284-12-2012 – Payment of Bills “B” – **Removed from Consent Agenda**
- 285-12-2012 - Resolution Introducing and Approving the 2013 Budget of the Washington Street Mall Business Improvement District of the City of Cape May
- 286-12-2012 Providing for the Intersection of Special Item of Revenue in the Budget Pursuant to Chapter 159 PL 1948 – **Added to the Consent Agenda**
- 287-12-2012 – Resolution regarding School Funding - **Added to the Consent Agenda**

Mayor Mahaney ask Deputy Mayor Wichterman to speak about Resolution 287-12-2012 regarding school funding.

Deputy Mayor Wichterman explains that most likely, the City of Cape May will not receive Legislative help with this matter. The Deputy Mayor sets forth the steps which the City must take before this funding formula can be challenged in court and Resolution 287-12-2012 is the first step in the process.

PUBLIC PORTION:

Jerry Gaffney – 810 Columbia Avenue, Cape May asks what Mr. Gagliardi’s fees are regarding the School Funding matter and Mr. Wichterman responds \$48,000.00 to be paid between this year and next year.

MOTION TO ADOPT ALL THE RESOLUTIONS WITH THE EXCEPTION

284-12-2012

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

284-12-2012 – Payment of Bills “B”

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

MINUTES:

Worksession/Regular Meeting Minutes dated October 2, 2012
Special Meeting Minutes dated October 9, 2012
Regular Meeting Minutes dated October 16, 2012
Closed Executive Session Meeting Minutes dated October 16, 2012
Worksession/Regular Meeting Minutes dated November 7, 2012
Closed Executive Session Meeting Minutes dated November 7, 2012

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

REPORTS RECEIVED BY THE CLERK:

City of Cape May HPC Meeting Minutes dated October 10, 2012
2% Occupancy Tax Projection dated November 22, 2012
Report of Tax Lien Sale dated November 28, 2012
Monthly Report of Tax Collections for the period August 31, 2012
Overtime Report for the month of November, 2012
Monthly Report of Tax Collections for the Period September 30, 2012

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

UNFINISHED BUSINESS:

NEW BUSINESS:

A) City Attorney
B) City Manager
C) City Clerk
D) Councilmembers – Mayor Mahaney thanked the employees from the Public Works Department for the work they did on the summer and fall season clean up as well as the beautiful Holiday Decorations which were placed around town. Mayor Mahaney announces free Holiday Concerts this weekend at Convention Hall, consisting of the Angelus Chorus on December 7, 2012 at 7 P.M. and Package Goods on December 8, 2012 at 7:30 P.M. Also, the Mayor announces that the last of Stockton series concert will take place on December 15, 2012 at 8 P.M. featuring Elizabeth Von Trapp and the Empire Brass Band.

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.

Jerry Gaffney – 810 Columbia Avenue, Cape May asks if the Minutes of the Special Meeting of November 14, 2012 are available. The City Clerk advises they are not.

Mr. Gaffney asks if proof of flood insurance coverage has been received and whether the City provided flood elevation numbers when they applied for said flood insurance.

Mr. MacLeod advises that payment has been forwarded to the Risk Management coordinator and that there is a thirty day waiting period for the insurance. The City has not yet heard back from the insurance company. Also, Mr. MacLeod advises that the elevation numbers were not provided.

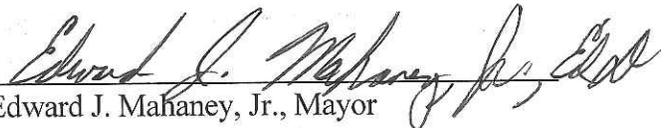
Mr. Monzo comments that the first floor elevation is 15'21".

Mr. Gaffney asks if flood insurance was maintained by the contractor that built Convention Hall and also if the payment for said flood insurance is coming out of the Tourism budget?

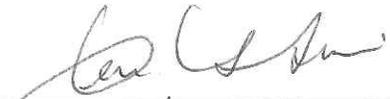
Mr. Monzo replies that during construction, the building was covered under Builder's Risk Insurance and Mr. MacLeod responds that the fee for the insurance will come from the General Fund.

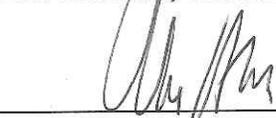
George Costich – Victorian Towers, Cape May would like to inform everyone that if the pressure of the water built up high enough to break the Convention Hall windows no one would be here to know it. Also, Mr. Costich thinks that the presentation made today by the HPC was informative and he believes that the City of Cape May should do everything they can to work with this commission.

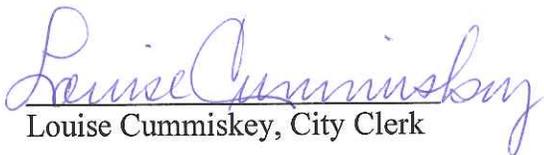
Motion made by Mayor Mahaney, seconded by Deputy Mayor Wichterman to go into closed session. The meeting adjourned at 3:02 P.M.


Edward J. Mahaney, Jr., Mayor


Jack Wichterman, Deputy Mayor


Terri L. Swain, Councilmember


William H. Murray, Councilmember


Louise Cummiskey, City Clerk