

**REGULAR MEETING OF THE  
CITY COUNCIL OF THE CITY OF CAPE MAY, NJ  
Tuesday, June 18, 2013 7:00 P.M.**

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, June 18, 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.  
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.

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

145-06-2013 – Resolution Approving Liquor License Renewal for the 2013-20414 License Year, as amended by removing Merion Inn Management, Inc.

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

**DISCUSSION:**

School Funding Formula, Vito A. Gagliardi, Jr., Esquire, Kerri Wright, Esquire, James L. Kirtland, CPA, Virgil Johnson, Ed.D..

Vito A. Gagliardi, Jr., Esquire begins the presentation by providing some background regarding the basis of the school funding formula. Mr. Gagliardi sets forth the process that will need to be

followed in order for the City of Cape May to withdraw from the school district. Following Mr. Gagliardi, Dr. Virgil Johnson provides education profiles, James L. Kirtland speaks of the projected costs/savings if the City of Cape May withdraws from the school district and Kerry Wright, Esquire, speaks of the process to be followed in order to be successful. A copy of the Feasibility Study to Reconfigure the Lower Cape May Regional School District is attached hereto and made a part of these minutes and is also available in the Office of the City Clerk.

### **Public Portion**

Linda Hadrava, Washington Street, Cape May asks why Council is not voting on the School Funding matter tonight. Councilmember Wichterman advises that as Council has just recently received a copy of the Feasibility Study and a delayed vote will give them time to be able to read and absorb the contents of the study.

Roger Furlin, 27 Hughes Street, Cape May, asks if there will be any negative impact on a child or restrictions on a child that is a tuition paying student. Dr. Johnson advises that he has never run into a case where a tuition student was in any way penalized or discriminated against.

Deputy Mayor Murray asks if there is any psychological impact on students if they are required to change schools. Ms. Wright advises that a child will remain in the school they currently attend until they graduate so there will be no psychological impact.

George Costich, Victorian Towers, believes that if a child is required to change schools during their high school years it not only impacts the child but the entire family unit.

Mayor Mahaney thanks the presenters and advises that formal action will be taken on July 2, 2013 on the School Funding matter.

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:**

- 138-06-2013 – Resolution Authorizing Purchase of One (1) New 2013 Ford F-250 Truck for Use by Water/Sewer Department Under State Contract No. A83576 (\$28,657.69)
- 139-06-2013 – Refund of Overpaid 2013 Taxes
- 140-06-2013 – Resolution of the City of Cape May to Approve Member of Cape May Volunteer Fire Company
- 141-06-2013 – Resolution Reappointing Acting City Clerk/Registrar of Vital Statistics
- 142-06-2013 – Resolution Authorizing the Release of Performance Guarantee for Nancy K. Bolte, John M. Bolte and Amy Marie Keene
- 143-06-2013 – Resolution Approving an Agreement Between the City of Cape May and Mark Blauer for Consulting Services
- 144-06-2013 – 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
- 145-06-2013 – Resolution Approving Liquor License Renewal for the 2013-2014 License Year  
**(As Amended)**

146-06-2013 – Resolution to Approve Renewal of Alcoholic Beverage License with Special Conditions – Frog Spring Corporation **(As Amended and Removed from Consent Agenda)**

147-06-2013 – Resolution to Approve Renewal of Alcoholic Beverage License with Special Conditions – Carneys Inc. **(As Amended and Removed from Consent Agenda)**

148-06-2013 – Payment of Bills “A”

148-06-2013 – Payment of Bills “B” **(Removed from Consent Agenda)**

149-06-2013 – Resolution Authorizing Purchase of One (1) New 2014 Ford F-250 Truck for use by Public Works Department Under State Contract No. A83577 (\$24,053.00)

Motion: Mahaney

Second: Fiocca

Roll Call:

Fiocca Yes

Murray Yes

Swain Yes

Wichterman Yes

Mahaney Yes

146-06-2013 – Resolution to Approve Renewal of Alcoholic Beverage License with Special Conditions – Frog Spring Corporation **(As Amended and Removed from Consent Agenda)**

Motion: Mahaney

Second: Wichterman

Roll Call:

Fiocca Yes

Murray Yes

Swain Yes

Wichterman Yes

Mahaney Yes

147-06-2013 – Resolution to Approve Renewal of Alcoholic Beverage License with Special Conditions – Carneys Inc. **(As Amended and Removed from Consent Agenda)**

Motion: Mahaney

Second: Wichterman

Roll Call:

Fiocca Yes

Murray Yes

Swain Yes

Wichterman Yes

Mahaney Yes

148-06-2013 – Payment of Bills “B” (Removed from Consent Agenda)

Motion: Mahaney  
Second: Wichterman

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

**MINUTES:**

**REPORTS RECEIVED BY THE CLERK:**

Environmental Commission Meeting Minutes dated May 28, 2013  
Assessor’s Office Monthly Report dated June 6, 2013  
City of Cape May Fire Department Monthly Report dated May, 2013  
City of Cape May Police Department Monthly Report of May 1, 2013 through May 31, 2013  
Shade Tree Commission Meeting Minutes dated May 9, 2013  
City of Cape May Planning Board Meeting Minutes dated May 14, 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 advises he, Mayor Mahaney and Leon Costello, City Accountant, participated in a telephone conference with Standard and Poors, a Bond Rating Agency, regarding the Bond Rating of the City of Cape May. The City will be holding a Bond Sale on Wednesday, June 26, 2013 and is hoping to have their rating improved to AA. It is currently AA-. Mr. MacLeod advises that the deadline for senior citizens to apply for Property Tax Reimbursement has been extended to September 16, 2013. In addition, Mr. MacLeod informs that the Homestead Rebate applications will be mailed to qualifying homeowners by mid July.
- C) City Clerk – Ms. Cummiskey advises she attended a meeting at the County regarding the Special Primary Election to be held on August 13, 2013 and the Special General Election to be

held on October 16, 2013. Ms. Cummiskey reports that the County has asked that anyone interested in working the polls for either of the aforementioned elections call the County Board of Elections at (609) 465-1050.

D) Councilmembers – Mayor Mahaney advises that he is reappointing Bob Smith as Emergency Management Coordinator for the term beginning July 1, 2013 and ending June 30, 2016. The Mayor commends Bob for an outstanding job in this role, and praises him for his work during the last two hurricanes and the snowstorm of 2010.

The Mayor thanks the employees who participated in the Town Meeting on June 15, 2013. The Mayor advises that twenty-two employees from FEMA and the DEP participated in the Town Meeting to inform residents and answer questions regarding the new Flood Maps and Flood Insurance changes which have/will occur as a result of Hurricane Sandy. The meeting was well attended by close to 400 residents of the City of Cape May, as well as surrounding communities and was well received with good feedback. Mayor Mahaney advises that aid is still available to anyone needing assistance.

**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.

Charlotte Todd, 651 Hughes Street, Cape May speaks on favor of the installation of the wind turbine at the Cape May City Elementary School.

Goerge Costich, Victorian Towers, Cape May, NJ advises that last year was predicted to be a “normal” hurricane season. Mr. Costich advises that this year is supposed to be an “above normal” hurricane season. Mr. Costich believes the seawall is too low.

Mayor Mahaney thanks Mr. Costich for his comments and advises that the City of Cape May is proactive in protecting property and life in the event of a disaster.

**CLOSED SESSION**

Motion made by Mayor Mahaney, seconded by Councilmember Fiocca to go into Closed Session at 7:45P.M.

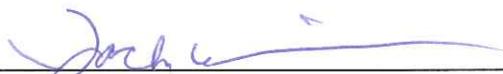
Motion made by Councilmember Fiocca to go back into open session.

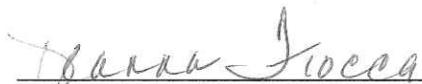
Mayor and Council are back in open session at 8:05 P.M.

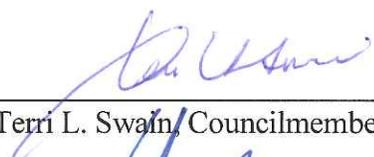
**ADJOURNMENT**

Motion made by Deputy Mayor Murray, seconded by Councilmember Wichterman to adjourn. The meeting adjourned at 9:15 P.M.

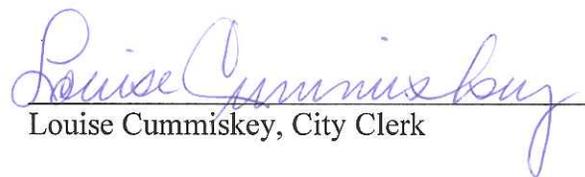
  
Edward J. Mahaney, Jr., Mayor

  
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Jack Wichterman, Councilmember

  
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Deanna Fiocca, Councilmember

  
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Terri L. Swain, Councilmember

  
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William H. Murray, Deputy Mayor

  
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Louise Cumiskey, City Clerk