

**REGULAR MEETING  
OF CITY COUNCIL OF THE CITY OF CAPE MAY, NJ  
Tuesday, March 18, 2014, 7:00 P.M.**

Present: Mayor Edward J. Mahaney, Jr.  
Councilmember William H. Murray, Esquire  
Councilmember Terri L. Swain  
Deputy Mayor Jack Wichterman

Also Present: City Attorney Anthony Monzo  
City Manager Bruce MacLeod  
City Auditor, Leon Costello  
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:**

**2014 CAPE MAY CITY BUDGET:**

Leon Costello, City Auditor, explains the Budget process and the three budget items on tonight's Agenda.

**ORDINANCES FOR SECOND READING AND CONSIDERATION FOR ADOPTION:**

274-2014 – Ordinance to Exceed the Municipal Budget Appropriation Limits and to Establish a Cap Bank

Motion: Swain  
Second: Murray

**PUBLIC HEARING:**

Roll Call:

Fiocca	Absent
Murray	Yes
Swain	Yes
Wichterman	Yes
Mahaney	Yes

74-03-2014 Resolution Authorizing the Reading of the 2014 Annual Municipal Budget by Title Only

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

**PUBLIC HEARING:**

Micah Yerk, 1020 Lafayette Street, Cape May, objects to the \$75,000.00 line item in the current Budget which will be used to pay for legal fees regarding the Lower Cape May Regional School matter.

Mr. Costello announces that the budget has been approved by the State of New Jersey and is eligible to be adopted tonight.

Mr. MacLeod thanks the City Departments and Council for their cooperation during this year's Budget process.

75-03-2014 Resolution to Adopt the Budget

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

**ORDINANCES FOR SECOND READING AND CONSIDERATION FOR ADOPTION:**

275-2014 – Ordinance of the City of Cape May Amending Chapter 7, Section 7-37.5 of the Cape May City Code entitled “Reserved Handicapped Parking On-Street”

Motion: Wichterman  
Second: Murray

**PUBLIC HEARING:**

Roll Call:

Fiocca Absent  
Murray Yes  
Swain Yes  
Wichterman Yes  
Mahaney Yes

276-2014 – Ordinance Amending Chapter 7, Section 37.1 of the Cape May City Code entitled  
“Handicapped Parking On-Street”

Motion: Wichterman  
Second: Murray

**PUBLIC HEARING:**

Roll Call:

Fiocca Absent  
Murray Yes  
Swain Yes  
Wichterman Yes  
Mahaney Yes

277-2014 – Ordinance Regulating Event Houses in the City of Cape May

Motion: Wichterman  
Second: Swain

**PUBLIC HEARING:**

George Lesser, 207 Congress Place, Cape May advises that he has spoken to three (3) attorneys regarding the proposed Event House Ordinance and has received three separate opinions regarding the language and contents of the Ordinance. Mr. Lesser reads the definition of an “Event House” as contained in the Ordinance and asks Mr. Monzo if he is correctly interpreting same. Mr. Lesser asks Mr. Monzo to put something in writing regarding his interpretation of the Ordinance and Mr. Monzo advises that the Ordinance speaks for itself and that he is the City’s Solicitor and as such, does not provide legal advice to private citizens.

Deputy Mayor Wichterman asks Mr. Monzo to amend the Ordinance by adding language regarding music. Mr. Wichterman would like the Ordinance to read that amplified music must be brought indoors after 9:00 P.M., and the windows must be closed.

Mr. Monzo suggests adding the following language to the existing Ordinance: “For any Event House functions with amplified music indoors, the establishment should have all the windows and doors closed after the hour of 9:00 P.M.”

Councilmember Murray agrees that the Ordinance should be amended.

**Motion to Amend Ordinance 277-2014**

Motion: Wichterman  
Second: Murray

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

**278-2014 – Ordinance Amending Section 158-3 of the Cape May City Code Concerning Beach Fees and Charges**

Motion: Murray  
Second: Wichterman

Councilmember Murray thanks Mayor and Council for supporting this Ordinance and he thanks Veterans everywhere for their sacrifice and service.

Captain Todd Prestige, Commanding Officer, USCG, thanks Mayor and Council on behalf of the 1,000 active duty members associated with the USCG Cape May Training Center.

Joe Griffies, 317 Aberdeen Way, Rio Grande, NJ speaks on behalf of all Veterans and thanks the City of Cape May for this Ordinance.

Mayor Mahaney confirms with the City Clerk as to the effective date of the Ordinance which will be April 15, 2014.

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

City Manager, Bruce MacLeod, announces that Veteran Beach Tags will be available at two (2) locations within the City; the Tax Office at City Hall and the Main Beach Tag Office on the Promenade near Convention Hall. Veterans and Active Military will be asked to complete a form and provide identification as to their status before being issued a beach tag. The State is requesting municipalities to track all Veteran/Active Military beach tags issued advises Mr. MacLeod.

**RESOLUTIONS:**

76-03-2014 – Resolution of the City of Cape May Authorizing Change Order No. 1 for Contract with RTW Construction for the City of Cape May FY 2013 Road and Utility Program, Beach Avenue (C.R. 604) Utility Improvements

77-03-2014 – Resolution of the City of Cape May Authorizing Change Order No. 2 – FINAL-REVISED for Contract with Axios, Inc. for the City of Cape May FY 2012 NJDCA Small Cities Block Grant Various ADA Improvements – Phase 2

78-03-2014 – Payment of Bills “A”

78-03-2014 – Payment of Bills “B” **Removed from Consent**

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

78-03-2014 – Payment of Bills “B”

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

**CORRESPONDENCE:**

Paul J. Miola, CPCU, ARM, Executive Director

Mayor Mahaney’s “As I See It” Column entitled “Beach Fee Revenue Should Match Costs” in the March 2014 Issue of the New Jersey State League of Municipalities Magazine

**REPORTS RECEIVED BY THE CLERK:**

City of Cape May Assessor’s Office Monthly Report dated March 4, 2014

City of Cape may Fire Department Monthly Report dated February, 2014

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

Mahaney Yes

**NEW BUSINESS:**

- A) City Attorney
- B) City Manager
- C) City Clerk
- D) Councilmembers – Councilmember Murray inquires as to the clean-up of the Shelton College property. Councilmember Wichterman asks if the Board of Health is the governing agency for the clean-up.

Mr. MacLeod advises that the property owner is responsible for the clean-up and they have applied for the proper permits.

Mayor Mahaney compliments the Cape May Swim Team who were awarded the 2014 Sportsmanship Award. Congratulations for a job well done.

Mayor Mahaney advises that the City will hold a Press Conference on March 31, 2014 at 10:30 A.M. at Convention Hall to announce the upcoming year's entertainment schedule.

**ADJOURNMENT**

Motion made by Mayor Mahaney seconded by Councilmember Murray to adjourn. The meeting adjourned at 8:05 P.M.

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Edward J. Mahaney, Jr., Mayor

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Jack Wichterman, Deputy Mayor

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Deanna Fiocca, Councilmember

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Terri L. Swain, Councilmember

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William H. Murray, Esquire, Councilmember

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Louise Cumiskey, City Clerk