

**WORKSESSION/REGULAR MEETING OF THE
CITY COUNCIL OF THE CITY OF CAPE MAY, NJ
Tuesday, March 5, 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, March 5, 2013 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 Terri L. Swain Councilmember Jack Wichterman |
| Also Present: | City Attorney Anthony Monzo City Manager Bruce MacLeod Deputy Clerk Patricia Harbora |
| Absent: | Councilmember Deanna Fiocca |
| Absent: | Deputy Mayor William Murray |

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:

- 69-03-2013 – Resolution Authorizing Participation in Coastal Coalition – **ADDED**
- 70-03-2013 – 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 – Peter Nero and the Philly POPS and Chamber of Commerce - **ADDED**
- 71-03-2013 – Resolution Approving Agreement Between Peter Nero and The Philly POPS and The City Of Cape May - **ADDED**

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

WORK SESSION DISCUSSION

CITY MANAGER ITEMS

Single Stream Recycling

Mayor Mahaney introduces John R. Baron, CMCMUA, Solid Waste Program Manager, Bob Smith, Superintendent Public Works and Pat D'Arco, Recycling Coordinator.

Mr. Baron announces that Single Stream Recycling is on schedule and will begin in the City of Cape May on Monday, April 1, 2013. Information on single stream recycling will be made available to the residents of Cape May in the near future. Mr. Baron states that the IPF is converting from Dual Stream to Single Stream and further explains that single stream recycling will include paper, cardboard, magazines, plastic bottles and containers (No.1 through No.7), metal, steel, tin, aluminum and glass, which can all be mixed into one container. "Non Recyclable Items" are food contaminated boxes, styrofoam packaging, polystyrene egg cartons, wax coated cardboard boxes, window glass, beverage cups, paint cans, PVC pipe, light bulbs, plastic bags and items containing chemical or hazardous products, advises Mr. Baron. Further, Mr. Baron advises that "trash" will continue to go into a separate container.

Mr. MacLeod confirms that pickup day will remain the same and that residents can continue to use the same containers, the only difference being they may now mix together all recyclables.

Mayor Mahaney asks if the CMCMUA is providing an outreach program where information can be obtained for residents and visitors on single stream recycling.

Mr. Baron advises that the CMCMUA is providing information regarding single stream recycling on TV commercials, and ads are being published in the local newspaper. For more information, Mr. Baron suggests logging on to the CMCMUA website at www.cmcmua.com.

Mr. MacLeod asks Mr. Smith to provide all City residents with information which contains all pertinent information regarding single stream recycling.

Mr. Smith advises he will comply.

Ms. D'Arco, Recycling Coordinator, advises that she will also provide the City's Real Estate Agencies with information on single stream recycling for distribution to rentals.

ENGINEER REPORT

Raymond Roberts, Reminton, Vernick and Walberg, offers his report, as follows:

FY2011 Road & Utility Improvement Program – Mr. Roberts advises the project is near completion, with patchwork to be completed, weather permitting.

Underground Storage Tank, Canning House Lane – Mr. Roberts reports that the remedial action report was submitted to the DEP and we are awaiting the issuance of a permit by the DEP. Upon receipt of the permit, RV&W will submit the Response Action Outcome.

Water Tank and Standpipe Rehabilitation -

Madison and Columbia Avenues

Monthly meetings are held on the first Wednesday of every month and the contractor began to replace sway rods beginning the week of February 25, 2013. Exterior blasting will begin the week of March 25, 2013 with exterior painting to begin April 22, 2013. The tank is scheduled to be filled beginning May 20, 2013.

Canning House Lane Standpipe

Funds for the rehabilitation have been approved by the USDA. As only one tank can be off-line at any one time, the project is scheduled to be advertised for bids in May, 2013 with actual construction to begin September, 2013. A construction complete date is December, 2013.

FY2011 NJDCA Small Cities ADA Improvements – The project has been completed.

FY2012 NJDCA Small Cities Grant application – ADA Improvements – Carpenter’s Lane (Perry to Jackson) and Beach Access at Madison, Pittsburgh, Perry and Broadway – Construction is scheduled to be completed by May 17, 2013.

Mr. MacLeod asks Mr. Robert’s to install an outlet similar to the one installed at the 500 block of Carpenter’s Lane for additional tree lighting.

Mr. Roberts advises that the plans call for outlets at each tree, plus an outlet on the master control cabinet.

FY2012 NJDOT Municipal Aid – An initial payment voucher has been received from NJDOT in the amount of \$135,000.00 which will be used for Cape May Avenue (Madison to Reading.)

FY2012 Road and Utility Improvement Program – Phase I –

Cape May Avenue from Madison to Reading Avenues - all work has been completed except for the paving and the paving is weather dependent.

Washington Street (Ocean to Franklin Streets) – water main and sanitary sewer laterals are to be completed by the end of March. Construction is to be completed by May 17, 2013.

City Hall Rehabilitation –

Masonry repairs are complete.

Window replacement is complete. Punchlist items to be completed in March.

Interior Renovations – the project is tentatively scheduled to be advertised for bids on July 13, 2013 with an anticipated completion date of November 15, 2013.

FY2013 NJDCA Small Cities Grant application for Carpenter's Lane (Jackson Street to Decatur Street) – a NJDCA grant in the amount of \$400,000.00 has been awarded to the City.

FY2013 NJDOT Municipal Aid - Cape May Avenue (North side) – an application has been submitted and we are awaiting notification of an award.

Harbor Lane Bulkhead – the field survey is complete with anticipated construction beginning in the Spring/Summer of 2013.

Mayor Mahaney asks Mr. Roberts if he has sent letters to the residents on Cape May Avenue in reference to the paving.

Mr. Roberts advises that the engineer on site has spoken to the residents in that area.

ATTORNEY ITEMS

CLERK'S ANNOUNCEMENTS

REGULAR MEETING BUSINESS:

Mr. MacLeod advises that he met with the Army Corps and DEP today regarding Beach Replenishment at the Cove. The project should be completed in March, advises Mr. MacLeod. In addition, Mr. MacLeod advises that the storm surveys taken as a result of Hurricane Sandy have been completed and the City will receive 400,000 cubic yards of sand for beach replenishment at the Coast Guard Base. This project will be funded 100% with Federal money, advises Mr. MacLeod.

ORDINANCE:

265-2013 – An Ordinance Amending and Restating Chapter 258 - Flood Damage Prevention

Mayor Mahaney advises that this Ordinance will provide the City and homeowners the right to participate in Federal and State programs.

Mr. Monzo advises that the National Flood Insurance program gives periodic discounts to Municipalities.

Mayor Mahaney would like to amend Ordinance 265-2013, "Ordinance Amending and Restating Chapter 258 - Flood Damage Prevention," to revert back from 40% of the market value to 50% of the market value.

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

Murray Absent
Wichterman Yes
Mahaney Yes

ORDINANCES FOR INTRODUCTION:

265-2013 – An Ordinance Amending and Restating Chapter 258 - Flood Damage Prevention, as amended

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

RESOLUTIONS:

62-03-2013 – Resolution Authorizing the Filing of an Application for Municipal Recycling Tonnage Grant for the Year 2012
63-03-2013 – Refund of Overpaid 2012 Utilities
64-03-2013 – Refund of Overpayment for Purchase of Tree
65-03-2013 – Resolution Authorization the Release of Performance Guarantee and Maintenance Guarantee for Marquis DeLafayette Hotel/Condo Association
66-03-2013 – Payment of Bills
67-03-2013 – Resolution Approving Agreement Between City of Cape May and 7 Mile Publishing and Creative Group, LLC
68-03-2013 – Resolution to Appoint a Member to the Zoning Board of the City of Cape May
69-03-2013 – Resolution Authorizing Participation in Coastal Coalition **(Added)**
70-03-2013 – 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 **(Added)**

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

PUBLIC PORTION ON RESOLUTIONS:

Patricia Hendricks – 106 Trenton Avenue, Cape May, asks the cost of a ticket for Peter Nero and The Philly POPS performance.

Mayor Mahaney advises that the cost of a tickets will be discussed in closed session.

MINUTES:

City Council Regular Meeting Minutes dated January 15, 2013

City Council Closed Executive Session Meeting Minutes dated February 5, 2013

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

REPORTS RECEIVED BY THE CLERK:

2013 Occupancy Tax Budget Projection dated February 20, 2013

Washington Street Mall Management Co. Minutes dated December 3, 2012

Environmental Commission Meeting Minutes dated February 26, 2013

City of Cape May Zoning Board of Adjustment Meeting Minutes dated December 27, 2012

City of Cape May Zoning Board of Adjustment Meeting Minutes dated January 24, 2013

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

UNFINISHED BUSINESS:

NEW BUSINESS:

- A) City Attorney
- B) City Manager, Bruce MacLeod, advises he will review and introduce Bond Ordinances for the General Capital and the Water and Sewer Utility at the next meeting. Mr. MacLeod provides a list of upcoming events at Convention Hall.
- C) City Clerk
- D) Councilmember Wichterman advises the School Funding Formula Feasibility Study is progressing and he thanks the local schools for their cooperation.

Mayor Mahaney reports that the tickets for the Summer Stockton Series are on sale at Convention Hall.

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 hopes there will be no increase in taxes this year. Based upon last year's surplus, Mr. Gaffney believes the City should use surplus monies in lieu of raising taxes. Mr. Gaffney mentions that upon his review of the proposed Budget, he did not see an increase for parking fines.

Mr. MacLeod advises that the budget calculation is based on the average number of tickets issued over a three year period and the \$3.00 increase will not be assessed on every parking violation.

Mr. Gaffney questioned the increase for Liability Insurance in the amount of \$80,000.00 in the budget.

Mr. MacLeod advises that the amount was budgeted for the City's flood insurance.

Mr. Gaffney asks about the \$3.8 million budgeted for the acquisition of land on Lafayette Street.

Mr. MacLeod advises that a Bond Ordinance was introduced for \$3.4 million at the last council meeting for the acquisition and development of land on Lafayette Street. In addition to that amount, the City will be using open space money.

John Cook, 223 Congress Place, Cape May, Chamber of Commerce President, is happy the City is moving forward with marketing initiatives.

Shaine Meier, 1217 Vermont Avenue, Cape May reads a letter on behalf of the Taxpayers Association. Mr. Meier asks the cost of flood insurance for 2013 and the amount budgeted for the Tourism Utility Fund for the year 2013.

Mr. MacLeod advises that \$120,000.00 has been budgeted for flood insurance for the year 2013.

Charles Hendricks, 106 Trenton Avenue, Cape May talks about his review of the Flood Elevation Certificate for the Convention Hall Building and his review of the coverage currently in place on the building. Mr. Hendricks feels that the insurance carries a substandard risk rating resulting in a high deductible with the FEMA policy premium. The flood insurance is budgeted for \$120,000.00 for the year 2013 and the elevation certificate confirms that the structure is several feet too low for a V-zone. Mr. Hendricks asks if the architect and engineer are liable for the construction of this project and comments that he is pleased that the City is pursuing this issue.

Mr. Monzo advises that the construction of Convention Hall involved the architect, four engineering firms, Federal and State Agencies. Further, Mr. Monzo comments that the firms that participated in the design certified to the City that all specifications and plans were in compliance with the law. The City is waiting to hear from FEMA and the DEP and is not ignoring this issue.

George Costich, Victorian Towers, Cape May believes that visitors who visit Cape May see the Park on Lafayette Street as an urban Forrest. Also, Mr. Costick advises that the blizzard season has passed and the hurricane season is on its way and would like to know if the City has any plans to raise the sea wall.

Mayor Mahaney responds that the City is working on a plan.

John Fleming, 1484 Washington Street, Cape May inquires as to whether the residents of Cape May will be required to pay for Convention Hall. He initially believed they would not. Also, he would like to know if the income generated by the new hall is higher than the income generated by the old hall.

Mayor Mahaney responds that there was a binding referendum which authorized \$10.5 million to construct Convention Hall. The income is higher and the expectation will be greater in the years ahead.

Patricia Hendricks – 106 Trenton Avenue, Cape May asks Council to adopt a policy of “Good Will” to be proactive to give the citizens a high level of client services. Also, Ms. Hendricks suggests that the City website be updated every day as communication is important.

Mayor Mahaney is in agreement with Ms. Hendricks and the City is taking steps to upgrade technology to improve communication with the public.

Councilmember Wichterman comments on the meeting with Temple at Convention Hall in reference to the business plan. Councilmember Wichterman was not pleased that the person in charge did not attend the meeting and has not responded to the manager’s letter as of yet. The City is still working on this business plan, advises Mr. Wichterman.

CLOSED SESSION

Motion made by Councilmember Wichterman to go into closed session at approximately 3:40P.M.

Motion made by Mayor Mahaney to go back into open session at approximately 3:55P.M.

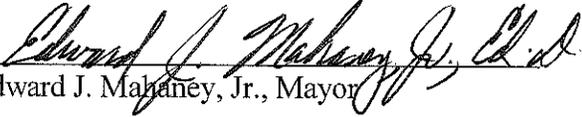
RESOLUTION:

71-03-2013 – Resolution Approving Agreement between Peter Nero and The Philly POPS and The City Of Cape May (**Added**)

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

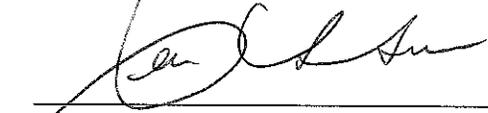
ADJOURNMENT:

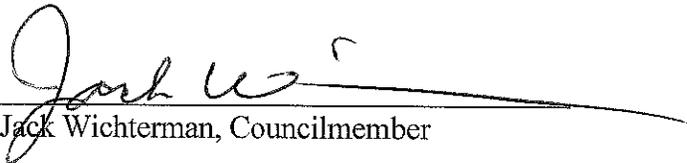
Motion made by Mayor Mahaney, seconded by Councilmember Wichterman to adjourn. The meeting adjourned at approximately 4:00P.M.

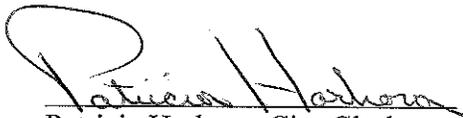

Edward J. Mahaney, Jr., Mayor

ABSENT
William H. Murray, Deputy Mayor

ABSENT
Deanna Fiocca, Councilmember


Terri L. Swain, Councilmember


Jack Wichterman, Councilmember


Patricia Harbora, City Clerk, Deputy

