

**WORKSESSION/REGULAR MEETING  
OF CITY COUNCIL OF THE CITY OF CAPE MAY, NJ  
Tuesday, May 1, 2012, 1:00pm**

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. on Tuesday, May 1, 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 Diane L. Weldon  
Deputy Clerk Louise Cummiskey

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.

**PRESENTATION**

AtlantiCare and Cape May Fire Department present AED to the City of Cape May – Robert Elwell, C.M. Fire Department, Dr. Howard Levitt, Medical Director of the Heart Institute at AtlantiCare, and Rosemary McCartney, R.N. Mr. Elwell speaks on behalf of the members of the Cape May Fire Department and presents a check to AtlantiCare Home Town Heroes for one-half the cost of the AED that will be placed in the new Convention Hall facility. Mr. Elwell comments that the AED is the newest technology and the Fire Department has three of the devices on the first out ambulances. Lives were saved because of these new devices, comments Mr. Elwell. Dr. Levitt comments that it is commendable that the City of Cape May strives to improve safety and placing this device at the new Convention Hall is a great idea. “There will be lives safety as a result,” comments Dr. Levitt.

**COUNCIL COMMENTS**

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

Mayor Mahaney requests that Resolution 116-05-2012 be amended to add Contract Negotiations – Convention Hall Retail Store B.

Motion: Mahaney  
Second: Wichterman

Roll Call:

Fiocca Yes  
Murray Absent  
Swain Yes  
Wichterman Yes  
Mahaney Yes

116-05-2012 Resolution of the City of Cape May providing for a meeting not open to the public in accordance with the provisions of the NJ Open Public Meetings Act, *NJSA10:4-12* –Closed – contract negotiations – beach replenishment (as amended)

Motion: Mahaney

Second: Fiocca

Roll Call:

Fiocca Yes  
Murray Absent  
Swain Yes  
Wichterman No  
Mahaney Yes

Mayor Mahaney, on behalf of Council, extends condolences to City Solicitor, Tony Monzo, on the passing of his mother-in-law, Cathy Buganski.

Motion by Councilmember Deanna Fiocca to go into closed session at approximately 1:20 P.M.

**CLOSED:** contract negotiations – beach replenishment, convention hall retail store contract negotiations

Open session at 2:30 P.M., May 1, 2012

**WORK SESSION DISCUSSION**

**ENGINEER REPORT**

Ray Roberts offers the engineers report.

1. FY 2011 Road utility program, which is Jefferson Street, Corgie Street and the intersection of Franklin and Corgie Streets. All of the work is completed except for the top course which is scheduled to be completed next week.
2. Underground storage tank case 48. The Deed Notice has been completed and will be filed with the County. Thereafter, the Certification will be sent to RV and will be submitted to the DEP.

3. Tank Rehab. – Six bids were opened on April 26, 2012 and the low bidder was Allied Painting from Cherry Hill. There is a Resolution on today's agenda to award the contract.
4. FY 2011 ADA project. This project is substantially complete and only punch list activities will remain.
5. FY 2012 Small Cities Grant – A survey is being performed and we are awaiting the availability of funds.
6. City Hall Roof Replacement – A leak occurred during the recent storm and the damages are being assessed and the problem repaired. It is still anticipated that the windows and the masonry work will be completed by the end of this year.

Mr. Roberts then speaks about a change order for Axios, Inc. and advises that the change is based upon a difference in the quantities listed in the contract that were not necessary. There was a drainage issue that was corrected and the change Order is for an increase of \$597.10 which brings the entire contract change order increase to 1.35%.

#### **CITY MANAGER ITEMS**

Mr. MacLeod reports on the pre-construction meeting with U.S. Army Corp of Engineers and the NJDEP for beach replenishment on the City beaches and the Coast Guard Base Beach Replenishment Project. He comments on the unveiling of gravel and stone deposits as a result of the back-passing project which was reported to the Corp and DEP. A meeting took place in early March that led to an additional meeting to test equipment for the removal of the stone that led to today's pre-construction meeting. The project will be handled by Reilly Construction who will remove gravel, stone and other material at an estimated quantity of 33 hundred tons, with gradation of one-half inch or larger to a depth of six inches between the mean low high water line moving landward, 50 feet, from the area of Gurney Street to Trenton Avenue. The project will start at the Gurney Street end and proceed to Trenton Avenue. The work zone will be closed to pedestrians while the work is being completed. The project is estimated to be completed in one month's time and work hours will be Monday through Friday, commencing at about 7:00 A.M. and finishing at 6:30 P.M. There will be no work over the Memorial Day holiday. The removed stone will be trucked out of the City and the City will pay a minor amount, estimated to be between \$3,000 and \$5,000. The entire project will cost \$158,551.74.

Deputy Mayor Wichterman inquires as to the removal of equipment over the Memorial Day weekend. Mr. MacLeod states he will make that request.

Mr. MacLeod advises that May 13<sup>th</sup> to May 19<sup>th</sup>, is National Police Week and he commends the City's Police Department for their efforts in taking care of the City and its residents.

#### **ATTORNEY ITEMS**

Mr. Monzo thanks the City of Cape May for supporting the Crop Walk and notes the great participation in the event. He also thanks the press and sponsors.

**CLERK'S ANNOUNCEMENTS**

City Clerk Diane Weldon mentions that Mercantile licenses are due today and that after today, applicants will be assessed a 10% late fee.

**REGULAR MEETING BUSINESS:**

Resolutions are offered by Consent.

**RESOLUTIONS:**

- 117-05-2012 Resolution regarding City of Cape May City-Wide Annual Sidewalk Sale
- 118-05-2012 Award of Contract – Madison Avenue-Columbia Avenue Water Storage Tank Rehabilitation
- 119-05-2012 Resolution authorizing Change Order No. 2 for contract with Axios, Inc. for FY2011 Small Cities Block Grant – ADA Improvements
- 120-05-2012 Payment of bills
- 121-05-2012 Resolution to appoint Deputy Treasurer for City of Cape May
- 122-05-2012 Resolution approving professional services agreement between James M. Rutala Associates, LLC and the City of Cape May

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

**MINUTES:**

City Council worksession/regular meeting minutes dated April 17, 2012  
City Council closed executive session meeting minutes dated April 17, 2012

Motion: Wichterman  
Second: Fiocca

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

**REPORTS RECEIVED BY THE CLERK:**

Revised monthly report of tax collections for November and December, 2011  
Shade Tree Commission meeting minutes dated March 8, 2012

Motion: Mahaney

Second: Swain

Roll Call:

Fiocca Yes

Murray Yes

Swain Yes

Wichterman Yes

Mahaney Yes

**UNFINISHED BUSINESS:**

**NEW BUSINESS:**

A) City Attorney

B) City Manager

C) City Clerk

D) Councilmembers – Deputy Mayor Wichterman advises that during the last two weeks, he submitted an analysis of the school funding to the State of New Jersey. He has requested a follow up meeting in Trenton to discuss the analysis and is awaiting a reply.

Councilmember Murray compliments Deputy Mayor Wichterman on his efforts and comments on some of the amounts paid by other municipalities. He hopes the State will do something to equalize the contributions made by municipalities.

Councilmember Fiocca comments about the City obtaining the AED and as a heart patient herself, she recognizes the benefit of having the apparatus.

**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.

**COUNCIL & CITY MANAGER COMMENTS**

Motion made by Councilmember Fiocca to go back into Closed session at 3:00 P.M.

Councilmember Swain left and did not attend the Closed Session Meeting.

Motion made by Deputy Mayor Wichterman, seconded by Councilmember Fiocca to go back into open session at 3:35 P.M.

123-05-2012 Resolution authorizing the rebid for Lease of Cape May Convention Hall Retail Store B

Motion: Wichterman

Second: Fiocca

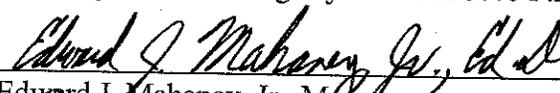
Deputy Mayor Wichterman asks Mr. Monzo if the minimum bid should be noted in the Resolution. Mr. Monzo advises that it can be placed on the record and states the minimum bid is

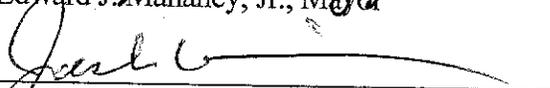
\$50,000 with \$5,000 increases for the second and third year so by the fourth year, the Lease, at a minimum will be \$65,000 plus the CPI increases of 3% per year.

Roll Call:

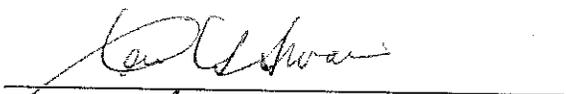
Fiocca	Yes
Murray	Yes
Swain	Absent
Wichterman	Yes
Mahaney	Yes

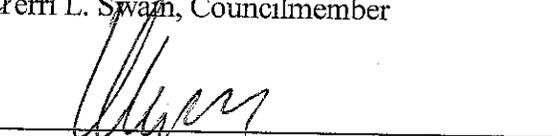
Councilmember Fiocca moves to adjourn the meeting. The meeting adjourned at 3:40 P.M.

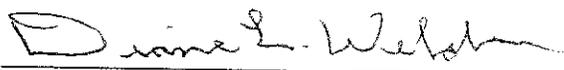
  
Edward J. Mahaney, Jr., Mayor

  
Jack Wichterman, Deputy Mayor

  
Deanna Fiocca, Councilmember

  
Terri L. Swain, Councilmember

  
William H. Murray, Councilmember

  
Diane L. Weldon, City Clerk