

**REGULAR MEETING OF THE  
CITY COUNCIL OF THE CITY OF CAPE MAY, NJ  
Tuesday, November 20, 2012, 7:00pm**

The regular meeting of City Council of the City of Cape May was called to order by Mayor Mahaney at 7:00 P.M. Tuesday, November 20, 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 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:**

273-11-2012 - A Resolution of the City of Cape May Authorizing the Purchase of Flood Insurance.

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

**ORDINANCES FOR INTRODUCTION:**

259-2012 An Ordinance Amending Section 158-3 Of The Cape May City Code Concerning Beach Fees And Charges

City Manager, Bruce MacLeod explains that this Ordinance change allows for an increase of fees on beach tags for the 2013 season. The daily tags will be increased from \$5.00 to \$6.00 and the seasonal tags will be increased from \$25.00 to \$28.00. The estimated increase in income is approximately \$125,000.00, and Mr. MacLeod advises that these funds will be used to improve the rest rooms along the Beachfront.

Motion: Wichterman  
Second: Murray

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

### **ORDINANCES FOR SECOND READING**

257-2012 An Ordinance Amending Section 145-8 of the Cape May City Code concerning Control of Dogs

**PUBLIC PORTION:** Those wishing to publicly comment on this Ordinance 257-2012 shall come forward, give their name and address and speak into the microphone. Each speaker will be limited to five (5) minutes.

Marie Stone, Washington Street, Cape May, would like the Ordinance to prohibit unsupervised tethering of dogs.

Mayor Mahaney advises that section (6) of the Ordinance specifies same.

Motion to Close Public Portion

Motion: Fiocca  
Second: Wichterman

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

### **CITY MANAGER ITEMS**

City Manager, Bruce MacLeod, advises that work on Cape May Avenue was delayed due to Hurricane Sandy. Mr. MacLeod further advises that bids have been received for the Road and Utility work on Washington Street from Franklin to Ocean Streets, as well as bids for Phase II of the ADA Improvements on the 300 block of Carpenters Lane and that these projects will

commence in January after the bids are reviewed by the City's Engineer and the contracts are awarded. In addition, Mr. MacLeod announces that the City received responses to the City's request for RFPs regarding upgrades to the City website.

Mayor Mahaney asks Mr. MacLeod to keep the residents of Victorian Towers apprised of the road work on Washington Street adjacent to their building as it may affect their ingress and egress.

### **ATTORNEY ITEMS**

Mr. Monzo advises that the request to raise parking fines may be addressed by a Resolution which will be provided to the Municipal Court Judge and ultimately to the Assignment Judge at the Administrative Office of the Courts. The Resolution will be on the next meeting Agenda.

### **CLERK'S ANNOUNCEMENTS**

### **REGULAR MEETING BUSINESS:**

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

#### **RESOLUTIONS:**

262-11-2012 – Resolution Authorizing Change Order #1 for Contract with Allied Painting, Inc. for the Madison Avenue Water Storage Tank

263-11-2012 – Resolution of the City of Cape May for Indemnification of City Officials in Civil Litigation

264-11-2012 – Resolution Certifying the 2011 City of Cape May Annual Audit

265-11-2012 – Resolution Fixing Date of Delinquency for Fourth Quarter 2012 Taxes

266-11-2012 – Resolution Establishing the 2013 On-Street Parking Permit Fee

267-11-2012 – Resolution of the City of Cape May Approving the Corrective Action Plan for the Year 2011

268-11-2012 – Transfer of Appropriations – 2012 Budget

269-11-2012 – Payment of Bills "A"

269-11-2012 – Payment of Bills "B" **Removed from Consent**

270-11-2012 – Authorizing Purchase of 2013 Ford Police Interceptor Utility Vehicle Under State Contract No. A82925 (\$26,874.00)

271-11-2012 – Authorizing Purchase of 2013 Ford Police Interceptor Sedan Under State Contract No. A82925 (\$24,678.00)

272-11-2012 – 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 and West Cape May Water Meters

Motion:           Wichterman

Second:          Murray

Roll Call:

Fiocca Yes  
Murray Yes  
Swain Yes  
Wichterman Yes  
Mahaney Yes

269-11-2012 – Payment of Bills “B”

Motion: Murray  
Second: Fiocca

Roll Call:

Fiocca Yes  
Murray Yes  
Swain Abstain  
Wichterman Yes  
Mahaney Yes

273-11-2012 - A Resolution of the City of Cape May Authorizing the Purchase of Flood Insurance.

Motion: Wichterman  
Second: Murray

Roll Call:

Fiocca Yes  
Murray Yes  
Swain Yes  
Wichterman Yes  
Mahaney Yes

Mr. MacLeod explains the coverage for flood insurance is secured through FEMA and the premium of \$51,155.00 will cover \$500,000.00 on the building, \$100,000.00 on the contents and will carry a deductible of \$50,000.00. In addition to the FEMA policy, Mr. MacLeod advises that there is a \$2.5 million policy in effect through the ACMJIF.

**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 premium with the \$50,000.00 deductible covers both the building and contents and would like to know why the City is not insuring the building contents for more than \$100,000.00. Mr. Gaffney also asks if anyone knows what strength wind velocity can be endured by the new Convention Hall building.

MacLeod explains the City feels it can remove contents from the Convention Hall building in the event of a storm and therefore feels that \$100,000.00 for contents insurance is sufficient. Mr. MacLeod advises that the windows purchased for the building are standard code relating to buildings along the East Coast which may be affected by Hurricanes.

**MINUTES:**

**REPORTS RECEIVED BY THE CLERK:**

Cape May Police Department monthly report for the period 10/1/2012 through 10/31/2012  
Cape May Fire Department Monthly Report dated October, 2012  
Construction Permit Activity Report for the period October 1, 2012 through October 31, 2012  
Construction/Zoning Receipt Summary, 2012  
City of Cape May Tax Assessor monthly Report dated November 7, 2012  
Environmental Commission Meeting Minutes dated July and August 2012 and Sept. 11, 2012  
Zoning Board of Adjustment Meeting Minutes dated September 27, 2012  
Monthly Report of Tax Collections for the period July 31, 2012

Motion: Mahaney  
Second: Fiocca

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

**UNFINISHED BUSINESS:**

**NEW BUSINESS:**

- A) City Attorney
- B) City Manager – Mr. MacLeod wishes everyone a Happy Thanksgiving and advises that on Friday November 30, 2012 the Tree Lighting Ceremony will occur at Rotary Park.
- C) City Clerk – Ms. Cumiskey reads a letter from Mr. and Mrs. A. Beale directed to Bob Smith for the efforts of his department during the Hurricane.
- D) Councilmember's – Deputy Mayor Wichterman advises that Vito Gagliardi, Esquire has begun his review of the School Funding matter.

Mayor Mahaney thanks all City Departments for their work on the Hurricane Sandy Fund Raiser at Convention Hall last Saturday night. The Mayor advises that according to the Kiwanis Club President, Jennie McCaney, \$6,500.00 was raised to donate to the hurricane relief fund. The Mayor wishes everyone a Happy Thanksgiving.

**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.

Patricia Hendricks – 106 Trenton Avenue, Cape May comments that the Convention Hall building is in a V-Zone and the pilings are set too low and therefore the City doesn't have flood insurance. Also, Ms. Hendricks asks why she was denied her request to view the elevation survey on the building.

City Solicitor, Anthony Monzo, explains that the flood elevation document has not yet been approved as a final certificate. When the certificate is deemed to be accurate and the insurances are in place, the document will become public record, advises Mr. Monzo. The City Solicitor advises Ms. Hendricks that the elevations of the Convention Hall Building did not result in a denial of flood insurance.

Jerry Gaffney –810 Columbia Avenue, Cape May asks if the Certificate of Occupancy is public information and whether Mayor and Council reviewed the elevation certificate?

Mr. Monzo replied that communications through the City are not public information.

Mayor Mahaney advises that he did review the certificate.

Charles Hendricks – 106 Trenton Avenue, Cape May, mentions that a Certificate of Occupancy should have no bearing on the City's ability to purchase flood Insurance and asks for a copy of said Certificate of Occupancy.

Mr. MacLeod advises that, as discussed at the last meeting, the City was waiting for the "As Built" survey. That survey has been received and the Construction Official may now issue the Certificate of Occupancy.

Mr. Hendricks asks why the basic flood insurance policy premium is so high and Mr. MacLeod responds that it has to do with where the building is located.

George Costich – Victorian Towers, Cape May, is concerned for the safety of the people of Cape May City in the event of a Hurricane and tells us that Washington Street itself is 15 feet above sea level. Mr. Costich feels that the City's jetty's need to be replaced and built higher.

Motion made by Mayor Mahaney, seconded by Councilmember Fiocca to go into closed session approximately 8:08 PM

### **ADJOURNMENT**

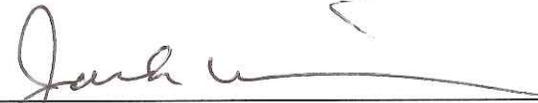
Motion made by Councilmember Fiocca to go into Closed Session. The meeting adjourned at approximately 8:05 P.M.

### **CLOSED:**

Motion made by Deputy Mayor Wichterman to go back into open session.

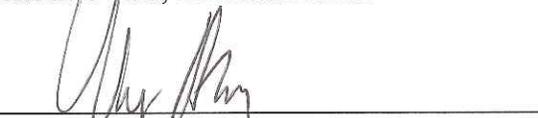
Motion made by Mayor Mahaney to adjourn. The meeting adjourned at approximately 8:45 P.M.

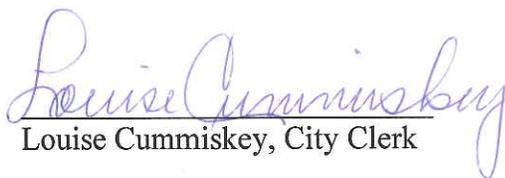
  
Edward J. Mahaney, Jr., Mayor

  
Jack Wichterman, Deputy Mayor

  
Deanna Fiocca, Councilmember

  
Terri L. Swain, Councilmember

  
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Louise Cumiskey, City Clerk

