

**REGULAR MEETING  
OF CITY COUNCIL OF THE CITY OF CAPE MAY, NJ  
Tuesday, October 16, 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, October 16, 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 Cumiskey  
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:**

247-10-2012 – 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 – Personnel Matter

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

**ORDINANCES FOR INTRODUCTION:**

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

Councilmember Fiocca reviewed the amended ordinance and spoke to both residents and PETA about this matter and believes that no dog should be tethered while the owner is not present.

Mr. Monzo suggests amending the proposed Ordinance by adding a sixth paragraph which states, "No dogs may be chained or tethered unless the owner or a person responsible for the dog is at the property."

Mayor Mahaney asks Council if they would like to comments on this matter.

Councilmember Murray asks if this could be enforced by a neighbor or someone reporting this matter.

Mr. Monzo replies that any person or Animal Control Officer that observes this can enforce the Ordinance.

Deputy Mayor Wichterman comments that he has received several phone calls regarding the tethering of dogs.

Vote on Ordinance 257-2012, as amended

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

Mayor Mahaney announce that Ordinance 257-2012 will have a second reading and public hearing on Tuesday November 20, 2012 at 7:00 PM.

**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:**

- 240-10-2012 – Resolution of the City of Cape May to Approve Member of Cape May Volunteer Fire Company
- 241-10-2012 – Resolution of the City of Cape May to Approve Member of Cape May Volunteer Fire Company
- 242-10-2012 – Resolution Regarding Trick-or-Treat Night
- 243-10-2012 – Resolution Refunding Tree Removal Permit Fee
- 244-10-2012 – Resolution Authorizing Utility Bill Adjustment Due to Catastrophic Occurrence
- 245-10-2012 – Payment of Bills "A"
- 245-10-2012 – Payment of Bills "B" **Removed from Consent**
- 246-10-2012 – Refund of Overpaid 2012 Taxes
- 247-10-2012 – Closed Session **Added to the Agenda**

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

245-10-2012 – Payment of Bills “B”

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

**MINUTES:**

City Council Regular Meeting Minutes dated September 18, 2012

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

**REPORTS RECEIVED BY THE CLERK:**

Overtime Report for September, 2012

Assessor’s Office Monthly Report dated October 9, 2012

Construction Permit Activity Report for the period September 1, 2012 to September 30, 2012

City of Cape May Zoning Board of Adjustment Meeting Minutes dated July 26, 2012

City of Cape May Historic Preservation Commission Meeting Minutes dated Sep. 10, 2012

Motion: Wichterman  
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 advises that he attended a preconstruction meeting on October 3, 2012 for the Lower Cape May Meadows Beach Restoration Project. The contract was awarded to Weeks Marine, Inc. with an expected completion date of March 2013, weather permitting. Mr. MacLeod explains that a portion of the project will be for 163,000 cubic yards of sand at the Cove Beach with an option for an additional 30,000 cubic yards. Mr. MacLeod offers his report on the monies presented received from the Beach Theatre Foundation, to date which total \$39,700.00. Finally, Mr. MacLeod advises that he attended a preconstruction meeting today for the road work on Cape May Avenue on the North side (between Madison and Reading Avenue). The contract was awarded to Infra Structure, LLC who will start to video the roadway this week. The anticipated date for mobilization will be October 29, 2012 with a completion date for mid December.

Mr. Macleod will be attending the Cape May County Chamber of Commerce Annual Business Meeting and the City of Cape May will be receiving two awards. The first award will be in the Beautification Classification for the new Convention Hall and the second award will be in the Conservation Classification relating to the City's efforts for solar and energy related initiatives. Also, Mr. MacLeod states that the City of Cape May recently won an award, for the second year in a row, in the Small Municipality category as a sustainability champion. Said award will be given at the League of Municipalities conference.

Mr. MacLeod advises that the filing of the property tax relief homestead rebate has been extended to December 14, 2012 per the State of New Jersey.

C) City Clerk – Ms. Cummiskey announced that today is the last day to register to vote for the upcoming election in November and if anyone is voting by mail the County Clerk must receive the mail-in ballot post marked seven (7) days prior to election day, or the ballot may be hand delivered to the County Clerk's Office no later than 3:00 P.M. on the day prior to election day. Also, the next worksession meeting will be held on Wednesday November 7, 2012 due to Election Day.

The City Clerk announced that the Cape May County Health Department is offering a Free Flu clinic and if anyone is interested, they may call the County Health Department at (609) 463-6581 or visit their website at [www.cmchealth.net](http://www.cmchealth.net).

D) Councilmembers – Deputy Mayor Wichterman comments that he attended a School Funding meeting at Long Beach on October 3, 2012. Mr. Wichterman submitted minutes to the Council, City Manager, City Clerk, City Attorney, and the Mayor of West Cape May. Mr. Wichterman is awaiting a proposal from Vito Gagliardi, Esquire for the cost of his services and the path which he feels should be taken by the City of Cape May. Mr. Gagliardi recommended

that the City of Cape May and the Borough of West Cape May should work together separate from the other municipalities in Long Beach. Mr. Wichterman will keep everyone updated.

Mayor Mahaney comments on the Energy Conservation Seminar which took place on Thursday, October 11, 2012 in an effort to solicit small businesses in the City of Cape May to participate in an energy conservation audit. The Mayor thanks the Chamber of Commerce for putting together the Dragon Boat Festival which occurred on Saturday, October 13, 2012.

Mayor Mahaney announces that the Halloween Parade will be held Sunday, October 21, 2012, at 3:00 P.M. with registration beginning at 2:00 P.M. There will also be trick or treat on the mall on October 21, 2012, sponsored by the WSMMA.

**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.

Suzanne Taylor – 921 Washington Street, Cape May would like Council to amend the Ordinance regarding Control of Dogs to read “no tethering.”

Marie Stone – 826 Washington Street, Cape May agrees with Ms. Taylor and would like an anti-tethering Ordinance.

Shaine Meier – 1217 Vermont Avenue, Cape May advises that the “Yield to Pedestrian Crossing” sign on Lafayette Street by the elementary school has been moved and asks if it can be put back in place.

Bernie Hass – 1016 Illinois Avenue, Cape May asks the City Manager, the balance of the Small Cities Fund.

Mr. MacLeod replies that he does not know the exact balance as he believes interest has accrued by asks Mr. Haas to contact him and he will provide him with that information. Also, Mr. Haas asks if the restrooms on Beach Avenue in front of Convention Hall are permanent and Mayor Mahaney replies that the question was asked at the last council meeting and that council is currently looking into the matter.

George Costich – Victorian Towers, Cape May states that the Dragon Boat races have been around for many years, and that people all over the world do the same thing in slightly different ways.

### **COUNCIL & CITY MANAGER COMMENTS**

Deputy Mayor Wichterman advises that the stimulus money given to Congress Hall was returned before its due date. Mr. Wichterman believes that local business owners should avail themselves to the stimulus money so that the State does not ask the City to return the money.

**ADJOURNMENT**

Motion made by Mayor Mahaney, seconded by Councilmember Fiocca, to go into Closed Session. The regular meeting adjourned at 7:40PM.

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

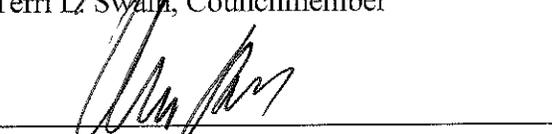
Motion made by Deputy Mayor Wichterman to adjourn. The meeting adjourned at approximately 8:15 P.M.

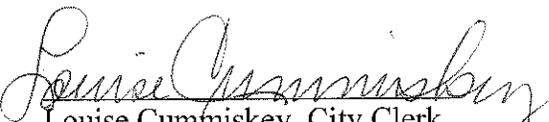
  
Edward J. Mahaney, Jr., Mayor

  
Jack Wichterman, Deputy Mayor

  
Deanna Fiocca, Councilmember

  
Terri L. Swain, Councilmember

  
William H. Murray, Councilmember

  
Louise Cumminskey, City Clerk