

**WORKSESSION/REGULAR MEETING
OF CITY COUNCIL OF THE CITY OF CAPE MAY, NJ
Tuesday, October 2, 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. Tuesday, October 2, 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:

ENGINEER REPORT

Raymond Roberts, City Engineer, offers his report as follows:

FY 2011 Road and Utility Improvement Program – the project is complete other than remediating a section of pavement opposite the Post Office driveway on Corgie Street.

Underground Storage Tank - Canning House Lane, Case No. 98-05-06-1200-48 - the Deed Notice has been filed and the Response Action Outcome is near completion for filing with the State.

Water Tank and Standpipe – Meetings regarding this project will be conducted monthly on the first Wednesday of every month beginning October 3, 2012. Mr. Roberts provides a time line for the Madison Avenue Tank as well as for the Canning House Lane Standpipe.

FY2011 NJDCA Small Cities ADA Improvements – We are awaiting the delivery of Mr. Boardwalk which is expected to arrive no later than October 12, 2012. The contractor has completed the punchlist items and upon delivery of Mr. Boardwalk, the project will be complete.

FY2012 NJDCA Small Cities Grant Application ADA Improvements – RV is in the process of preparing construction documents for bidding. This project will include Carpenter's Lane from Perry to Jackson and Beach access at Madison, Pittsburgh, Perry and Broadway.

FY2012 NJDOT Municipal Aid - Mr. Roberts advises that the funds were awarded and there is a Resolution on today's Agenda.

FY2012 Utility and Road Improvement Program (Two Contracts) – Mr. Roberts advises that a contract for Cape May Avenue (Madison to Reading Avenue) is on today's Agenda. The second contract for Washington Street (Ocean Street to Franklin Street) will be advertised for Bids on October 13, 2012.

City Hall Rehabilitation – Mr. Roberts advises that there is a change order on today's Agenda based upon flashing on the building which was improperly installed resulting in water leaking into the building.

Deputy Mayor Wichterman asks if we can correct the problem at this time and Mr. MacLeod advises that the correction would total more than the allowable change order amount so we would not be able to go forward with this renovation at the present time.

Mr. Roberts advises that the windows have been ordered and are currently being manufactured. The windows should be delivered in 6-8 weeks.

FY2013 NJDCA Small Cities Grant Application – Mr. Roberts advises that all information has been submitted to Mark Blauer who is preparing the final application for the Small Cities Grant.

FY2013 NJDOT Municipal Aid – The resolution for Cape May Avenue, Phase III (Reading to Trenton Avenue) is on today's Agenda to be submitted to DOT.

Harbor Lane Bulkhead – The survey of this area has been scheduled for October 8, 2012. Mr. Roberts indicates that the Condo Association at Harbor Lane will also contract to have a new bulkhead installed.

Councilmember Murray asks if there would be any savings if the City and the Condo association use the same contractor. Mr. Roberts replies that the Condo Association may hire a contractor without paying prevailing wages.

WORK SESSION DISCUSSION ITEMS

Ordinance Amending Section 145-8 of the Cape May City Code Concerning Control of Dogs

Mr. MacLeod discusses proposed language for an Amendment of the City Code regarding the Control of Dogs.

Mr. Monzo advises that he performed some research regarding this matter and that currently, there are three Municipalities in Cape May County which regulate the tethering of dogs. Ms. Fiocca would like to see a time limit and asks if the city should regulate the length of the tether. Ms. Swain believes there should be a limit and there is discussion regarding how long that limit should be. Mr. Monzo suggests a four hour time limit.

Linda Steenrod – 1011 Washington Street, Cape May agrees and supports the language change in the Ordinance with a time limit on a tethered dog, and suggests that if anyone in the neighborhood has a problem they can contact Animal Control.

Council Member Murray thanks Mrs. Steenrod for bringing this matter to Council’s attention.

Shaine Meier, 1217 Vermont Avenue, Cape May asks of the significance of an animal being spayed or neutered and Councilmember Fiocca responds.

Mayor Mahaney thanks the public for their input on amending this Ordinance and announces that the Ordinance will be introduced at the next Council Meeting on October 16, 2012.

ATTORNEY ITEMS

CLERK'S ANNOUNCEMENTS

REGULAR MEETING BUSINESS:

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

RESOLUTIONS :

- 233-10-2012 – Resolution Authorizing the Purchase of Portable Radio Remote Receiver, Additional Equipment and Installation for use by Police and Fire Departments Under State Contract No. A53804 (\$9,008.00)
- 234-10-2012 – Resolution Authorizing the Purchase of Portable Radio Remote Receiver Equipment and Installation for use by Police and Fire Departments Under State Contract No. A53766 (\$36,280.00)
- 235-10-2012 – Resolution Awarding Contract – 2012 Utility and Road Program, Phase 1
- 236-10-2012 – Resolution Approving the Submission and Execution of a Grant Contract with the New Jersey Department of Transportation for the Reconstruction of Cape May Avenue, Phase III, from Reading Avenue to Trenton Avenue
- 237-10-2012 – Resolution Authorizing Change Order No. 1 for Contract with Mangan Masonry Restoration, Inc. for the City Hall Exterior Façade Repairs
- 238-10-2012 – Payment of Bills “A”

Motion: Wichterman

Second: Fiocca

Roll Call:

Fiocca Yes

Murray Yes

Swain Yes

Wichterman Yes
Mahaney Yes

MINUTES:

City Council Worksession/Regular Meeting Minutes dated September 4, 2012

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

City Council Special Meeting Minutes dated September 17, 2012

City Council Closed Executive Session Meeting Minutes dated September 17, 2012

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

REPORTS RECEIVED BY THE CLERK:

2% Occupancy Tax projection dated September 19, 2012

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

UNFINISHED BUSINESS:

NEW BUSINESS:

- A) City Attorney
- B) City Manager – Mr. MacLeod announces upcoming events at Convention Hall as follows:

October 5, 2012 - Danny Wright Concert;
October 6, 2012 - a Victorian Dance;
October 11, 2012 - Free Seminar for the NJ Clean Energy Program

Mr. MacLeod advises that he will be attending the initial project meeting for the upcoming Beach Replenishment Project.

C) City Clerk - Ms. Cummiskey advises that November 6, 2012 is Election Day which conflicts with the first Council meeting in November. The council meeting is changed to Monday, November 5, 2012 at 1:00 P.M.

D) Councilmembers - Deputy Mayor Wichterman advises that he will attend a meeting on October 3, 2012 in Long Branch Township regarding the School Funding matter. Eight other mayors with a similar interest, together with an attorney by the name of Vito Gagliardi, who is an expert on School Funding, will also attend the meeting. Mr. Wichterman will provide us with the results of that meeting sometime thereafter. Mr. Wichterman inquires as to the outstanding Beach Theatre Loans and asks what the next step is in the collection of those loans. Mr. Monzo advises that demand letters could be forwarded and if payment is not made in a specific time, Council would need to pursue legal action to collect.

Councilmember Murray compliments Mr. Wichterman on the work he is doing on the school funding project.

Councilmember Swain advises that the Business Improvement District completed their election last Sunday and there are three (3) positions which need to be filled.

Mayor Mahaney asks that a Resolution be prepared and placed on the Agenda for the evening Meeting of October 16, 2012 regarding Trick or Treat which will take place on October 31, 2012 from 5:00 pm to 7:00 pm. The Mayor announces that the annual Halloween Parade will take place on Sunday October 21, 2012. The first wedding at Convention Hall took place on Saturday, September 29, 2012 and the Mayor thanked city staff for working very hard to make the event very special for the couple and their families. Finally, the Mayor advises that the October issue of the monthly magazine of the League of Municipalities of the State of New Jersey features an article about the City of Cape May and our new 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.

Shaine Meier - 1217 Vermont Avenue, Cape May wants to remind the City Council that the Menucan Hughes Colonial House, is the oldest Colonial House in the City of Cape May and is maintained by the Historical Society. Mr. Meier inquires as to the financial success of Convention Hall, believing that the fiscal year ended. Mr. MacLeod replies that the fiscal year ends December 31 not at the end of the summer season and explains that income is generated in different manners. Certain activities are paid events and those can be analyzed on an individual basis, explains Mr. MacLeod. Other activities are staged to aid local businesses to generate

income. Also, the Convention Hall is used to enhance the vacations of visitors with activities for enjoyment in the community. Mr. Meier asks if the City released the Temple Business Plan.

Terry Sheilds – 11 Gurney Street, Cape May inquires as to how long the portable rest rooms will remain at Gurney Street.

Mayor Mahaney replies that he doesn't foresee this as a permanent structure but the rest rooms are needed at that site until a more permanent structure can be built. The Mayor advises that Council will research and discuss this matter.

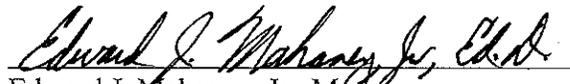
Jerry Gaffney – 810 Columbia Avenue, Cape May inquires as to the amount of the Change Order issued to Ogren Construction and would like a financial report regarding the construction of Convention Hall. Mr. Gaffney would also like to know if the Hall was built within budget.

Mr. MacLeod replies the Change Order was for \$116, 000.00 and a report will be available as soon as he can put one together. Mr. MacLeod advises that the Hall was built within the funding that was provided to the City.

George Costick – Victorian Towers, Cape May states that Cape May City fits the criteria of a National, Natural Historical Landmark. Mr. Costich would also like the City of Cape May to have a forestry crew to trim the trees throughout Cape May City.

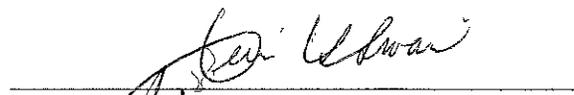
COUNCIL & CITY MANAGER COMMENTS

Motion made Mayor Mahaney to adjourn. The meeting adjourned at approximately 2:40 P.M.

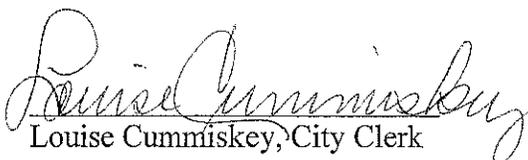

Edward J. Mahaney, Jr., Mayor


Jack Wichterman, Deputy Mayor


Deanna Fiocca, Councilmember


Terri L. Swain, Councilmember


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Louise Cummiskey, City Clerk