

**WORKSESSION/REGULAR MEETING  
OF CITY COUNCIL OF THE CITY OF CAPE MAY, NJ  
Tuesday, October 7, 2014 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, October 7, 2014 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 William H. Murray, Esquire  
Councilmember Terri L. Swain  
Deputy Mayor Jack Wichterman

Also Present: City Manager Bruce MacLeod  
City Attorney Anthony Monzo  
City Clerk Louise Cumiskey  
Deputy City 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:**

285-2014 An Ordinance Amending Chapter 472 of the Cape May City Code Regarding the Hiring of Towing Contractors **DELETED**

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

**DISCUSSION ITEMS**

**Amendments to Towing Ordinance**

City Manager, Bruce MacLeod, highlights the proposed amendments to the existing Towing Ordinance.

Mayor Mahaney comments that the amended Ordinance will insure adequate towing services for the City.

Police Chief, Robert Sheehan, agrees that the proposed amendments to the current Towing Ordinance will eliminate many problems. Chief Sheehan has reviewed the changes to the existing ordinance with his staff and feels it will improve services.

City Council will consider introducing Ordinance 285-2014 at the October 21, 2014 Council Meeting.

### **Low Speed Vehicles**

City Attorney, Anthony Monzo, provided material pertaining to Low Speed Vehicles operating in the City of Cape May. City Council will review and discuss all the information and regulations from a public safety, zoning and business standpoint. Mr. Monzo advises that the law regulating LSV was established by the State Legislature to meet all the Federal and safety requirements. Mr. Monzo explains that the City can regulate the streets where these vehicles will be permitted or prohibited from operating in the C-1 and C-5 zoning districts. Council will need to decide on a location, licenses and the regulation of operation. The Police Department will need to review public safety and traffic control for LSV.

Deputy Mayor Wichterman is concerned with slow moving traffic in the summer season due to the Low Speed Vehicles.

Mayor Mahaney reminds Mr. Wichterman that a privately owned Low Speed Vehicle will not be governed by the Ordinance.

Mr. MacLeod mentions that the rental business will need to provide repair service if the vehicle breaks down.

Mayor Mahaney comments that multiple individuals are interested in operating Low Speed Vehicle rentals in Cape May in 2015. Some municipalities in New Jersey have abandoned the idea of Low Speed Vehicles in their town and City Council will need to have provisions in place if Cape May decides to pass an ordinance, advises the Mayor.

Mr. Wichterman asks who would enforce the law on the businesses and vehicles.

Mr. Monzo advises that the Police Department and Code Enforcement will oversee the LSV businesses in Cape May.

Councilmember Murray mentions that the Low Speed Vehicle regulations are governed by the State of New Jersey.

Councilmember Swain questions the permit requirements of the vendor doing business in the City.

## **ENGINEER REPORT**

City Engineer, Ray Roberts, presents his report as follows:

USDA Water Tank and Standpipe Expanded Improvements – Bids were opened on September 25, 2014 for the repaving of sidewalks around the water tank. The rehabilitation of the lime silo pre-bid meeting was held today and the emergency generators #5 and #7 pre-bid meeting will take place on October 9, 2014.

FY2014 Road and Utility Improvement Program – RV &W will advertise for bids on November 8, 2014 with a construction start date in January 2015.

Harbor Lane Bulkhead – Contractor began construction on September 8, 2014. Mr. Roberts reports that the steel sheet pilings have been installed and the project is near completion.

FY 2012 Road and Utility Improvement Program Phase 1 – the contractor has seeded Cape May Avenue (Madison to Reading Avenue) and RV&W will proceed with the closeout documentation. The maintenance bond covers the work for two years if the areas needs to be reseeded in the spring.

FY2014 NJDCA Small Cities Grant Application – East Lyle Lane (Perry to Jackson Street)- RV&W has prepared the design and will advertise for bids on November 8, 2014.

FY2015 NJDCA Small Cities Application – East Lyle Lane (Jackson to Decatur Street) RV&W submitted the engineering report, with the grant application, to the DCA for review.

FY2013 NJDCA Small Cities Plan – The City received permission from the DCA to use surplus grant funds for ADA beach material, which includes new beach wheel chairs, protected beach mats and beach access mats on the beach.

Carpenters Lane (Jackson to Decatur Street) and Replacement of Gurney Street Storm Drain – Final payment requisition has been submitted to the City. Both projects are closed out.

Mayor Mahaney advises Mr. Roberts that the planter box stone has become dislodged in front of Casale's Shoe Store.

Mr. Robert's will contact the Contractor to repair the box.

Mayor Mahaney asks the City Manager to contact the Public Works Department to instruct them to put a sealant under the planter boxes between the brick sidewalk and the stone siding before the winter season.

## **CITY MANAGER ITEMS**

City Manager, Bruce MacLeod, advises that the annual water main flushing program will take place between October 20, 2014 and November 5, 2014. Maps as to location of the flushing are

available on the Cape May City website and in local newspapers or you may contact the Water/Sewer Department at (609) 884-9575. Mr. MacLeod asks residents to allow their water to run for a few minutes after the flushing takes place. Mr. MacLeod announces that the Washington Street Mall Merchants are sponsoring Trick or Treat on the Mall on Sunday, October 19, 2014 from 12:00 P.M. to 2:00 P.M. Thereafter, the Halloween Parade will begin at 3:00 P.M. Finally, Mr. MacLeod announces that the Philadelphia German Brass Band will be playing at Convention Hall on Sunday, October 11, 2014 at 7:30 P.M.

The City of Cape May is sponsoring a Blood Drive on Monday, November 24, 2014 from 10:00 A.M. to 3:00 P.M. at Convention Hall. Appointments are preferred and can be made by contacting Patricia Harbora (609) 884-9530 or you may go on line at REDCROSSBLOOD.ORG (enter sponsor code: Cape May City.)

### **CLERK'S ANNOUNCEMENTS**

Election Day, November 4, 2014 – Polls open between the hours of 6:00 A.M. and 8:00 P.M.  
November Worksession/Regular Meeting – Monday, November 3, 2014  
November 18, 19, and 20, 2014 – League of Municipalities  
Regular Council Meeting in November will be moved to Monday, November 17, 2014

### **REGULAR MEETING BUSINESS:**

#### **ORDINANCES FOR INTRODUCTION**

285-2014 An Ordinance Amending Chapter 472 of the Cape May City Code Regarding the Hiring of Towing Contractors **DELETED**

#### **ORDINANCES FOR SECOND READING AND CONSIDERATION FOR ADOPTION**

284-2014 AN ORDINANCE AMENDING ARTICLE VI OF CHAPTER 510 OF THE CAPE MAY CITY CODE REGARDING THE PAYMENT OF WATER AND SEWER BILLS

Mayor Mahaney explains that Ordinance 284-2014 has been amended to raise the dollar amount for relief of catastrophic water loss from \$500 to \$1,500.

#### **OPEN PUBLIC SESSION**

Motion: Wichterman  
Second: Murray

#### **CLOSE PUBLIC SESSION**

Motion: Wichterman  
Second: Murray

Motion: Mahaney  
Second: Wichterman  
Roll Call:  
Murray Yes

Swain Yes  
Wichterman Yes  
Mahaney Yes

**RESOLUTIONS:**

- 222-10-2014 – 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-School Funding Formula; Beach House Restaurant; Contract Negotiations, Interlocal Services Agreement
- 223-10-2014 – Resolution of the City of Cape May Authorizing Pay Certificate No. 3 – Final for Contract with Charles Marandino, LLC for the FY 2013 NJDCA Small Cities Block Grant – Various ADA Improvements – Phase 3
- 224-10-2014 – Resolution Authorizing Refund of Overpaid 2014 Taxes
- 225-10-2014 – Resolution Designating October 2014 as “Breast Cancer Awareness Month” in the City of Cape May
- 226-10-2014 – Resolution Awarding Contract for Supply and Installation of New Emergency Vehicle Exhaust Extraction System for the Cape May Fire Department
- 227-10-2014 – Resolution Providing for the Insertion of a Special Item of Revenue in the Budget Pursuant to Chapter 159 PL 1948
- 228-10-2014 – Resolution Declaring Certain Surplus Items as Surplus Property and Authorizing Sale of Same
- 229-10-2014 – Resolution of the City of Cape May Authorizing Change Order No. 3-Final for Contract with F.L. Shawl & Sons, Inc. for the Replacement of Gurney Street Storm Drainage
- 230-10-2014 – Resolution Regarding Trick or Treat Night
- 231-10-2014 – Payment of Bills
- 232-10-2014 – Resolution Approving Agreement Between City of Cape May and 7 Mile Publishing and Creative Group, LLC
- 233-10-2014 – Resolution Awarding Contract for Supply of Calcium Hypochlorite

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

**MINUTES:**

- City Council Closed Session, Special Meeting Minutes dated June 30, 2014
- City Council Closed Session Meeting Minutes dated July 1, 2014
- City Council Worksession/Regular Meeting Minutes dated September 2, 2014
- City Council Closed Session Meeting Minutes dated September 2, 2014
- City Council Regular Meeting Minutes dated September 16, 2014
- City Council Closed Session Meeting Minutes dated September 16, 2014

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

**REPORTS RECEIVED BY THE CLERK:**

Cape May Police Department Monthly Report dated September 15, 2014  
City of Cape May Occupancy Tax Budget Projection Report dated September 16, 2014  
City of Cape May Environmental Commission Meeting Minutes dated September 23, 2014

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

**NEW BUSINESS:**

- A) City Attorney
- B) City Manager – Mr. MacLeod advises that the Business Improvement District is preparing their 2015 Budget for presentation to City Council at a meeting in November.
- C) City Clerk
- D) Councilmembers – Deputy Mayor Wichterman advises that Vito Gagliardi, Esquire will be attending the closed session today on the school funding matter to discuss the next step. Mr. Wichterman advises that the Special Election for the School Funding matter will be held on December 9, 2014 from 2:00 P.M. to 9:00 P.M. Mr. Wichterman asks all residents to vote.

Mayor Mahaney thanks Pat D'Arco, Public Works, for the beautiful Halloween decorations at Convention Hall. The Mayor comments that he receives many calls from residents regarding street lights that need to be replaced. When a street light is out, a resident can call Atlantic City Electric directly at (800) 833-7476, or report the outage on the Atlantic City Electric website. This will speed up the process. Finally, Mayor Mahaney, announces that the City of Cape May will sponsor the 2014 Cape May County Chamber of Commerce Dinner to be held on Thursday, October 16, 2014 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.

Charles Hendricks, 106 Trenton Avenue, Cape May suggests that the City of Cape May use local publishers rather than other those from other areas. Mr. Hendricks hopes the new City Council

will have the opportunity to vote on the Interlocal Services Agreement. Finally, Mr. Hendricks is concerned with LSV safety, adequate insurance, repairs, and parking issues. Mr. Hendricks suggests an all day rental for LSV.

Jerry Inderwies, Jr., 1159 Indiana Avenue, Cape May comments on the successful Sea Glass Festival but was concerned with the overcrowded occupancy in the building. Also, Mr. Inderwies asks if a new Construction Official has been hired.

Mr. MacLeod reports that the Sea Glass Festival was a very successful event. Mr. MacLeod advises that between City Management, the City Police Department, the City Fire Department and the Fire Marshall, the large number of people attending the event was handled by allowing one group to enter the building as one group departed.

Mr. MacLeod advises that a process to hire a new Construction Official is in place.

Julius Rauch, 1010 New York Avenue, Cape May comments that Cape May City is becoming a year round tourist location and asks how the City is going to fund the additional increase in cost. Also, Mr. Rauch feels that mercantile license inspections and fire inspections should be more stringent for the safety of residents and visitors. Finally, Mr. Rauch feels that Council should increase the business assessment fees.

Dorothy Jarmon, Lafayette Street Court, Cape May asks Council to do something about the poor condition of the home at the end of St. John Street. Ms. Jarmon comments that the handicapped crosswalk on Lafayette Street near the Macedonia Church is always blocked with parked cars. Finally, Ms. Jarmon requests a crosswalk at Franklin and Lafayette Street.

Shaine Meier, 1217 Vermont Avenue, Cape May asks for an explanation as to the proposed towing rotation. Also, Mr. Meier asks if the public can choose the company they want to tow their vehicle.

Mr. MacLeod replies that the towing would be rotated between 2-3-4-companies on a list. Mayor Mahaney advises that an individual has the right to choose whoever they want to tow their vehicle. The proposed Ordinance only applies to accidents.

Jerry Gaffney, 810 Columbia Avenue, Cape May asks what the next step will be if the voters reject the question at the Special Election.

Mr. Wichterman replies that the next step would be to go to Superior Court.

John Van De Vaarst, 1030 Ohio Avenue, Cape May asks if there are any regulations LSV regulations requiring car seats for young children. Mr. Van De Vaarst feels that if a system was in place for LSV, Cape May would be a future model in the State of New Jersey.

Mr. Monzo reports that the LSV requirements will meet all of the Federal Regulations.

**CLOSED SESSION**

Motion made by Mayor Mahaney, seconded by Deputy Mayor Wichterman, to go into Closed Session.

**OPEN SESSION**

Motion made by Mayor Mahaney, seconded by Councilmember Murray to go back into Open Session.

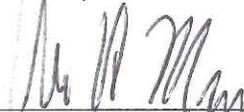
**ADJOURNMENT**

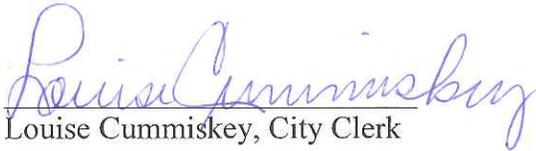
Motion made by Deputy Mayor Wichterman, seconded by Councilmember Murray, to adjourn. The meeting adjourned at 3:57 P.M.

  
Edward J. Mahaney, Jr., Mayor

  
Jack Wichterman, Deputy Mayor

  
Terri L. Swain, Councilmember

  
William H. Murray Esq., Councilmember

  
Louise Cummiskey, City Clerk