

**SPECIAL MEETING
OF THE CITY COUNCIL
OF THE CITY OF CAPE MAY, NJ
Tuesday, October 9, 2012, 12:00P.M.**

The special meeting of City Council of the City of Cape May was called to order by Mayor Mahaney at 12:00 P.M. Tuesday, October 9, 2012 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 Deanna Fiocca
Councilmember William H. Murray
Councilmember Terri L. Swain
Deputy Mayor Jack Wichterman

Also Present: City Manager Bruce MacLeod
City Solicitor Anthony P. Monzo
City 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.

Mayor Mahaney advises that the purpose of this special meeting is to approve a Professional Services Contract for Special Counsel in the matter of Stewart's of Cape May, L.L.C. v. City of Cape May, et al.

Minutes do not reflect the actual order in which the events occurred.

RESOLUTION

239-10-2012 – Resolution Authorizing an agreement between the City of Cape May and Richard M. King, Jr., Esquire of Ford, Flower, Hasbrouck & King

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

Deputy Mayor Wichterman asks why Mr. Monzo's firm cannot represent the City of Cape May in this matter.

Mr. Monzo explains that his partner, Andrew Catanese, represents Stewarts of Cape May, LLC on an unrelated matter and therefore, the firm may not represent the City. Mr. Monzo states that under the rules of professional conduct, the conflict may not be waived so the City has no choice in this matter but to hire separate council.

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.

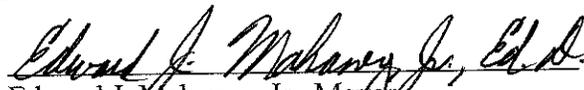
COUNCIL COMMENTS

Deputy Mayor Wichterman feels that it is unfortunate that the City must bear the cost of hiring an attorney to defend this matter.

Councilmember Murray suggests that since the matter is in litigation, it should not be discussed in open session.

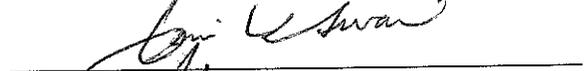
ADJOURNMENT

Motion made by Deputy Mayor Wichterman seconded by Councilmember Fiocca to adjourn. The meeting adjourned at approximately 12:30 PM.

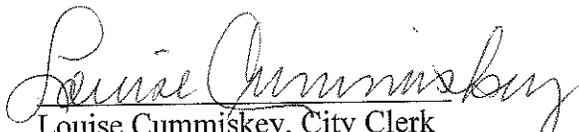

Edward J. Mahaney, Jr., Mayor


Jack Wichterman, Deputy Mayor


Deanna Fiocca, Councilmember


Terri L. Swain, Councilmember


William H. Murray, Councilmember


Louise Cumiskey, City Clerk