

**SPECIAL MEETING
OF THE CITY COUNCIL
OF THE CITY OF CAPE MAY, NJ
Monday, September 17, 2012, 2:00P.M.**

The special meeting of City Council of the City of Cape May was called to order by Mayor Mahaney at 2:00 P.M. Monday, September 17, 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
Special Council Marian R. Ragusa
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.

Mayor Mahaney advises that the purpose of this special meeting is to conduct an Administrative Hearing to determine whether or not Stewart's of Cape May, LLC is in violation of their Mercantile License.

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

Marion R. Ragusa, Esquire, Special Counsel on behalf of the City of Cape May, begins the hearing by setting forth the facts surrounding this matter. Ms. Ragusa offers into evidence a time line of events and calls John Queenan, Code Enforcement Officer for the City of Cape May, to the rostrum to testify. Ms. Ragusa questions Mr. Queenan as to the events that transpired throughout the summer regarding Stewart's of Cape May LLC operating their business with more than the allowable number of seats as set forth on their Mercantile License.

William J. Kaufmann, Esquire, council on behalf of Stewart's of Cape May, LLC, cross-examines Mr. Queenan. Mr. Kaufmann did not call any witnesses for testimony.

Ms. Ragusa and Mr. Kaufmann offered a closing Argument.

Mayor Mahaney asks for a Resolution to go into Closed Session. The Mayor comments that he and Council and the Deputy Clerk will leave to go into Closed Session. Neither the City Manager nor the City Clerk will participate in the Closed Session.

RESOLUTION

Resolution 231-09-2012 - 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

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

The Administrative Hearing adjourns temporarily at 3:20 P.M.

Mayor and Council return at approximately 3:30 P.M. Mayor Mahaney makes a Motion in the form of a Resolution that the City Council affirms the decision of the City Clerk to revoke the Mercantile License of Stewarts of Cape May, LLC.

232-09-2012 - A Resolution Affirming the Decision of the City Clerk to Revoke the Mercantile License of Stewarts of Cape May, LLC

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

The decision of the City Clerk has been affirmed and upheld.

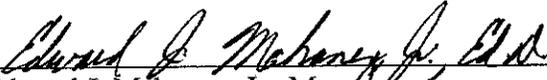
Mr. Kaufmann inquires as to a reapplication for a Mercantile License by his client. Mayor Mahaney advises that should happen through the City Clerk's Office.

Mr. Kaufmann then inquires as to whether there will be a public portion of this meeting. The Mayor advises there will.

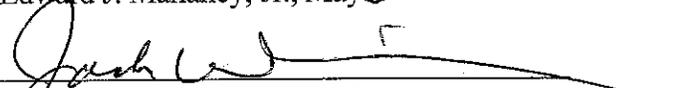
PUBLIC PORTION: Those wishing to publicly comment shall come forward, give their name and address and speak into the microphone. Each speaker will be limited to five (5) minutes.

ADJOURNMENT

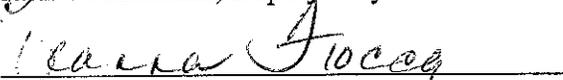
Motion made by Councilmember Murray seconded by Deputy Mayor Wichterman to adjourn.
The meeting adjourned at 3:40PM.



Edward J. Mahaney, Jr., Mayor



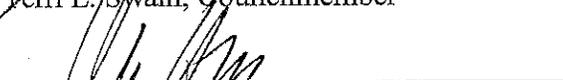
Jack Wichterman, Deputy Mayor



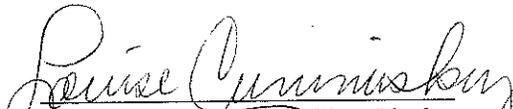
Deanna Fiocca, Councilmember



Terri L. Swain, Councilmember



William H. Murray, Councilmember



Louise Cumiskey, City Clerk