

**REGULAR MEETING  
OF CITY COUNCIL OF THE CITY OF CAPE MAY, NJ  
Tuesday, September 17, 2013, 7:00 P.M.**

The worksession/regular meeting of City Council of the City of Cape May was called to order by Mayor Mahaney at 7:00 P.M. Tuesday, September 17, 2013 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.  
Deputy Mayor William H. Murray  
Councilmember Terri L. Swain  
Councilmember Jack Wichterman

Also Present: City Attorney Anthony Monzo  
City Clerk Louise Cumiskey  
Deputy Clerk Patricia Harbora

Absent: City Manager Bruce MacLeod

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.

**PROCLAMATIONS**

Proclamation Commemorating Constitution Week

**ORDINANCES FOR SECOND READING AND ADOPTION:**

271-2013 – Ordinance Amending Section 7-54 of the Cape May City Administrative Code

**OPEN PUBLIC HEARING:**

Motion           Wichterman  
Second           Murray

**CLOSE PUBLIC HEARING:**

Motion:           Wichterman  
Second:           Swain

**MOTION TO ADOPT**

271-2013 Ordinance Amending Section 7-54 of the Cape May City Administrative Code

Motion:           Wichterman  
Second:           Fiocca

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

**RESOLUTIONS:**

- 214-09-2013 – Resolution Rejecting Bids for Supply and Delivery of Cargo Containers  
215-09-2013 – Resolution Appointing Members to Housing Authority (**Removed from Consent**)  
216-09-2013 – Resolution Declaring Certain Surplus Items as Surplus Property and Authorizing Sale of Same  
217-09-2013 – Resolution of the City of Cape May to Approve Member of Cape May Volunteer Fire Company  
218-09-2013 – Resolution Rejecting Bids for Supply and Delivery of Cargo Containers  
219-09-2013 – Resolution of the City of Cape May Authorizing Final Payment to Garozzo & Scimeca Construction for the City Hall Window Replacement  
220-09-2013 – Resolution Cancelling Water & Sewer Utility Charges  
221-09-2013 – Resolution of the City of Cape May Approving the Placement of a Memorial Plaque on the Sunset Pavilion in Honor of Vince Panzano  
222-09-2013 – Payment of Bills “A”  
222-09-2013 – Payment of Bills “B” (**Removed from Consent**)  
223-09-2013 – 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 – West Cape May Water Meters

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

- 215-09-2013 – Resolution Appointing Members to Housing Authority

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

222-09-2013 – Payment of Bills “B

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

**MINUTES:**

City Council Closed Executive Meeting Minutes dated August 6, 2013

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

**REPORTS RECEIVED BY THE CLERK:**

Construction Department activity report for the month of August, 2013  
Environmental Commission Meeting Minutes dated August 27, 2013  
Shade Tree Commission Meeting Minutes dated August 8, 2013  
Cape May City Police Department monthly reports August 1, 2013 - August 31, 2013  
Cape May City Fire Department Monthly Report for August, 2013  
Assessor’s Office Monthly Report dated September 5, 2013

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

**NEW BUSINESS:**

- B) City Manager
- C) City Clerk – Ms. Cummiskey announces that Cape May County is sponsoring Free Flu Clinics for all ages on different dates and times. The information will be posted on the City Bulletin Board or you may contact the County of Cape May at (609) 463-6581 or cmchealth.net.

D) Councilmembers – Councilmember Wichterman talks about the school funding matter. The City of Cape May is trying to make the formula more equitable for its residents and is not trying to harm the Lower Township educational system, advises Mr. Wichterman. Mr. Wichterman would like special counsel, Vito Gagliardi, Esquire to provide an update on the matter and requests that a closed session be scheduled on October 1, 2013.

E) Mayor – Mayor Mahaney reports that on September 13, 2013, letters were mailed to all the business owners providing them the opportunity to advertise in the 2014 Cape May Information Guide and Event Schedule. Mayor Mahaney announces some upcoming events beginning with the 30<sup>th</sup> Beachfront Run at Convention Hall on September 21, 2013, the 6<sup>th</sup> Annual Mutt Strut on the Promenade and the 2<sup>nd</sup> Annual Dragon Boat Festival on the Harbor, both of which will be held on September 28, 2013 and finally, the NJ Ride Against AIDS on September 29, 2013.

Mayor Mahaney advises that he is inviting Gary E. Finger, Ombudsman, N.J. Board of Public Utilities, to attend the next City Council Meeting. Mr. Finger will make a presentation on government energy aggregation for the benefit of Council and city residents.

Mayor Mahaney advises that he and Deputy Mayor Murray have been researching the Whole House Rental situation for the past two years. The rental of properties for weddings, parties and events is becoming a growing problem, advises the Mayor and he would like to re-examine the Ordinance currently in place. Also, the Mayor advises that the Tent Ordinance will be re-examined as residents are putting up tents, without permits, which are not properly secured and can be dangerous.

Deputy Mayor Murray advises that he has spoken to the Council in Avalon which has some of the same problems. Mr. Murray agrees that the Ordinance needs to be re-examined so that the proper laws and penalties can be put in place.

**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.

Jennie McCaney – President of the Kiwanis Club, thanks Mayor and Council for passing Resolution 221-09-2013 Approving the Placement of a Memorial Plaque on the Sunset Pavilion in Honor of Vince Panzano. Mr. Panzano was a very important member of the Kiwanis Club for many years.

Mayor and Council ask Jennie to let them know when the Ceremony will take place.

Deputy Mayor Murray comments that the ceremony will be important to the City.

Albert Novino, 351 Congress Street, Cape May questions why the Zoning Board approved two substandard lots on the 300 block of Congress Street. Mr. Novino would

also like to know if the Zoning Board members inspect a site prior to a Zoning Board meeting and if there are qualifications that are required to sit on the Zoning Board.

Mayor Mahaney advises that the Zoning Board has seven members, with two alternates, which are appointed by City Council with no credentials except to be a resident of the City of Cape May. Once a member is appointed, they have eighteen months to attend a training course offered by the State Department of Community Affairs, advises the Mayor. The Mayor continues by advising that the duty of a Zoning Board member is to take the pertinent plans to the site in question, one week prior to the hearing, to observe the area. Finally, the Mayor advises that each member should have an explanation for their vote.

Ruth Leo, 237 Cape Heart Lane, Cape May thanked the Mayor for his comments on the Zoning Board requirements. Mrs. Leo asks about Cape Island Creek and advises that there is still a hole in the pipe at Fow Avenue.

John Leo, 237 Cape Hart Lane, Cape May believes that that his property has been flooding due to the Cape Island Creek.

Mayor Mahaney informs Mr. Leo that the County of Cape May is responsible for the flood gates at Cape Island Creek and that flood gate adjustments have been made at Broadway, West Jackson and Perry Street. The Mayor advises that the City Manager met with the County Engineer to let the County know that the City has an interest in what happens with the flood gate. The City has been in contact with the State DEP asking to be included in the construction and operation of the flood gate.

Mr. Leo asks about the new flood elevation maps.

Mayor Mahaney explains to Mr. Leo how the new maps impact his property.

Anita Novino, 351 Congress Street, Cape May asks if there is an appeal process to a Zoning Board decision and the requirements.

Mayor Mahaney advises Ms. Novino that an appeal can be made at the Superior Court of New Jersey within 45 days of the decision.

Bonnie Pontin, 30 Gurney Street, Cape May, and Innkeeper of the John Wesley Inn, complained of the noise level coming from the Abbey House last Saturday as a result of a wedding on the grounds of the premises. Ms. Pontin was caused to call the Police several times and she asks if the City will look this matter.

Deputy Mayor Murray advises that matter was discussed earlier in the Council meeting and Mayor and Council will consider amending the Ordinances. Residents should be able to enjoy the comfort of their properties without loud noise disturbing them.

Mayor Mahaney advises that he is aware of the incident and reports that the City Police arrived at least two times to let the wedding party know that citations would be issued if they were caused to come back again. Adjustments will be made to the Ordinances.

Terry Schmidt, 29 Ocean Street, Cape May, and Innkeeper of the Humphrey Hughes House, also complained about the loud noise from the generators which could be heard a block away. Mr. Schmidt advises that there were many tents and portable bathrooms on the property during the wedding celebration and he suggests that the Police Department should have the telephone number of the owners so they could be contacted and informed of the issue. Mr. Schmidt would like to see stricter fines and asks that the matter be addressed immediately.

George Costich, Victorian Towers, Cape May suggests that all rental properties in the City of Cape May require sprinkler systems.

Bernie Haas, 1016 Illinois Avenue, Cape May reports that he received a letter in reference to participating in the 2014 Informational Guidebook. Mr. Haas would like to know if the City has a Director of Marketing and whether the Information Guide can be completed without advertisement.

Mayor Mahaney advises that the City does not current have a Director of Marketing but has the option of appointing a Director. The Mayor comments that the letter was sent to invite the Business Community to partner with the City in the Information Guide and Event Schedule and that the digital form of the Informational Guide Book has no advertisement.

Mr. Haas ask if the City of Cape May will save \$3 million if the School funding revision passes and if so, will Lower Township be required to make up that difference.

Councilmember Wichterman advises that at this time, the City of Cape May pays \$6.6 million for approximately 65 children to attend the Regional School.

#### **CLOSED SESSION**

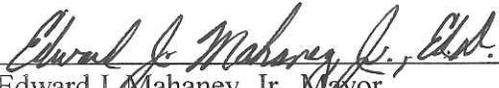
Motion made by Mayor Mahaney seconded by Councilmember Fiocca to go into closed session.

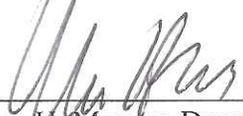
#### **OPEN SESSION:**

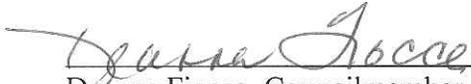
Motion made by Mayor Mahaney, seconded by Deputy Mayor Murray, to go back into open session at 9:55 P.M.

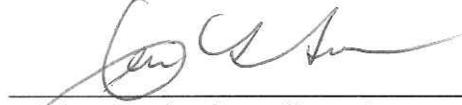
#### **ADJOURNMENT**

Motion Made by Councilmember Wichterman to adjourn. The meeting adjourned at 10:00 P.M.

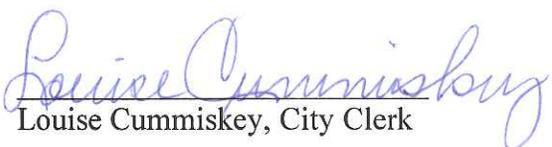
  
Edward J. Mahaney, Jr., Mayor

  
William H. Murray, Deputy Mayor

  
Deanna Fiocca, Councilmember

  
Terri L. Swain, Councilmember

  
Jack Wichterman, Councilmember

  
Louise Cummiskey, City Clerk

