

**WORKSESSION/REGULAR MEETING  
OF CITY COUNCIL OF THE CITY OF CAPE MAY, NJ  
Tuesday, September 3, 2013, 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 1:00P.M. Tuesday, September 3, 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 Manager Bruce MacLeod  
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.

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

**AGENDA ADDITION/DELETION OF LATE AGENDA ITEMS TO BE CONSIDERED FOR ACTION:**

**WORK SESSION DISCUSSION**

Safety Coordinator/Fund Commissioner Robert Smith - Put Safety on the Agenda  
Superintendent of Public Works Robert Smith - Stormwater Program

Fund Commissioner/Safety Coordinator, Robert Smith, speaks about the programs available through the ACMJIF and advises that the MEL has added new topics for online training. Mr. Smith states that the JIF has also instituted a new program called EXIGIS, which offers many online training courses and coverage information for each individual member municipality. Mr. Smith advises that the City's 2013 optional safety budget in the amount of \$1,500.00 will be used to purchase safety equipment. The 2014 training sessions have been scheduled by Mr. Smith and new playground equipment was purchased and installed to replace the existing equipment at the Kiwanis Park. Mr. Smith advises that panic buttons were installed throughout City Hall for security purposes and finally that a new communication system along the beach front has been ordered. The system will replace the current speakers with a wireless system and will be available to the Lifeguards, Beach Tag Office, Police and Fire Departments.

Mayor Mahaney recommends that a City sponsored wellness fair be held in March/April 2014 for the benefit of the residents and employees of the City of Cape May. The Mayor suggests outside firms to provide screening and educational programs.

Mr. MacLeod thanks Mr. Smith for his perfect attendance at the JIF meetings.

Mr. Smith then reports on the Stormwater Management Program. Mr. Smith advises that the outfall pipe at Wilmington Avenue needs to be replaced and the remainder of the outfall pipes are in dire need of repair. Mayor Mahaney advises that the pipes are owned by the County of Cape May. The Mayor advises that he forwarded correspondence to Freeholder Thornton, with photographs of the pipes, and Mr. Thornton responded within one week. The County has applied for \$3 million in loans for the repairs.

Mr. Smith closes by addressing the City's storm water lines. "They are very old," states Mr. Smith and he advises that when there is a torrential rain storm, the old pipes are being tested. Mr. Smith tells us that he is looking into the repair of the pipes.

### **ENGINEER REPORT**

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

FY2011 Road and Utility Improvement Program – the final payment is on today's Agenda.

Underground Storage Tank-Canning House Lane - Case #98-05-06-1200-48 – The permit documentation has been submitted to NJDEP for "No Further Action" and we are still awaiting response from the DEP.

Water Tank and Standpipe Rehabilitation – the wireless companies are in the process of installing their antennae and said relocation should be complete by October 15, 2013. Thereafter, the Contractor will perform the site restoration.

Canning House Lane Standpipe – RV&W will submit signed contracts and documentation to USDA for their concurrence of the awarding of the contract to Corrosion Control Corporation.

FY2012 NJDCA Small Cities Grant Application-ADA Improvements – The City awarded the project to Axios, LLC, the same contractor that performed Phase I.

FY 2012 NJDOT Municipal Aid – Funds were awarded to the City in the amount of \$180,000.00 and will be used to reconstruct Cape May Avenue from Madison to Reading Avenue.

FY2012 Road and Utility Improvement Program (Phase I) – There is a small punchlist to be completed on Cape May Avenue from Madison to Reading Avenue. Washington Street from Ocean to Franklin Streets has been completed and the close out

documentation has been compiled. The final payment request and release of Performance Bond are on the Agenda today for Council Action.

City Hall Rehabilitation, Phase II - Bids have been advertised and will be opened on September 19, 2013. The construction completion date is December 20, 2013.

FY2013 NJDCA Small Cities Grant Application – Carpenters Lane from Jackson to Decatur Street. Construction is scheduled to begin January 6, 2013 and to be completed on Memorial Day, 2014.

FY2013 NJDOT Municipal Aid – Cape May Avenue (North side) from Reading to Trenton Avenue. An application was submitted and the City has been awarded \$175,000.00. The work is scheduled to be done as part of FY2013 Road and Utility Program.

Harbor Lane Bulkhead – The permit has been submitted to the NJDEP. A Fall 2013 start date is anticipated, pending the DEP permit review process. A grant application through the FEMA Hazard Mitigation Grant Program has been submitted.

Emergency Generator for Wells #5 and #7 - Final plans have been submitted to the Water/Sewer Department for review.

Demolition of Building (Vance Property) – The City will proceed with demolition activities.

Councilmember Wichterman proposes that a parking lot be placed on the property.

Replacement Gurney Street Storm Drain – Preliminary work is being completed with construction to begin January 6, 2014.

FY2013 Road and Utility Improvement Program – the topographic and utility surveys were to begin August 5, 2013.

FY2014 NJDCA Small Cities Grant Application – the engineer's report has been prepared and Mark Blauer is preparing the application for submission on September 6, 2013.

#### **CITY MANAGER ITEMS**

City Manager, Bruce MacLeod, reports that the unofficial, end of the summer season, beach tag revenue increased by approximately \$28,000 from last year. Mr. MacLeod advises that the number will increase again after the December sale.

Mr. MacLeod received a letter from Commissioner Bob Martin, DEP, notifying the City of a grant award in the amount of \$25, 000 to be used to continue the Historic District level of surveys.

Mr. MacLeod reports that the US Army Corp. of Engineers' beach replenishment program will begin in October from the Coast Guard Base to the Third Avenue Jetty. The replenishment will be funded one hundred percent by the Federal Government.

Mr. Wichterman asks about the proposed new bathrooms on Beach Avenue, to be constructed with money received from the funds realized from the increase of beach tags.

Mr. MacLeod advises that funds have been reserved for the installation of the restrooms.

### **REGULAR MEETING BUSINESS:**

The following Resolutions are approved by consent with the exception of Resolution 213-09-2013 which is removed from the Consent Agenda

### **RESOLUTIONS:**

- 179-08-2013A - Resolution Authorizing the Purchase of 2013 Ford Police Interceptor Sedan under State Contract No. A82925 (\$24,618.00)
- 202-09-2013 – Resolution Approving the Submission of a Grant Application and the Execution of a Grant Agreement with the New Jersey Department of Transportation for the Safe Streets to Transit Program
- 203-09-2013 – Resolution Approving the Submission of a Grant Application and the Execution of a Grant Agreement with the New Jersey Department of Transportation for a Bikeway Grant Bike-2014-Cape May City-00015
- 204-09-2013 – Resolution Awarding Contract for Supplying of Electrical Service and Repairs
- 205-09-2013 – Resolution Approving the submission of a Grant Application and the Execution of a Grant Contract with the New Jersey Department of Transportation for the Reconstruction of Cape May Avenue Phase IV from Trenton Avenue to Pittsburgh Avenue
- 206-09-2013 – Resolution – 2013 Fall Sidewalk Sale
- 207-09-2013 – Resolution of the City of Cape May Authorizing Change Order for Contract with Garozzo & Scimeca Construction, Inc. for the City Hall Window Replacement
- 208-09-2013 – Resolution Authorizing Final Payment to Perna Finnigan, Inc. for FY 2011 Utility and Road Program
- 209-09-2013 – Resolution Approving Agreement between City of Cape May and 7 Mile Publishing and Creative Group, LLC
- 210-09-2013 – Payment of Bills
- 211-09-2013 – 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 – Convention Hall Design Issues
- 212-09-2013 – Resolution Authorizing Final Payment to RTW Construction, Inc. for FY 2012 Utility and Road Program – Phase II
- 213-09-2013 – Resolution of the City of Cape May Approving and Authorizing the Execution of a Professional Services Contract with Capehart Scatchard  
**Removed from Consent**

Questions regarding Consent Resolutions.

Bernie Haas, 1016 Illinois Avenue, Cape May, NJ asks about Resolution 209-09-2013, and more specifically, whether 7 Mile Publishing and Creative Group, LLC handled last year's publication of the Event Schedule and Program Guide and at what cost?

Mayor Mahaney affirms they did at a total cost of \$45,000.00.

Mr. Haas asks if publication of the guide will be put out to bid next year.

Mayor Mahaney advises Mr. Haas to contact the City Manager and/or City Clerk regarding his interest.

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

**MINUTES:**

City Council Worksession/Regular Meeting Minutes dated August 6, 2013

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

City Council Regular Meeting Minutes dated August 20, 2013

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

**REPORTS RECEIVED BY THE CLERK:**

Assessors Office Monthly Report dated August 5, 2013  
Monthly Report of Tax Collections for the period June 30, 2013  
City of Cape May Police Department report for July 1, 2013 through July 31, 2013  
Shade Tree Commission Meeting Minutes dated July 11, 2013  
Occupancy Tax Budget Projection dated August 20, 2013

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

**NEW BUSINESS:**

A) City Attorney  
B) City Manager  
C) City Clerk  
D) Councilmembers – Mayor Mahaney reports on the excellent turnout in the City of Cape May on Governor Chris Christy’s visit and hopes to have him revisit for a Town Meeting at Convention Hall. Also, the Mayor thanks the Police Department, Fire Department, Public Works Department and the City employees for all the preparation that was done for the Governor’s visit.

Mayor Mahaney comments on the success of the Philadelphia Boys Choir and Chorale concert which took place on August 24, 2013. The Mayor thanked Deputy Mayor Murray for his participation, as well as the City businesses that sponsored activities so the young men would enjoy their stay in Cape May.

Mayor Mahaney advises that he attended a meeting with members of the State Department of Community Affairs regarding the “Hazard Mitigation Grant Program.” The Mayor informs us that a property owner may receive up to \$30,000.00 in grant money to elevate their homes if they lie within the 100 year flood plain area. The resident must own the property and it must have been their primary residence at the time of Hurricane Sandy. Mayor Mahaney informs us that the deadline to apply for this grant is September 15, 2013 and anyone interested in obtaining more information can attend a public meeting on Monday, September 9, 2013 at Lower Township Municipal Hall. Representatives from FEMA and DCA will be in attendance to answer any questions.

The Mayor advises that the preliminary flood maps are available online.

**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.

Sandy Siebert, 1625 Beach Avenue, Cape May, NJ asks if the City will be resurfacing Beach Avenue. Also, Ms. Siebert is concerned about the dunes at Poverty Beach as she feels they are being damaged and would like the matter to be addressed at the Green Festival.

Mayor Mahaney advises that Beach Avenue is a County Roadway. The Mayor informs Ms. Siebert that the City of Cape May has asked the County to repair the road. The Mayor believes that Poverty Beach needs to be stabilized with people trampling on the dunes.

Susan Tischler, 507 Washington Street Mall, Cape May asks if the water fountain near the Church can be repaired as water is leaking from the fountain.

Mr. MacLeod believes the problem is from people turning the nozzles and children playing with the water, but he will look into this matter.

Mr. George Costich, Victorian Towers, Cape May, NJ asks if the City can purchase a new camera and sound system. Also, Mr. Costich asks if the lighting can be replaced at the Bandstand.

### **CLOSED SESSION**

Motion made by Mayor Mahaney, seconded by Deputy Mayor Murray at 2:40 P.M. to go into closed session.

### **OPEN SESSION**

Motion made by Councilmember Wichterman, seconded by Mayor Mahaney to go back into open session.

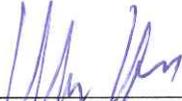
213-09-2013 – Resolution of the City of Cape May Approving and Authorizing the Execution of a Professional Services Contract with Capehart Scatchard

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

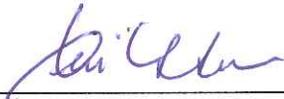
**ADJOURNMENT**

Motion made by, Deputy Mayor Murray seconded by Councilmember Wichterman to adjourn. The meeting adjourned at 4:10pm.

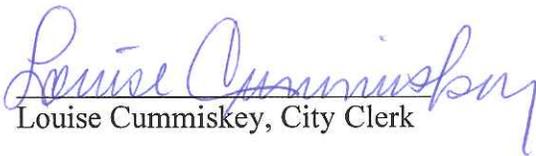
  
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Edward J. Mahaney, Jr., Mayor

  
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William H. Murray, Deputy Mayor

  
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Deanna Fiocca, Councilmember

  
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Terri L. Swain, Councilmember

  
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Jack Wichterman, Councilmember

  
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Louise Cumiskey, City Clerk