

**WORKSESSION/REGULAR MEETING
OF CITY COUNCIL OF THE CITY OF CAPE MAY, NJ
Tuesday, September 4, 2012, 1:00pm**

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, September 4, 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 William H. Murray
Councilmember Terri L. Swain
Deputy Mayor Jack Wichterman

Also Present: City Attorney Anthony Monzo
City Manager Bruce MacLeod
City Clerk Louise Cummiskey
Deputy Clerk Patricia Harbora

Absent: Councilmember Deanna Fiocca

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.

PROCLAMATION - Constitution Week – The week of September 17 – 23, 2012

COUNCIL COMMENTS

ORDINANCES FOR INTRODUCTION:

- 257-2012 – Ordinance of the City of Cape May approve Utility Easement Agreement between the City of Cape May and METROPICS – **Removed from Agenda**
- 258-2012 – Ordinance of the City of Cape May Approving Utility Easement Agreement between the City of Cape May and Atlantic City Electric and Verizon – **Removed from Agenda**

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

Mayor Mahaney requests that Ordinance 257-2012 and Ordinance 258-2012 be removed from the Agenda.

- 257-2012 – Ordinance of the City of Cape May approve Utility Easement Agreement between the City of Cape May and METROPCS
- 258-2012 – Ordinance of the City of Cape May Approving Utility Easement Agreement between the City of Cape May and Atlantic City Electric and Verizon

City Attorney, Anthony Monzo, explains that METROPCS, and Atlantic City Electric and Verizon currently have leases to provide wireless service at the Madison Avenue Water Tower. Mr. Monzo will review the leases and make a determination as to whether or not the aforementioned Ordinances will be necessary.

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

WORK SESSION DISCUSSION ITEMS

ENGINEER REPORT

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

FY 2011 Road and Utility Improvement Program – the project should be completed by the end of September, 2012.

Underground Storage Tank – Canning House Lane Case No. 98-05-06-1200-48 – The Deed Notice was filed with the County Clerk and RV & W are submitting a Response Action Outcome to the NJDEP by September 15, 2012.

Water Tank and Standpipe – Mr. Roberts sets forth a time line regarding the Madison Avenue-Columbia Avenue Water Tank Rehabilitation, as well as a tentative time line for the Canning House Lane Standpipe.

FY 2011 NJDCA Small Cities ADA Improvements – it is anticipated that this project will be complete by the end of September, 2012.

FY 2-12 NJDCA Small Cities Grant Application – ADA Improvements – Mr. Roberts advises that his firm is in the process of preparing the bid documents for the construction of this project and sets for the construction schedule.

FY 2012 NJDOT Municipal Aid – Mr. Roberts advises that funds in the amount of \$180,000.00 have been awarded to the City of Cape May, which funds will be used for the reconstruction of Cape May Avenue from Madison to Reading Avenues.

FY 2012 Road and Utility Improvement Program – Mr. Roberts comments that this program encompasses two contracts; Cape May Avenue from Madison Avenue to Reading Avenue and Washington Street from Ocean Street to Franklin Street. Mr. Roberts offers a time line for both projects.

City Hall Rehabilitation – Mr. Roberts states that the masonry work has begun and is to be completed by October 9, 2012. The contractor has completed the final measurements and the window details have been completed. Mr. Roberts advises that the contractor anticipates a ten to twelve week delivery period for the new windows and anticipates a three day period for removal, installation and miscellaneous work in each City Office. Temporary office relocations will be coordinated with the City Manager. As to the Interior Renovations, Mr. Roberts offers a tentative schedule which sets forth advertising for bids on January 19, 2013 and completion by May 17, 2013.

FY 2013 NJDCA Small Cities Grant Application – RV & W has provided a report to Mark Blauer, Grant Coordinator for the City of Cape May. Mr. Blauer will make a final application on behalf of the City.

FY2013 NJDOT Municipal Aid – Mr. Roberts advised that an application is due by October 16, 2012.

Mayor Mahaney asks Mr. Roberts to update Council on the professional services agreement regarding the bulkhead replacement at Harbor Lane. Mr. Roberts explains that he put together a proposal and estimate for this project. The cost was higher than the City anticipated so Mr. Roberts would like to submit a new proposal with only the Engineering portion.

Deputy Mayor Wichterman asks if the pilings which were placed in the Harbor Lane area were per specification and Mr. Monzo advised that when that project was engineered back in 1999-2000, the specifications called for wood creosote pilings, 35 feet in length. The Contractor that was awarded the project proposed an alternative method of construction using pilings which were 10 to 15 feet in length. Mr. MacLeod advised that the pilings which were used were not the designed length and that the City benefited by a reduced cost for same.

CITY MANAGER ITEMS

ATTORNEY ITEMS

Mr. Monzo thanks Mr. Roberts for his assistance with the resolution of the Mount Construction matter.

CLERK'S ANNOUNCEMENTS

REGULAR MEETING BUSINESS:

The following Resolutions will be approved by Consent. Mayor Mahaney offers an explanation as to the purpose of these Resolutions for the benefit of the public.

RESOLUTIONS: Council will accept questions from the public on Consent Agenda Resolutions

- 218-09-2012 – Providing for the Insertion of a Special Item of Revenue in the Budget Pursuant to Chapter 159 PL 1948
- 219-09-2012 – Resolution Approving Settlement Agreement between Mount Construction Co., Inc. and the City of Cape May
- 220-09-2012 – Resolution Authorizing the Release of Performance Guarantee for Cape Park Condominiums
- 221-09-2012 – Resolution Approving Professional Services Agreement for Harbor Lane Bulkhead Replacement between Remington, Vernick & Walberg Engineers and the City of Cape May
- 222-09-2012 – Payment of Bills “A”
- 222-09-2012 – Payment of Bills “B” **Removed from Consent Agenda**
- 223-09-2012 – Anti Idling Resolution

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

222-09-2012 – Payment of Bills “B”

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

REPORTS RECEIVED BY THE CLERK:

- Shade Tree Commission Meeting Minutes of August 9, 2012
- 2% Occupancy tax projection dated August 21, 2012
- Monthly Report of Tax Collections for the period June 30, 2012

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

Swain Yes
Wichterman Yes
Mahaney Yes

UNFINISHED BUSINESS:

NEW BUSINESS:

- A) City Attorney
- B) City Manager
- C) City Clerk – Petitions for the Mayoral and Council-At-Large positions are due today, September 4, 2012, in the City Clerk’s Office.

- D) Councilmembers – Councilmember Murray mentions there will be a Golf Tournament benefiting “Life Goes On,” which will take place on September 29, 2012. Also, Mr. Murray comments that he took a trip to Rehoboth Beach and gathered some information on the coin change machines. Each machine costs approximately \$5,000.00 and patrons may use their cell phones to obtain change. The process works well in Rehoboth Beach!

Councilmember Swain advises that the BID is currently in the process of an Election.

Mayor Mahaney thanks the City Businesses and Residents for their cooperation during the summer season and hopes everyone had an enjoyable summer. Also, the Mayor thanked the Chamber of Commerce with their participation in the movies on the Beach along with Councilmember Swain for entertaining the children on the beach with dancing and games.

Mayor Mahaney announces this Saturday night, September 9, 2012 at 8:00 P.M., the The Philadelphia Boys Choir will appear 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.

William Gaffney – 810 Columbia Avenue, Cape May, NJ asks about the Beach Theatre property and whether the City will use their authority to take the property by eminent domain. Also, Mr. Gaffney would like the City to contact the property owner to ask if the property can be used for parking.

City Manager, Bruce MacLeod, advises Mr. Gaffney that the property has been cleaned up by the owner and that he has no knowledge of any application for use of the property for parking purposes. Mr. Gaffney asks if the City Tax Assessor has revalued this property. Mr. MacLeod comments that new assessments are issued each year on October 1st for the upcoming year’s assessment.

Shaine Meier – 1217 Vermont Avenue, Cape May, NJ asks if the City is still planning to put a park by St. John Street and the Vance Property. Mayor Mahaney replies yes. Also, Mr. Meier

inquires as to the enforcement of the new Anti Idling Resolution. Mayor Mahaney advises that the Resolution will lead to a change in the City's Ordinance regarding same.

ADJOURNMENT

Motion made Mayor Mahaney, seconded by Deputy Mayor Wichterman to adjourn. The meeting adjourned at approximately 3:55 P.M.



Edward J. Mahaney, Jr., Mayor



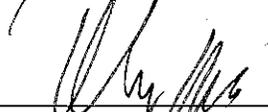
Jack Wichterman, Deputy Mayor

ABSENT

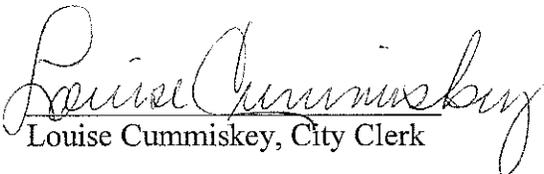
Deanna Fiocca, Councilmember



Terri L. Swain, Councilmember



William H. Murray, Councilmember



Louise Cumiskey, City Clerk