

**WORKSESSION/REGULAR MEETING  
OF CITY COUNCIL OF THE CITY OF CAPE MAY, NJ  
Tuesday, May 6, 2014, 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 1:00 P.M. Tuesday, May 6, 2014 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, Esquire  
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.

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

**PROCLAMATION**

Knights of Columbus, Council 6202 Fund Drive for Individuals with Special Needs – the City Clerk reads a Proclamation supporting the fund drive.

**DISCUSSION ITEMS**

**221 Grant Street, Cape May, NJ**

Mayor Mahaney introduces City of Cape May Zoning Officer, Mary Rothwell, and Robert and Susan Cawley, the owners of a property located at 221 Grant Street, Cape May, NJ. The Cawleys have made application to replace their fence which encroaches on City-owned property. Currently, there exists a 1990 Encroachment Agreement but said agreement does not include the fence in question. Mayor Mahaney would like to consolidate and memorialize all agreements regarding this matter and as there is no encroachment agreement regarding the fence, the Mayor asks Council for a motion and a second allowing the Cawleys to replace their fence with the proper landscaping approval from the Shade Tree Commission.

Motion: Wichterman  
Second: Murray

City has distributed 425 free beach tags to veterans and enlisted members of the military. Finally, Mr. MacLeod reminds all that parking meters are on beginning May 1<sup>st</sup> through October 31<sup>st</sup>.

### CLERK'S ANNOUNCEMENTS

Ms. Cummiskey reminds everyone of the City's Wellness Fair and Blood Drive which will take place on May 13, 2014. Ms. Cummiskey also announces that due to the Primary Election which will take place on June 3, 2014, the next Worksession/Council Meeting will be held on Monday, June 2, 2014 at 1:00 P.M.

### REGULAR MEETING BUSINESS:

#### RESOLUTIONS:

- 96-05-2014 - Resolution of the City of Cape May Approving the 7<sup>th</sup> Annual Harborfest Celebration
- 97-05-2014 - Resolution Approving the Submission of a Grant Application and Execution of a Grant Agreement with the New Jersey Department of Environmental Protection for the Municipal Public Access Planning and Municipal Coastal Vulnerability Assessment Grant Program
- 98-05-2014 - Resolution Approving Sidewalk Sale May 15, 2014 through May 18, 2014
- 99-05-2014 - Resolution Rejecting Bids – HVAC Maintenance, Service and Repair
- 100-05-2014 - Resolution Awarding Contract for the Supply of Uniforms for Beach Patrol, Junior Lifeguards and Beach Tag Personnel for the 2014 Season
- 101-05-2014 - Resolution Awarding Contract for the Supply and Delivery of Removable Containers to be used in the City's Recycling Program
- 102-05-2014 - Resolution Approving Professional Services Agreement Between J.P. Bainbridge & Associates, Inc. and the City of Cape May
- 103-05-2014 - Resolution Approving Professional Services Agreement between T.W. Sheehan & Associates, LLC and the City of Cape May
- 104-05-2014 - Resolution Authorizing Utility Bill Adjustment Due to Catastrophic Occurrence
- 105-05-2014 - Resolution Supporting Continued Participation in the Sustainable Jersey<sup>TM</sup> Municipal Certification Program-Green Team
- 106-05-2014 - Resolution Establishing a Creative Team as a Sub-Committee of the City of Cape May's Green Team
- 107-05-2014 - Resolution Seeking an Alteration in the Tax Allocation Method for Lower Cape May Regional School District
- 108-05-2014 - Resolution Providing for the Insertion of a Special Item of Revenue in the Budget Pursuant to Chapter 159 PL. 1948
- 109-05-2014 - Payment of Bills "A"
- 109-05-2014 - Payment of Bills "B" **Removed from Consent Agenda**
- 110-05-2014 - Resolution of the City of Cape May to Request Legislation to Increase its Representation on the Lower Cape May Regional School District board of Education
- 111-05-2014 - Resolution Authorizing Re-Advertisement for Bids for the Supply of Tree Care and Maintenance

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

**NEW BUSINESS:**

- A) City Attorney
- B) City Manager- Mr. MacLeod reports that the CMC Health Department's Annual 2014 rabies vaccine baiting program will begin on May 19, 2014 and will continue for approximately two weeks.
- C) City Clerk
- D) Councilmembers – Deputy Mayor Wichterman would like to form a committee to gather information regarding the repair of the Cape May Elementary School swimming pool. Mayor Mahaney comments how essential the pool is to the community.

Mayor Mahaney announces that the 2014 Information Guide and Event Schedules are available for pick-up at City Hall, area businesses and are also on the website at [DiscoverCapeMayNJ.com](http://DiscoverCapeMayNJ.com) and [Capemaycity.com](http://Capemaycity.com). Also, Mayor Mahaney advises that the 2014 Concert Book setting forth the concert series scheduled for this year is available. Mayor Mahaney thanks the businesses that participated in sponsoring the cost of the books.

**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.

Kate Wyatt, 292 Windsor Ave., Cape May, reaffirms the Taxpayers Association support of Mayor and Council in their efforts regarding the school funding formula and reads a statement (attached hereto) on behalf of the Taxpayers Association.

Jerry Gaffney, 810 Columbia Avenue, Cape May, mentions that the legal fees in the current budget have greatly increased from last year. Mr. Gaffney would like to know the amount of money spent by the City, to date, the name of the legal counsel hired by the City, whether or not a retainer fee was paid, and whether or not litigation has commenced.

City Solicitor, Anthony Monzo, responds that the City has retained the law firm of Capehart and Scatchard as legal counsel and has also hired the firm of Maser Consulting, P.A., an independent engineering firm to provide support. No retainer fee has been paid, advises Mr. Monzo, and the City will pay the firm at an hourly rate.

City Manager, Bruce MacLeod, advises he does not know the amount of money spent to date. Mr. Monzo replied that no retainer fee has been paid the fee is an hourly rate.

Roll Call:

Fiocca	Absent
Murray	Yes
Swain	Yes
Wichterman	Yes
Mahaney	Yes

Mayor Mahaney asks Mr. Monzo to prepare the necessary legal documents.

Mayor Mahaney announces that he received a telephone call from the Governor's office advising that the City's DOT application for a grant has been awarded in the amount of \$174,501.00. The funds will be used to pave the last block of Cape May Avenue.

**ENGINEER REPORT**

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

Water Tank and Standpipe Rehabilitation – the Madison Avenue site remediation will be completed within the next few weeks. The Canning House Lane Standpipe project is complete and RV&W is proceeding with the closeout documentation.

FY2013 NJDCA Small Cities Grant Application - RV&W is proceeding with the closeout documentation.

Harbor Lane Bulkhead – Bid advertisements are scheduled for May 17, 2014 and the construction completion date will be November 7, 2014.

The Gurney Street Storm drain pipe project is complete and RV&W is proceeding with the closeout documentation.

FY2013 Road and Utility Improvement Program for Cape May Avenue/Delaware Avenue/McCullum Avenue and the Beach Avenue punchlists are substantially complete.

Washington Street Mall Planter Box Recladding is substantially complete.

FY2012 Road and Utility Improvement Program, Phase I - the contractor has completed the punch list items and the project should be concluded in the very near future.

**CITY MANAGER ITEMS**

Mr. MacLeod reports that the City will conduct a Bond sale on June 17, 2014 from approximately 11:00 A.M. to 11:15 A.M. The closing date on the bonds will be July 18, 2014. Mr. MacLeod asks that a Resolution authorizing the bond sale be placed on the Agenda for the next meeting. Mr. MacLeod reports that Occupancy Tax collections have increased for the past eight, consecutive months over last year's numbers. A year to year comparison of the Beach Tag Program shows an increase in 2014, comments Mr. MacLeod, who also advises that to date, the

- 112-05-2014 - Resolution of the City of Cape May Authorizing Change Order No. 1 Final For Contract with Ricky Slade Construction for the City of Cape May FY 2013 Road and Utility Program
- 113-05-2014 - Resolution of the City of Cape May Authorizing Change Order No. 2 Final for Contract with RTW Construction, Inc. for the FY 2013 Road and Utility Program Beach Avenue Utility Improvements
- 114-05-2014 - Resolution of the City of Cape May Approving the Seafood Festival

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

109-05-2014 – Payment of Bills “B”

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

**CORRESPONDENCE**

Ms. Cummiskey reads a letter from USCG thanking the City of Cape May and their employees for their support of the 2014 Southern New Jersey Coast Guard Ball.

**MINUTES:**

City Council Worksession/Regular Meeting Minutes dated April 1, 2014

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

**REPORTS RECEIVED BY THE CLERK:**

City of Cape May Assessor’s Office Monthly Report dated April 4, 2014  
 Historic Cape May Tennis Club, Inc., Annual Report

Mr. Gaffney compares houses and taxes in Cape May City, Lower Township and West Cape May. Mr. Gaffney feels that the City of Cape May City should withdraw their quest for equalization of the current school funding formula.

Deputy Mayor Wichterman comments that for every \$1 million, the average home owner in Cape May will save \$179.00 a year and for every \$1 million, the average home owner in Lower Township will pay \$85.00 more a year.

John Fleming, 1484 Washington Street, Cape May, thanks the Mayor, Council and City Manager for the beautification of the Schellenger Landing area and for repairing the lighthouses at the entrance into the City of Cape May. Mr. Fleming asks if the Beach Theater Foundation loan has been collected, in full.

Mayor Mahaney advises that 83% of the loan has been repaid and the City is working on collecting the remainder of the loan.

Mayor Mahaney announces that the Red Cross Blood Drive and City of Cape May Health and Wellness Fair will take place on Tuesday, May 13, 2014 between 10:00 A.M. and 3:00 P.M. and a Skin Cancer Screening Clinic has been scheduled for Saturday, July 12, 2014 between 9:30 A.M. and 12:30P.M. Both events will be held at the Convention Hall.

**ADJOURNMENT**

Motion made by Deputy Mayor Wichterman seconded by Councilmember Swain to adjourn. The meeting adjourned at 2:45 P.M.

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Edward J. Mahaney, Jr., Mayor

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Jack Wichterman, Councilmember

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ABSENT  
Deanna Fiocca, Councilmember

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Terri L. Swain, Councilmember

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William H. Murray, Deputy Mayor

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Louise Cummiskey, City Clerk