

**WORKSESSION/REGULAR MEETING
OF CITY COUNCIL OF THE CITY OF CAPE MAY, NJ
Monday, June 2, 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, June 2, 2014 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. Councilmember Terri L. Swain Deputy Mayor Jack Wichterman
Also Present:	City Manager Bruce MacLeod City Attorney Anthony Monzo City Clerk Louise Cummiskey Deputy Clerk Patricia Harbora
Absent:	Councilmember William H. Murray, Esquire

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:

140-06-2014 –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
(Add Negotiations between City of Cape May and MAC)

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

DISCUSSION ITEMS

Low Speed Vehicles

Mayor Mahaney reports that Council has received a proposal from a private company to rent and operate Low Speed Vehicles in the City of Cape May. The Mayor advises that personally owned LSV are permitted to operate on City streets and that the City of Cape May would not legislate against the use of these vehicles.

City Solicitor, Anthony Monzo, explains that Low Speed Vehicles are governed by State Statute and by definition, the vehicle cannot exceed 25 mph and must be powered by electricity. The vehicle may only be used on streets that maintain 25 mph speed limits. Mr. Monzo comments that a LSV business would have to operate as a stand-alone business because of the City Zoning Codes which do not allow more than one use for a property. Traffic congestion is an additional concern. Mr. Monzo researched other municipalities in the State of New Jersey and found only one (Belmar) with an Ordinance that allows the use of LSV's for pleasure. Mr. Monzo provided Mayor and Council with a sample ordinance to review.

Deputy Mayor Wichterman believes that the LSV is no different from the surrey bicycles or horse and buggies currently on City streets.

Councilmember Fiocca confirms that the discussion today is regarding LSV business rentals and not personal use and same is confirmed.

Councilmember Swain is concerned with parking for the LSV.

Mayor Mahaney feels that an alternative would be for the City to set up a concession and lease space for a LSV business at the Transportation/Welcome Center with specific routes for the LSV.

City Manager, Bruce MacLeod questions the insurance requirements and compliance with child safety car seats. Also, if considered, Mr. MacLeod advises that a mercantile license would be needed for the business and the LSV routes would need to be limited.

ENGINEER REPORT

City Engineer, Ray Roberts presents his report as follows:

Water Tank and Standpipe – Madison Avenue and Canning House Lane Standpipe – the projects are complete and we are awaiting the contractors requests to close-out the projects. The City has received a letter of approval for the site improvements, rehabilitation of the lime silo, and the emergency generators for well #5 and #7.

Mr. MacLeod reports that left over grant monies will be used to complete these projects.

FY2013 NJDCA Small Cities Grant Application – Carpenters Lane (Jackson to Decatur) – RV&W is proceeding with closeout documentation for this project.

FY2013 Road and Utility Improvement Program – Beach Avenue – This project is substantially complete.

FY2012 NJDOT Municipal Aid – Cape May Avenue (Madison to Reading) – The project will be closed out upon completion of the pavement cores. Thereafter, NJDOT will release the final \$45,000.00.

Mr. MacLeod explains that the City received 75% of the Grant Aid from NJDOT. At the completion of the project, the 25% balance will be rendered by the DOT.

FY2014 NJDCA Small Cities Grant – The surveyors for this project are in town this week.

Deputy Mayor Wichterman questions the flooding at the intersection of Beach and Pittsburgh Avenue in front of the Pier House.

Mr. MacLeod advises that the County was working in that area last week as the outfall pipe continues to become clogged with sand at high tide. The storm water gets backed up and causes the flooding. The County is aware of the problem.

CITY MANAGER ITEMS

Mr. MacLeod advises that he received a letter from Hilary Prichard, Business Improvement District Board Member, citing the many compliments received on the new planter boxes on the Washington Street Mall. The City Manager reports that the CMCMUA has notified the City that this year's recycling rebate totals \$27,806.15. Finally, Mr. MacLeod reports that the State of New Jersey property tax reimbursement program has been extended to September 15, 2014.

CLERK'S ANNOUNCEMENTS

The City Clerk reminds all that Primary Election Day is tomorrow, Tuesday, June 3, 2014. Polls will be open from 6:00 A.M. until 8:00 P.M.

ORDINANCES FOR SECOND READING AND CONSIDERATION FOR ADOPTION:

279-2014 BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS IN AND BY THE CITY OF CAPE MAY, IN THE COUNTY OF CAPE MAY, NEW JERSEY, APPROPRIATING \$1,900,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$1,425,000 BONDS OR NOTES OF THE CITY TO FINANCE PART OF THE COST THEREOF.

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

280-2014 BOND ORDINANCE PROVIDING FOR VARIOUS BEACH UTILITY IMPROVEMENTS IN AND BY THE CITY OF CAPE MAY, IN THE COUNTY OF CAPE MAY, NEW JERSEY, APPROPRIATING \$165,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$165,000 BONDS OR NOTES OF THE CITY TO FINANCE PART OF THE COST THEREOF.

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

281-2014 BOND ORDINANCE PROVIDING FOR VARIOUS WATER AND SEWER UTILITY IMPROVEMENTS IN AND BY THE CITY OF CAPE MAY, IN THE COUNTY OF CAPE MAY, NEW JERSEY, APPROPRIATING \$1,150,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$1,150,000 BONDS OR NOTES OF THE CITY TO FINANCE PART OF THE COST THEREOF.

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

RESOLUTIONS:

- 131-06-2014 –Resolution Authorizing Change Order of Procurement Agreement Between Transport Planning and Services International, Inc. and the City of Cape May for the Purchase of Cargo Containers
- 132-06-2014 –Resolution of the City of Cape May Authorizing Change Order No. 2-Final For Contract with Charles Marandino, LLC for the FY 2013 NJDCA Small Cities Block Grant Various Improvements-Phase 3
- 133-06-2014 –Resolution Approving Person-to-Person Transfer of Plenary Retail Consumption Liquor License No. 0502-33-006-002 from Frank Enterprises for Premises Located at 142 Decatur Street to Carpenter Street Hospitality, Inc.
- 134-06-2014 –Loan Resolution
- 135-06-2014 –Resolution Awarding Contract for Tree Care and Maintenance
- 136-06-2014 –Resolution Authorizing Refund of Overpaid 2014 Taxes
- 137-06-2014 –Resolution Authorizing Utility Bill Adjustment Due to Catastrophic Occurrence
- 138-06-2014 –Resolution Authorizing Remington Vernick & Walberg Engineers to Perform Engineering and Construction Phase Services for Rotary Park Design Develop.
- 139-06-2014 –Resolution Authorizing Remington Vernick & Walberg Engineers to Assist the City of Cape May in the Preparation of the 2015 NJDCA Small Cities Program Application
- 140-06-2014 –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 (**As Amended.**)

- 141-06-2014 –Resolution Opposing Inclusion of the Summer Work Travel Program in Federal Legislation Pertaining to Comprehensive Immigration Reform and the FORTE ACT.
- 142-06-2014 –Resolution Awarding Contract for the Supply of Uniforms for Beach Patrol, Jr. Lifeguards and Beach Tag Personnel for the 2014 Season
- 143-06-2014 –Resolution Awarding Contract for the Supply of HVAC Service and Repairs
- 144-06-2014 –Resolution Providing for the Insertion of a Special Item of Revenue in the Budget Pursuant to Chapter 159 PL. 1948
- 145-06-2014 –Payment of Bills “A”
- 145-06-2014 –Payment of Bills “B” – **(Removed from Consent Agenda)**

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

145-06-2014 – Payment of Bills “B”

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

CORRESPONDENCE

Thank you letter from Cape May resident Bob McDevitt regarding access to the playing fields at the Elementary School.

Thank you letter from Larry Simpson, Director of Development, Philly POPS.

REPORTS RECEIVED BY THE CLERK:

City of Cape May Monthly Report of Tax Collections for the Period February 28, 2014

City of Cape May Monthly Report of Tax Collections for the Period March 31, 2014

City of Cape May Monthly Report of Tax Collections for the Period April 30, 2014

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

NEW BUSINESS:

- A) City Attorney
- B) City Manager – Mr. MacLeod announces that Restaurant Week in Cape May begins Sunday, June 1, 2014. Also, Mr. MacLeod advises that the solar panels in the two digital signs on Lafayette Street and Madison Avenue must be replaced and are currently not operational.
- C) City Clerk
- D) Councilmembers – Councilmember Swain advises of the positive feedback she received on the Peter Nero Concert.

Mayor Mahaney talks about the dedication of the wind turbine at the Elementary School on May 21, 2014. The Mayor reports that the Cape May Elementary School Book Club will end tomorrow, and the students read almost 2,000 books. For their efforts, they will receive \$1,000 for their school. Memorial Day weekend, comments the Mayor, was very successful with a live broadcast from WOND promoting the City of Cape May. Finally, the Mayor reports that the Peter Nero and the Philly POPS Concert was a great success.

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.

Patricia Hendricks, 106 Trenton Avenue, Cape May advises that the May 20, 2014 Council Meeting was not on the Live Stream webinar. Also, Ms. Hendricks asks if the Bond Ordinances can be placed on the City's website prior to their Introduction.

Mr. MacLeod will look into the matter.

City Clerk, Louise Cummiskey, explains that the Ordinances are published and always available to review in the Clerk's Office.

CLOSED SESSION

Motion made by Deputy Mayor Wichterman, seconded by Councilmember Fiocca, to go into Closed Session.

ADJOURNMENT

Motion made by Deputy Mayor Wichterman to go back into open session. Motion made by Councilmember Fiocca to adjourn. The meeting adjourned at 4:05 P.M.

Edward J. Mahaney, Jr., Mayor

Jack Wichterman, Councilmember

Deanna Fiocca, Councilmember

Terri L. Swain, Councilmember

Absent
William H. Murray, Deputy Mayor

Louise Cummiskey, City Clerk