

**WORKSESSION/REGULAR MEETING
OF CITY COUNCIL OF THE CITY OF CAPE MAY, NJ
Tuesday, April 1, 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, April 1, 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 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 Cumiskey 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:

DISCUSSION ITEMS

Mayor Mahaney - Cape May County MUA Proposal to Assume Recycling of Electronics for Local Municipalities

Mayor Mahaney advises that he recently received correspondence from Charles M. Norkis, Executive Director of the Cape May County Municipal Utilities Authority regarding the Electronics Recycling Program. Mr. Norkis advises in his correspondence that the manufacturers of electronic devices are refusing to fund the recycling of their products as required by law and the State of New Jersey has failed to enforce the law. The Cape May County MUA has operated the county-wide Electronic Recycling Program for the past few years and it recognizes that it is the most qualified entity to continue to operate such a program. To resolve the funding issue, the MUA is proposing that a portion of the Recycling Rebate given to each municipality on a yearly basis be used to continue to fund the program. The Mayor asks Council if they would approve and confirm a commitment to participate in the CMC MUA Electronic Recycling Program as outlined above.

Motion:	Mahaney
Second:	Murray

Roll Call:

Fiocca	Yes
Murray	Yes
Swain	Yes
Wichterman	Yes
Mahaney	Yes

ENGINEER REPORT

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

Cape May Avenue – Deputy Mayor Wichterman asks when Cape May Avenue will be sodded. Mr. Roberts advises it should be complete this spring.

Mr. Roberts reports that the Jones Masonry Contract, although not on this report, is on the Agenda today for Change Order No. 1-Final. This will close out the project.

Madison Avenue Water Tank – The project is near completion with a few punch items for on-site remediation. There will be a meeting on April 3, 2014 to determine exactly what is left to be completed.

Canning House Lane Standpipe – The project is substantially complete. The tank has been filled.

FY2013 NJDCA Small Cities Grant Application – Carpenter's Lane (Jackson to Decatur Street) remaining items include paving, installation of lights and receptacles. There is a Change Order on today's Agenda for this project.

Harbor Lane Bulkheads – RV&W has researched the materials to be used for this project. The project should be awarded in June, which will give the contractor until September to obtain all materials. The projected finish date of the project is November, 2014.

Replacement Gurney Street Storm Drain – The pipe installation is complete and the base coat has been applied. The contractor is hoping to complete the milling and resurfacing by April 15, 2014.

Beach Avenue – The trenches have been base paved and Mr. Roberts is anticipating completion by the end of April.

Washington Street Mall Planter Boxes - Planters in the 300 block are stripped and the stone veneer is being installed. The project is scheduled to be completed May 16, 2014.

CITY MANAGER ITEMS

Mr. MacLeod reports on the free Veteran/Active Military Beach tags and announces that information regarding the rules and guidelines is available on the City website. The free beach tags will be available on April 15, 2014. Also, Mr. MacLeod distributes a spreadsheet which sets forth a list of 2014 Capital projects. Mr. MacLeod advises that he would like to introduce a Bond Ordinance at the April 15, 2014 meeting to fund said projects.

Councilmember Murray comments on the design of the Veteran beach tag and guarantees that all Veterans will be proud to wear them.

ATTORNEY ITEMS

CLERK'S ANNOUNCEMENTS

City Clerk, Louise Cummiskey, announces that the City of Cape May is sponsoring a Blood Drive on Tuesday, May 13, 2014 from 10:00 A.M. to 3:00 P.M. at Convention Hall.

Mayor Mahaney is proud to announce that the blood drive is the third Public Health exhibition and service in the City of Cape. A skin cancer screening public service event will be held on Saturday, July 12, 2014 and an educational session featuring heart health will be scheduled in early June and sponsored by Marr's Candy Company and Pfizer Pharmaceutical.

REGULAR MEETING BUSINESS:

RESOLUTIONS:

79-04-2014 – Resolution of the City of Cape May Authorizing Change Order No. 1-Final for Contract with Jones Masonry Restoration Corp. for the City Hall Exterior Façade Repairs – Phase 2

80-04-2014 – Resolution Designating the 2014 Bathing Beaches

81-04-2014 – Resolution Authorizing the Filing of an Application for Municipal Recycling Tonnage Grant for the Year 2013

82-04-2014 – Resolution of the City of Cape May to Approve Member of Cape May Volunteer Fire Company

83-04-2014 – Resolution of the City of Cape May Authorizing Change Order No. 1 for Contract with Charles Marandino, LLC for the FY 2013 N.J.D.C.A. Small Cities Block Grant Various ADA Improvements – Phase 3

84-04-2014 – Resolution Awarding Contract for Cargo Containers

85-04-2014 – Resolution Providing for a Meeting Not Open to the Public in Accordance with the Provisions of the New Jersey Open Public Meeting Act, N.J.S.A. 10:4-12- Personnel; Attorney Client Privilege

86-04-2014 Resolution Approving UAW Collective Bargaining Agreement for Middle Management Employees

87-04-2014 – Payment of Bills

Motion: Mahaney

Second: Wichterman

Roll Call:

Fiocca Yes

Murray Yes

Swain Yes

Wichterman Yes

Mahaney Yes

MINUTES:

City Council Worksession/Regular Meeting Minutes dated March 4, 2014

Motion: Mahaney

Second: Swain

Roll Call:

Fiocca Yes

Murray Yes

Swain Yes

Wichterman Abstain

Mahaney Yes

City Council Regular Meeting Minutes dated March 18, 2014

Motion: Mahaney

Second: Wichterman

Roll Call:

Fiocca Abstain

Murray Yes

Swain Yes

Wichterman Yes

Mahaney Yes

REPORTS RECEIVED BY THE CLERK:

Cape May Police Department Monthly Reports for the month of February, 2014

City of Cape May Occupancy Tax Budget Projection Report dated March 24, 2014

Motion: Mahaney

Second: Wichterman

Roll Call:

Fiocca Yes

Murray Yes

Swain Yes

Wichterman Yes

Mahaney Ye

NEW BUSINESS:

A) City Attorney

B) City Manager

C) City Clerk

D) Councilmembers - Councilmember Murray comments that he continues to receive complaints about the Shelton College site and asks the City Manager when demolition will begin. Mr. Murray also reports that there are many streetlights out throughout the City.

As to Shelton College, Mr. MacLeod advises that the utilities have been turned off except for the telephone. Once the demolition permits have been issued, it should take up to fourteen days for the demolition.

Mayor Mahaney asks Mr. MacLeod to follow-up on replacing lights around town that are currently not working.

Deputy Mayor Wichterman announces that today's closed session is regarding the passage of a Resolution authorizing a Referendum to withdraw from the Lower Cape Regional School District. In addition, Mr. Wichterman would like a definitive answer as to whether or not a portion of the Vance property can be used for a parking lot.

Mayor Mahaney advises that money has been received from the State, based upon a conceptually agreed upon use for the Vance property. The Mayor advises that before a decision is made as to the use of the property, we need to hold a Town Meeting.

Mayor Mahaney reports that the monies collected from City Occupancy Tax surpass the City's estimate for 2014. The Mayor comments that the southern shore communities have difficulty receiving a fair return on money sent to the State, raised from tourism. The City of Cape May only gets approximately 10% back, advises the Mayor. The Mayor announces that the Easter Fashion Stroll will take place on Sunday, April 20, 2014 on the 300 block of the Washington Street Mall at 1:00 P.M. with registration at 12:00 P.M. Finally, Mayor Mahaney reports on the Press Conference held yesterday at Convention Hall. The purpose of the conference, advises the Mayor, was to announce the 2014 schedule of concerts and performances to be held from Memorial Day weekend through the December holiday season in the City of Cape May. All the 2014 scheduled performances and concerts will be posted on the City Website for review.

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.

Jerry Gaffney, 810 Columbia Avenue, Cape May asks why the school funding matter has to be discussed in closed session. Also, Mr. Gaffney asks if Vito Gagliardi, the Attorney representing the City regarding the school funding matter, can attend a City Council meeting so the public can ask questions regarding the matter.

Anthony Monzo, City Solicitor, advises that the legal process and recommendations of counsel must be discussed in Closed Session as the matter may lead to litigation.

Mr. Gaffney questions the increase in legal expense in the 2014 budget and asks the amount spent to date regarding this matter.

Deputy Mayor Wichterman advises that the City budgeted \$48,000 for the feasibility study, spent \$20,000 on the law suit and included \$75,000.00 in the 2014 budget for school funding fees.

Mayor Mahaney advises that the purpose of pursuing the school funding formula matter is to keep the taxes down for the property owners in the City of Cape May.

Councilmember Murray explains that many towns in the State of New Jersey with few students are challenging their current school funding formula. A referendum is the next step to move forward with the school funding process, advises Mr. Murray.

Mr. Gaffney asks if a Special Election will be held for the referendum.

Mr. Wichterman advises that a Special Election will need to be held.

Peter Iurato, 1318 Idaho Avenue, Cape May supports City Council's decision to withdrawal from the Lower Cape May Regional School District.

CLOSED SESSION:

Motion: Fiocca
Second: Murray

OPEN SESSION:

Motion to go back into open session by Councilmember Fiocca at 3:50 P.M.

ADDITION/DELETION OF LATE AGENDA ITEMS TO BE ADDED TO THE AGENDA :

88-04-2014 – Resolution of the City of Cape May Seeking Referendum on its Withdrawal from Lower Cape May Regional

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

APPROVAL OF RESOLUTION 88-04-2014

88-04-2014 – Resolution of the City of Cape May Seeking Referendum on its Withdraw From Lower Cape May Regional

Motion: Wichterman
Second: Swain

The City Clerk reads the introduced Resolution No. 88-04-2014 for the benefit of the public.

Mayor Mahaney points out that the Resolution states that the students can receive a thorough and efficient education if the City of Cape May is permitted to withdraw from Lower Cape May

Regional School District, preferably while maintaining its students at the school under a sending/receiving agreement. The Mayor comments that the City of Cape May has determined that there exists good cause to pursue a referendum on the withdrawal of Cape May so the voters may have the ability to decide how their tax dollars are spent and how their children are educated.

Mayor and Council will have special council prepare and submit a petition to the Commissioner of Education seeking authorization to hold a referendum.

Roll Call:


Fiocca	Yes
Murray	Yes
Swain	Yes
Wichterman	Yes
Mahaney	Yes

CLOSED SESSION:

Motion: Wichterman

ADJOURNMENT

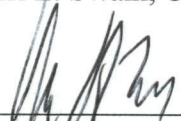
Motion made by Councilmember Fiocca to go back into open session. Motion made by Councilmember Fiocca, seconded by Councilmember Murray, to adjourn. The meeting adjourned at 4:25 P.M. P.M.

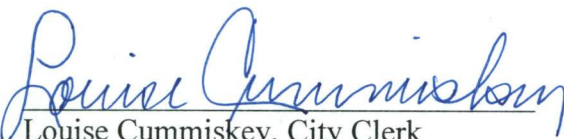

Edward J. Mahaney, Jr., Mayor


Jack Wichterman, Councilmember


Deanna Fiocca, Councilmember


Terri L. Swain, Councilmember


William H. Murray, Deputy Mayor


Louise Cummiskey, City Clerk