

**REGULAR MEETING  
OF CITY COUNCIL OF THE CITY OF CAPE MAY, NJ  
Tuesday, August 19, 2014 7:00 P.M.**

The Regular meeting of City Council of the City of Cape May was called to order by Mayor Mahaney at 7:00 P.M. Tuesday, August 19, 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 City 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:**

203-08-2014 – Resolution Approving UAW Collective Bargaining Agreement for Public Works and Water and Sewer Employees

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

**PROCLAMATION**

Philadelphia Boys Choir Day in Cape May will be held on August 23, 2014.

**REGULAR MEETING BUSINESS:**

Mayor Mahaney announces that Bond Ordinance 283-2014, which provides for funding for the improvements to the pool at the Cape May City Elementary School will come up for second reading and consideration at the September 2, 2014 Council Meeting.

**RESOLUTIONS:**

- 195-08-2014 – Resolution Authorizing Utility Bill Adjustment Due to Catastrophic Occurrence
- 196-08-2014 – Resolution Authorizing Refund of Overpaid 2014 Utilities
- 197-08-2014 – Resolution Authorizing Refund of Overpaid 2014 Taxes
- 198-08-2014 – Resolution of the City of Cape May Approving the Corrective Action Plan for the Year 2013
- 199-08-2014 – 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; Attorney Client Privilege – Lower Cape May Regional School District Funding Formula
- 200-08-2014 – Resolution Authorizing a Review of Compliance with Prior Annual Continuing Disclosure Obligations and Participation in the Securities and Exchange Commission’s Municipalities Continuing Disclosure Cooperation Initiative
- 201-08-2014 – Resolution Approving Professional Services Agreement Between Remington, Vernick & Walberg Engineers and the City of Cape May for Sanitary Sewer, Water Main, Landscaping and Lighting Improvements for E. Lyle Lane (Perry Street to Jackson Street)
- 202-08-2014 – Payment of Bills “A”
- 202-08-2014 – Payment of Bills “B” – **Remove from Consent Agenda**
- 203-08-2014 – Resolution Approving UAW Collective Bargaining Agreement for Public Works and Water and Sewer Employees - **Added to Consent Agenda**

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

202-08-2014 – Payment of Bills “B”

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

## **CORRESPONDENCE**

Letter - First Presbyterian Church of Cape May thanking the City for the use of Kiwanis Park.

## **MINUTES:**

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

City Council Worksession/Regular Meeting Minutes dated August 5, 2014

Motion: Wichterman

Second: Murray

Roll Call:

Murray Yes

Swain Yes

Wichterman Yes

Mahaney Yes

## **REPORTS RECEIVED BY THE CLERK:**

Shade Tree Commission Meeting Minutes dated July 10, 2014

Assessor's Office Monthly Report dated August 4, 2014

Cape May City Police Department monthly report dated July, 2014

Motion: Mahaney

Second: Swain

Roll Call:

Murray Yes

Swain Yes

Wichterman Yes

Mahaney Yes

## **CITY MANAGER ITEMS**

Mr. MacLeod reports that to date, the Occupancy Tax collection has increased \$33,199.00 over the same time period last year. Mr. MacLeod announces that there will be fewer lifeguards protecting the beaches and asks the public to swim at beaches that are protected. Mr. MacLeod announces the events schedule through the end of the summer season.

## **NEW BUSINESS:**

A) City Attorney

B) City Manager

C) City Clerk

D) Councilmembers – Deputy Mayor Wichterman announces that the Cape Harmonaires will be appearing at the Rotary Bandstand on Wednesday, August 20, 2014 at 8:00 P.M. the concert is free.

Mayor Mahaney thanks the local residents and visitors for their support of the Summer Concert Series which concluded last night. The Concerts were a great success this summer, comments



the Mayor. Finally, Mayor Mahaney announces that the Philadelphia Boys Choir & Chorale will be in town for their third appearance, this Saturday night, August 23, 2014 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.

Anita Desatnick, 1307 Trenton Avenue, Cape May questions the amount of money spent by the City to date on the school funding formula matter and asks what the average Cape May taxpayer would save on their yearly bill if the formula is changed.

Deputy Mayor Wichterman advises that \$48,000.00 has been spent on the feasibility study, and \$22,000.00 was spent for legal fees. Mr. Wichterman advises that \$75,000.00 has been placed in the City Budget for the year 2014 to be used, if needed, for the School Funding matter. Mr. Wichterman advises Mr. DeSatnick that the average taxpayer in the City of Cape May would save \$179.00 per million dollars and the average tax payer in Lower Township would pay \$85.00 per million dollars. Ms. DeSatnick and Mr. Wichterman both agree that they are happy to pay for education.

Jo Tolley, 404 W. Perry Street, Cape May, feels that changing the school funding formula will adversely affect the poor families living in Lower Township and comments that Cape May taxpayers can well afford to pay. Most of the homes in the City of Cape May are second homes, advises Ms. Tolley. She states that education gives children the opportunity to move forward in the future.

Susan Tishler, 507 Washington Street Mall, Cape May asks if the planned improvements for Lyle Lane include plans for Rotary Park.

Mayor Mahaney advises that a plan for Lyle Lane and Rotary Park will be introduced during a future phase for improvements in the year 2016.

Shaine Meier, 1217 Vermont Avenue, Cape May is in favor of quality education for the children. Mr. Meier asks if the school funding question can be put on the ballot at the General Election and why Cape May is responsible for the cost.

Deputy Mayor Wichterman replies that the New Jersey State statute does not allow the question to be placed on the ballot at a General Election.

City Attorney, Anthony Monzo, advises that the State statute is not clear on who is responsible to pay for the cost of the Special Election. Based on the decision of the Department of Education, Board of Review, the question will go forward at a Special Election and if there is no consensus between the participating municipalities as to who will pay, the County will have the Superior Court make a decision.

Mr. Meier questions the finalization plans for the Lafayette Street Park.

Mayor Mahaney replies that the plans are conceptual for the park and have not been finalized as of yet. The Mayor advises that the Residents will be involved in the process.

Dennis Desatnick, 1307 Trenton Avenue, Cape May, compliments Council on the beautification of the City. Mr. Desatnick disagrees with changing the school funding formula.

City Manager, Bruce MacLeod explains how the school funding formula is calculated.

Councilmember Murray reports that the referendum will give the City an understanding as to whether or not the voters are behind the formula change.

Julius Rauch, 1010 New York Avenue, Cape May is in favor of the School Funding Formula change and thanks Deputy Mayor Wichterman for his time and effort in the matter. Mr. Rauch feels that the City should have more than one representative on the School Board.

#### CLOSED SESSION

Motion made by Mayor Mahaney seconded by Councilmember Murray to go into closed session.

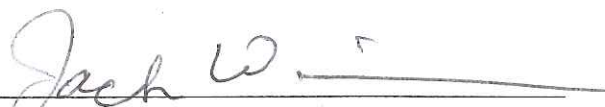
#### OPEN SESSION

Motion made by Deputy Mayor Wichterman seconded by Councilmember Murray to go back into open session.

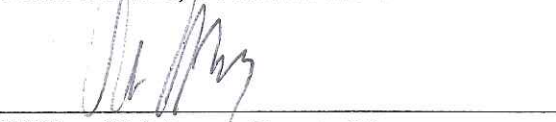
#### ADJOURNMENT

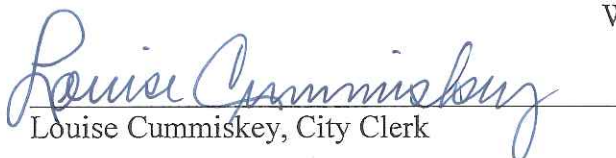
Motion made by Deputy Mayor Wichterman, seconded by Councilmember Murray to adjourn. The meeting adjourned at 8:25 P.M.

  
Edward J. Mahaney, Jr., Mayor

  
Jack Wichterman, Councilmember

  
Terri L. Swain, Councilmember

  
William H. Murray, Deputy Mayor

  
Louise Cummiskey, City Clerk