

**WORKSESSION/REGULAR MEETING  
OF CITY COUNCIL OF THE CITY OF CAPE MAY, NJ  
Tuesday, December 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, December 2, 2014 in the Cape May City Hall Auditorium. The Clerk called the roll and the Pledge of Allegiance was recited.

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|---------------|--|
| Present:      | Mayor Edward J. Mahaney, Jr.<br>Councilmember William H. Murray, Esquire<br>Councilmember Terri L. Swain<br>Deputy Mayor Jack Wichterman |
| Also Present: | City Manager Bruce MacLeod<br>City Attorney Anthony Monzo<br>City Clerk Louise Cummiskey<br>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 of Atlantic City 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:**

271-12-2014 - 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:  
Litigation - Beach Theater Loan; **Add Negotiation For Property Acquisitions**

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

**ENGINEER REPORT**

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

USDA Water Tank and Standpipe Expanded Improvements – A bid was awarded on October 21, 2014 for the repaving of sidewalks around the water tank. The bids for the rehabilitation of the lime silo and emergency generator wells #5 and #7 were awarded on November 3, 2014.

FY2014 Road and Utility Improvement Program – The City of Cape May was awarded Municipal Aid in the amount of \$174,501.00 for the FY2014 NJDOT improvements on Cape May Avenue (Trenton Avenue to Pittsburgh Avenue).

FY2014 NJDCA Small Cities Grant Application – East Lyle Lane (Perry to Jackson Street) RV&W will open bids for this project on December 9, 2014.

Harbor Lane Bulkhead – Contractor began construction on September 8, 2014. Mr. Roberts reports that the steel sheet pilings have been installed and the project is near completion.

FY2015 NJDCA Small Cities Application – East Lyle Lane (Jackson to Decatur Street) RV&W submitted their engineering report to Mark Blauer to include with the grant application to the DCA. The DCA application was denied.

Mayor Mahaney advises that the City will resubmit the grant application.

FY2013 NJDCA Small Cities Program Surplus Grant Funds – The City received permission from the DCA to use surplus grant funds for ADA beach material, which includes new beach wheel chairs, ground protection mats and modular walkways on the beach.

#### **CITY MANAGER ITEMS**

City Manager, Bruce MacLeod, advises that the seasonal beach tags are now on sale in the Tax Office. The pre-season cost for seasonal tags is \$20.00 (December 1, 2014 - March 31, 2015.) Tags may be purchased by mail but will require a \$3.00 handling fee. Free Veteran/Active Military beach tags are also available but will need to be picked up in person with proper Military ID.

Mr. MacLeod announces that the Cape May City Christmas tree lighting will be held at Rotary Park on Friday, December 5, 2014 at 7:00 P.M. The West Cape May Christmas Parade will take place on Saturday, December 6, 2014 beginning at 5:00 P.M. The Poperazzi Holiday Concert will be held at Convention Hall on Saturday, December 13, 2014 at 8:00 P.M. A free Holiday Concert (Angelus Choir) will be held at Convention Hall on Wednesday, December 17, 2014 starting at 7:30 P.M. Finally, the Cape May City Holiday Party will be held at Convention Hall on Saturday, December 20, 2014 from 7:00 P.M. to 9:30 P.M.

#### **REGULAR MEETING BUSINESS:**

##### **RESOLUTIONS:**

263-12-2014 – Resolution Approving Amusement Games License 732-736 Beach Avenue

264-12-2014 – Resolution Approving Amusement Games License 406 Beach Avenue

265-12-2014 – Resolution Approving Concert Agreement for the 2015 Concert Series

266-12-2014 – Resolution – Rejection of Bids - Electrical Service

267-12-2014 – Payment of Bills “A”

267-12-2914 – Payment of Bills “B” **Removed from Consent**

268-12-2014 – Resolution Providing for the Insertion of a Special Item of Revenue in the Budget Pursuant to Chapter 159, PL 1948

- 269-12-2014 – Transfers of Appropriations – 2014 Budget  
270-12-2014 – Resolution Authorizing the Purchase of One (1) New, 4WD, Heavy Duty Work Truck  
271-12-2014 - 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: Litigation - Beach Theater Loan **Add-Negotiation For Property Acquisitions**  
272-12-2014 – Resolution to Approve Settlement Agreement between Mary Pat Meyers and William Gaffney and the City of Cape May **Removed from Consent**

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

267-12-2014 – Payment of Bills “B” **Removed from Consent**

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

**MINUTES:**

City of Cape May Regular Meeting Minutes dated October 21, 2014

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

**NEW BUSINESS:**

- A) City Attorney  
B) City Manager  
C) City Clerk – Ms. Cummiskey reminds everyone to vote at the Special Election on December 9, 2014 and advises that the polls will be open from 2:00 P.M. to 9:00 P.M.

Patricia Harbora, Deputy City Clerk, reports on the Red Cross Blood Drive which was held on November 24, 2014. The Drive was a success and Ms. Harbora thanks all who contributed.



D) Councilmembers – Deputy Mayor Wichterman thanks everyone who attended the round table discussion on the school funding formula. Mr. Wichterman encourages everyone to vote at the Special Election on December 9, 2014 from 2:00 P.M. to 9:00 P.M.

Mayor Mahaney announces that the City of Cape May has achieved Sustainable Jersey Silver recertification for the third time in the past four years. The Mayor explains that the City of Cape May has earned more points than any other of the 565 Municipalities in the State of New Jersey for economic growth and environmental protection. The Mayor reports that the City has acquired \$300,000.00 in grant monies due to our sustainability program.

Mayor Mahaney announces that the City of Cape May will be sponsoring a “Flood Risk Open House” on December 12, 2014 from 4:00 P.M. to 8:00 P.M. at Cape May Convention Hall. Representatives from FEMA, NJDEP and Cape May County will provide information and answer questions on the updated flood hazard maps, flood risk properties, flood insurance and flood risk mitigation. Mayor Mahaney announces that the Open House is available to all residents in Cape May County and encourages everyone to attend.

Mayor Mahaney reports that the dredging project to clear the Cape May channel is complete.

**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.

Bernie Haas, 1016 Illinois Avenue, Cape May, Beach Theater Foundation Treasurer, reads a letter regarding the Small Cities loan. Mr. Haas presents a check in the amount of \$7,500.00 to the Mr. MacLeod which represents the last payment for the Beach Theater for 2014.

John Fleming, 1484 Washington Street, Cape May thanks Mayor and Council for the completion of the dredging project. Also, Mr. Fleming questions the Beach Theater settlement Resolution.

Anthony Monzo, City Attorney, advises Mr. Fleming that the Resolution cannot be discussed until after the closed session.

Hassan Hassan, 1208 Rt. 109, Cape May advises that he has lived in Cape May for the past 26 years and feels that a cleaner ocean, beach and more advertisement will bring more visitors to Cape May.

#### **CLOSED SESSION**

Motion made by Deputy Mayor Wichterman, seconded by Mayor Mahaney, to go into Closed Session at 2:00 P.M.

#### **OPEN SESSION**

Motion made by Councilmember Murray seconded by Deputy Mayor Wichterman to go back into Open Session at 2:45 P.M.


272-12-2014 – Resolution to Approve Settlement Agreement between Mary Pat Meyers and William Gaffney and the City of Cape May

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


**ADJOURNMENT**

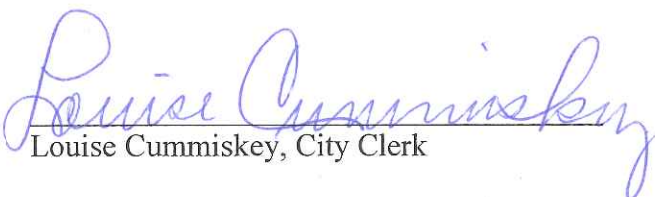
Motion made by Deputy Mayor Wichterman, seconded by Councilmember Murray to adjourn. The meeting adjourned at 3:00 P.M.

  
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Edward J. Mahaney, Jr., Mayor

  
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Jack Wichterman, Deputy Mayor

  
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Terri L. Swain, Councilmember

  
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William H. Murray Esq., Councilmember

  
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Louise Cummiskey, City Clerk