

**WORKSESSION/REGULAR MEETING OF THE  
CITY COUNCIL OF THE CITY OF CAPE MAY, NJ  
Tuesday, February 5, 2013, 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, February 5, 2013 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 Councilmember Jack Wichterman
Also Present:	City Attorney Anthony Monzo City Manager Bruce MacLeod City Clerk Louise Cummiskey Deputy Clerk Patricia Harbora
Absent:	Deputy Mayor William H. Murray

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:**

**WORK SESSION DISCUSSION**

**Construction Activities**

Mayor Mahaney advises that a meeting was held with several local contractors, as well as himself, Councilmember Wichterman, City Manager Bruce MacLeod and City Construction Official William Callahan. The purpose of the meeting was to discuss extended work hours.

Mr. MacLeod reports that the City will consider allowing outside construction work on Saturdays between the hours of 8:00 A.M. and 6:00 P.M. between Labor Day and Memorial Day (off season) and Saturday construction work between 9:00 A.M. and 3:00 P.M. during the summer season. Also, Mr. MacLeod advises that work will be restricted on New Years Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and Christmas Day. Sundays will be prohibited year round unless an emergency exists and in the event of an emergency, the contractor will have to notify the Police Department, reports Mr. MacLeod. If the weather is bad for a long period of time, Mr. MacLeod advises that Council will consider allowing work (off season) on Sundays. Finally, Mr. MacLeod advises that Mr. Monzo will prepare an Ordinance

for Mayor and Council which will be introduced at the next Council meeting on February 19, 2013.

Councilmember Wichterman advises that he contacted several Municipalities and not one town had restrictions for contactors working on Saturday and two Municipalities allow construction seven days a week throughout the year.

### **PUBLIC PORTION:**

Jerry Gaffney – 810 Columbia Avenue advises that the current Ordinance was adopted due to problems in the past with weekend construction and he would like to see the Ordinance remain as it is currently written.

City Solicitor, Anthony Monzo, advises that many homeowners only come into town on the weekend to perform outside construction work on their homes.

Ray Roberts, City Engineer, asks if the Ordinance will pertain to road work.

Mayor Mahaney informs Mr. Roberts that all road work construction projects are governed by bid specifications. Also, Mayor Mahaney advises that if Council agrees to the draft Ordinance, it will be introduced at the February 19<sup>th</sup> meeting with the 2<sup>nd</sup> reading and possible adoption on March 19, 2013.

### **ENGINEER REPORT**

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

FY2011 Road and Utility Improvement Program – the project is near completion with only one punch list item left to perform.

Underground Storage Tank, Canning House Lane – the Remedial Action Report has been submitted to the DEP with an anticipated dated of November for the issuance of the permit.

Water Tank and Standpipe Rehabilitation – Madison Avenue - sway rods are scheduled to be replaced this week. Cleaning and painting of the exterior tank will take place this spring with completion of the project in May, 2013. Canning House Lane – USDA has approved funds for the rehabilitation. Work is projected to begin in September, 2013 with a completion date of December 2013.

FY 2011 NJDCA Small Cities ADA Improvements - the project is complete.

FY2012 NJDCA Small Cities Grant for Carpenters Lane, Perry to Jackson and Beach Access at Madison, Pittsburgh, Perry and Broadway. The improvements are 90% complete.

FY2012 NJDOT Municipal Aid – funds have been awarded in the amount of \$180,000.00 in conjunction with the reconstruction of Cape May Avenue from Madison to Reading Avenues.



FY2012 Road and Utility Program (Phase 1) Cape May Avenue from Madison to Reading Avenues – All work is complete except for paving. The paving is weather dependent and the base pavement is scheduled to begin the week of February 4, 2013 with the top course to be installed in early April. The Washington Street project (Ocean to Franklin) is scheduled to begin during the week of February 4, 2013 with construction to be completed by May 17, 2013.

Mayor Mahaney asks Mr. Roberts to keep council apprised of the status of the Washington Street project.

Mr. MacLeod asks Mr. Roberts to contact the Police Department so they may send out a reverse 911 message to the residents of the City to inform them of the closing of Washington Street during the construction.

City Hall Rehabilitation – Masonry Repairs – the project is being closed out. Window Replacement – the project is 60% complete. Interior Renovations – This project is scheduled to be advertised for bids in July with a completion date of November, 2013.

FY2013 NJDCA Small Cities Grant - Carpenters Lane (Jackson Street to Decatur Street) and accessible sidewalk ramps city wide- A NJDCA grant has been awarded to the City in the amount of \$400,000.00.

FY2013 NJDOT Municipal Aid – Cape May Avenue (Reading to Trenton on the North side) – an application has been submitted and we are awaiting notification of an award.

Harbor Lane Bulkhead – a grant application has been prepared and forwarded to the County through the FEMA 404 Hazard Mitigation Grant Program.

### **WORK SESSION DISCUSSION**

#### **2013 Budget**

Councilmember Fiocca compliments Mr. MacLeod and Mr. Costello for a job well done on the budget preparation. Councilmember Fiocca was concerned about the cost of a new tile floor at the Lifeguard Headquarters so she visited the building and found that repairs were desperately needed.

Councilmember Swain is concerned about the management of overtime in the Fire Department. Mr. MacLeod advises that he will go over the Fire Department Budget with Ms. Swain.

Councilmember Wichterman agrees with Ms. Swain regarding the Fire Department overtime costs and he would like to meet with the Mayor and Council and Mr. MacLeod to discuss the matter. Also, Mr. Wichterman advises that the MUA charges seem to escalate every year and he asks Mr. MacLeod to determine the percentage the City pays to the County and report back to Council.

Mayor Mahaney agrees with Councilmember Wichterman and he asks Mr. MacLeod to contact Charles Norkis at the CCMUA to request that Mr. Norkis attend a City Worksession to present the figures to Council.

Mayor Mahaney asks Mr. MacLeod about the Whole House Rental Ordinance that was being worked on last year and Mr. MacLeod advises that several meetings took place and the Committee members went on a field trip to the Borough of Avalon who has a program for whole house rentals. Mr. MacLeod advises that an Ordinance needs to be drafted to amend the city code regarding whole house rentals.

Mayor Mahaney agrees with Councilmembers Swain and Wichterman regarding the overtime at the Fire Department and he feels changes must be made.

### **PUBLIC PORTION:**

Jerry Gaffney-810 Columbia Avenue, Cape May inquires as to the cost of Flood Insurance for the new Convention Hall and also asks if the CO has any bearing in procuring Flood Insurance.

Mr. MacLeod advises that the City does have a CO and that it does not have any bearing on obtaining Flood Insurance.

Mr. Gaffney asks of the cost to the City for the feasibility study being performed regarding the cost to taxpayers to send children to the Lower Cape May School District and Mr. MacLeod advises the total cost is \$48,000 to be paid one half in 2012 and one half in 2013. Mr. Gaffney comments that the issue of school funding was addressed in 2005 and wants to know why, now, it is again being looked into.

Councilmember Wichterman replies that the attorney performing the study, Vito. Gagliardi, has realized success in this area and the courts are now sympathetic to this problem. Mr. Wichterman believes the City will be successful in their quest for equity.

### **CITY MANAGER ITEMS**

Mr. MacLeod reports that he attended a meeting regarding new technology on parking meters. You can now pay a parking meter with your cell phone.

Mr. Wichterman asks if the old meters can be used with the new technology and Mr. MacLeod comments that they can..

Mayor Mahaney asks the City Manager to put together a committee with Deputy Mayor Murray, Councilmember Fiocca, the Police Department, the Public Works Department, and Traffic Maintenance to go over the date he received and report back to Mayor and Council.

Mr. MacLeod advises that single stream recycling will begin in April 2013 and that the CMUA will be providing information for the residents in the community.



Mr. MacLeod reports that a payment was received from the Beach Theater Fund in the amount of \$750.00. Finally, Mr. MacLeod advises that on February 15, 2013 at 2:00 P.M., the City will accept oral bids at a public auction for the lease of the Convention Hall retail store "B" space.

**ATTORNEY ITEMS**

**CLERK'S ANNOUNCEMENTS**

**REGULAR MEETING BUSINESS:**

**RESOLUTIONS:**

- 38-02-2013 – Resolution in Support of Continued Funding for Historic Cold Spring Village
- 39-02-2013 – Resolution Consenting to the Proposed Water Quality Management (WQM) Plan Amendment
- 40-02-2013 – Resolution Authorizing Utility Bill Adjustment - Spana
- 41-02-2013 – Resolution Authorizing Utility Bill Adjustment – Heath
- 42-02-2013 – Resolution Authorizing Utility Bill Adjustment – Welde
- 43-02-2013 – Resolution Authorizing Utility Bill Adjustment – MacFarland Assoc.
- 44-02-2013 – Release of Performance Guarantee for Victorian Harbor Condominium Assoc.
- 45-02-2013 – Release of Performance Guarantee for Lance and Bonnie Pontin
- 46-02-2013 – Release of Performance Guarantee for City Centre, Inc.
- 47-02-2013 – Resolution Approving Refund of Taxes to Girls Friendly Society of Pennsylvania
- 48-02-2013 – Resolution Authorizing Change Order No. 4 for Contract with Axios, Inc., Various ADA Improvements, FY 2011 Small Cities Program
- 49-02-2013 – Resolution Authorizing Final Payment to Axios, Inc., Various ADA Improvements
- 50-02-2013 – Resolution Supporting Assembly Bill 3630/Senate Bill 2435
- 51-02-2013 – Payment of Bills
- 52-02-2013 – Resolution Authorizing Utility Bill Adjustment – Dombrowski
- 53-02-2013 – Resolution Authorizing Utility bill Adjustment – Merion Realty, LLC **Removed**
- 54-02-2013 – 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
- 55-02-2013 – Resolution Authorizing the Tax Assessor to File a Petition of Appeal(s) and Stipulations of Settlement for the Tax Year 2013 with the Cape May County Board of Taxation

Motion: Mahaney  
Second: Wichterman

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

53-02-2013 – Resolution Authorizing Utility bill Adjustment – Merion Realty, LLC

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

**MINUTES:**

City Council Regular Meeting Minutes dated December 18, 2012  
City Council Closed Executive Session Meeting Minutes dated December 18, 2012  
City Council Reorganization Meeting Minutes dated January 1, 2013

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

**REPORTS RECEIVED BY THE CLERK:**

City of Cape May Police Department monthly report dated 12/1/2012 to 12/31/2012  
City of Cape May Historic Preservation Commission Meeting Minutes dated November 26, 2012  
Overtime report for the years 2011 and 2012  
2013 Occupancy Tax Budget Projection dated January 22, 2013  
Shade Tree Commission Meeting Minutes dated January 13, 2013  
City of Cape May Environmental Commission Meeting Minutes dated January 22, 2013

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

**UNFINISHED BUSINESS:**

**NEW BUSINESS:**

- A) City Attorney
- B) City Manager

C) City Clerk- Ms. Cummiskey reads a Letter from Renee Haider, Sustainable Jersey in reference to the award recently received by the City.

D) Councilmembers – Councilmember Wichterman asks about the roads in the Harbor View Community. Mr. Monzo advises that no work has been done since the agreement between the City of Cape May and the Homeowners Association. Mr. Monzo advises that approval was given by the Planning Board, the Agreement was executed, and a plat was filed. Thereafter, the Association forwarded a letter to the City withdrawing their petition, adds Mr. Monzo.

Mayor Mahaney comments on the letter from Renee Haider. The Mayor tells us that in 2012 the City was awarded a silver certificate for the second year in a row and was one of five Municipalities which received said Certificate in the State of New Jersey. Mayor Mahaney asks that the plaque be hung in the City Hall as the award represents a testimony to the quality of life in the City of Cape May.

Mayor Mahaney announced that the February edition of the League magazine has a really nice article, authored by the Mayor, about the beach replacement, grant money received from the Federal and State Governments by the City of Cape May. Finally, the Mayor announced that the Green Team Committee will be hosting a Fair in Convention Hall on Saturday, April 13, 2013 from 10:00 A.M. to 4:00 P.M.

Mayor Mahaney thanked Bernie Haas for the free 2013 publication book he provided to City Council regarding Hurricane Sandy being long gone and the shore communities being ready for business.

**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.

John Fleming 1484 Washington Street, Cape May asks for the breakdown on the overtime paid out in 2012 to the Fire Department and who determines who gets overtime. Also, Mr. Fleming would like to know if said information is available to the public.

Mr. MacLeod explains that overtime for a new firefighter amounts to \$18.50 per hour and that a senior officer receives between \$45.00 and \$50.00 per hour. The City Manager further comments that the total overtime for all departments in the City totals \$456,159.72. Finally, Mr. MacLeod states that the Department head determines overtime and that the information is available to the public through an OPRA request.

Mr. Fleming asks if the City of Cape May would consider hiring a full time in-house engineer because he believes that would save the City a lot of money. Mr. Fleming informs us that Lower Township recently hired an in-house engineer and saved a substantial amount of money.

Councilmember Wichterman comments that it would be a long term process to hire an in-house engineer.

Mayor Mahaney is in favor in looking into the concept of an in-house engineer and is following Lower Township and Brigantine their success in that venture.



Mr. MacLeod advises that Mayor and Council have discussed this but there is nothing on the table at this time. The City Manager will look into this suggestion with Mayor and Council.

**CLOSED SESSION**

Motion made by Councilmember Wichterman to go into closed session.

**ADJOURNMENT:**

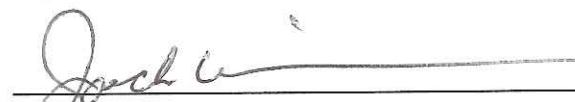
Motion made by Councilmember Fiocca seconded by Councilmember Swain to adjourn. The meeting adjourned at approximately 4:20 P.M.

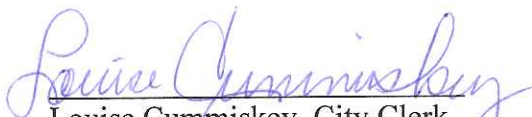
  
\_\_\_\_\_  
Edward J. Mahaney, Jr., Mayor

\_\_\_\_\_  
ABSENT  
William H. Murray, Deputy Mayor

  
\_\_\_\_\_  
Deanna Fiocca, Councilmember

  
\_\_\_\_\_  
Terri L. Swain, Councilmember

  
\_\_\_\_\_  
Jack Wichterman, Councilmember

  
\_\_\_\_\_  
Louise Cummiskey, City Clerk