

**WORKSESSION/REGULAR MEETING
OF THE CITY COUNCIL OF THE CITY OF CAPE MAY, NJ
Tuesday, May 7, 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, May 7, 2013 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. Councilmember William H. Murray Councilmember Terri L. Swain Deputy Mayor Jack Wichterman
Also Present:	City Attorney Anthony Monzo City Manager Bruce MacLeod City Clerk Louise Cummiskey Deputy Clerk Patricia Harbora
Absent:	Councilmember Deanna Fiocca

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:

107-05-2013 – 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
(Removed from Consent Agenda)

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

PROCLAMATION:

Knights of Columbus, St. Mary's Council #6202

WORK SESSION DISCUSSION

Mayor Mahaney introduces Curtis Johnson, Executive Director, Bill Oat, Maintenance Director, Jim Wyatt, Principle of Domas and Carlos Morales, Project Manager, all from the Diocese of Camden.

Mr. Johnson advises that the Victorian Towers is a forty year old building and is in need of improvements to keep up with the State standards and building codes. Mr. Johnson is representing the Diocese of Camden in the Preservation Project of the Towers wherein studio apartments will be converted into one bedroom units, the roof will be replaced, windows will be replaced and upgrades will be done for energy efficient heating/air condition and plumbing. The façade will be painted and more parking will be available to the residents. Mr. Curtis advises that an application will be submitted to the State of New Jersey for a low income housing tax credit to help with the \$8 million in project upgrades. The Diocese is asking for help from the City of Cape May so the Diocese can earn the points needed from the State of New Jersey to move forward with this project.

Mr. Monzo explains that the existing agreement between the City of Cape May and the Diocese of Camden gives the City 15% of the net rent less utilities which agreement will expire in the year 2021. If the City agrees to help with the renovations, the agreement between the City and the Diocese will be extended for 30 years ending in the year 2046. The only change in the agreement will be that the City will receive 10% on the gross rent.

Mr. MacLeod reports on the current configuration of the Towers which contains 206 units, consisting of 84 studio apartments and 122 one bedroom units. If the renovation goes forward there will be 25 less units bringing the total to 181 units.

Councilmember Wichterman would like to know why the contribution from the Diocese was reduced from 15% to 10% and why the City of Cape May has to lose money in order for the Diocese to obtain a grant. Mr. Wichterman would like to know when the rent was last increased.

Mahaney Mahaney explains that there are 40 to 45 units vacant at this time which reduces the amount of money received by the City. When the renovations are completed, it is anticipated that all of the units will be rented and the City will receive the same or possibly more each year because of the full capacity.

Mr. Johnson adds that the Dioceses will no longer build studio units due to the lack of interest and advises that the rent at the Towers was increased two years ago.

Deputy Mayor Murray wonders whether we can compromise and suggests the percentage be lowered to 11% or 12%.

Mayor and Council decide to reexamine the project during the next few days and will hold a Special Council Meeting if need be.

104-05-2013 – Resolution Supporting Victorian Towers Renewal Project (**MOTION IS TABLED**)

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

ENGINEER REPORT

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

FY 2011 Road and Utility Improvement Program – the project is complete.

Underground Storage Tank – Canning House Lane – awaiting “No Furth Action” from the State of New Jersey.

Water Tank and Standpipe – the containment structure is up and is currently being sand blasted and prime coated. The tank should be filled and operational by Memorial Day.

Canning House Lane Standpipe – USDA funds have been approved for the rehabilitation and the tank is scheduled for repair.

FY 2012 NJDCA Small Cities Grant Application/ADA Improvements – the improvements will be completed by Memorial weekend.

FY 2012 NJDOT Municipal Aid – Funds awarded in the amount of \$180,000.00.

FY 2012 Road and Utility improvement Program (Phase 1) – Cape May Avenue from Madison to Pennsylvania is near completion. Washington Street from Ocean to Franklin - street paving and construction should be completed by Memorial Day.

City Hall Rehabilitation – Window Replacement - Work is completed and closed out.

FY 2013 NJDCA Small Cities Grant Application – The City was awarded a grant in the amount of \$400,000.00 for the accessible sidewalk ramps on Carpenters Lane from Jackson to Decatur Street.

FY 2013 NJDOT Municipal Aid – The City was awarded \$175,000.00 for Cape May Avenue (North side) from Reading to Trenton Avenue.

Harbor Lane Bulkhead – Design and permitting are underway.

Emergency Generator for Well #5 and #7 – RV &W are proceeding with survey and design.

Sinkhole on Ocean Avenue – RV&W plugged both ends of the pipe and after viewing with the camera, found the pipe to be in excellent condition. Mr. Roberts explains that in 1963 boulders were used under the promenade and the earth tends to move which could have caused the problem. However, after analyzing the video, RV&W is proposing to pour a mix of concrete in the pipe which will flow with the water and go into the rock to plug the hole in that area. The project should not be costly. Public Works is looking to pave the sinkhole before Memorial Day.

Mr. MacLeod asks about the lighting on the 400 block of Carpenters Lane that was affected by the construction work and asks RV&W to have the contractor correct this problem.

Mayor Mahaney asks what the elevation will be on the Harbor Lane Bulkhead.

Mr. Roberts replies that due to FEMA requirements the elevation has not been set for the existing elevation.

Mayor asks the Engineer if the City needs to introduce the ordinance to repair the sink hole since the problem is not as serious as it was first thought to be.

Mr. MacLeod advises that the City has a balance remaining from a project in the year 2010 of approximately \$75,000.00 that can be used for the repair of the sinkhole. RV&W will report back to the City on the expense for Gurney Street.

Councilmember Wichterman would like to introduce the ordinance.

CITY MANAGER ITEMS

Mr. MacLeod reported that he, Mr. Wichterman and Bob Smith attended a pre-construction meeting at the County last Thursday regarding the Cape Island Creek tidal gate repair. The County put the project out to bid and awarded the contract to Walters Marine Construction. The anticipated completion date of the project is June 20, 2013.

Mayor Mahaney would like to schedule a meeting with Dale Foster, County Engineer, that would include the residents so that everyone will be aware of the project and its scope.

Mr. MacLeod announces that FEMA will have employees called “Green Shirts” walking door to door with proper identification in Cape May County to answer concerns or questions on Hurricane Sandy.

ATTORNEY ITEMS

CLERK'S ANNOUNCEMENTS

REGULAR MEETING BUSINESS:

Mr. MacLeod and Dan Shustack, from Licensing, give a presentation on the 2013 Cape May City Information Guide and Event Schedule book which will be available on May 9, 2013 and will also be available on the City's web site. The website is "DiscoverCapeMayNJ.com".

Mayor Mahaney reports that the cost of the Guide Book, including website fees, was \$45,000.00. Advertising fees received by the City totaled \$23,825.00. A grant was also used for the publication.

ORDINANCES FOR INTRODUCTION:

270-2013 – Bond Ordinance Providing for Improvements to the Storm Water Collection System in and by the City of Cape May, in the County of Cape May, New Jersey, appropriating \$275,000 Therefor and Authorizing the Issuance of \$261,250 Bonds or Notes of the City to Finance Part of the Cost Thereof

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

ORDINANCES FOR SECOND READING AND ADOPTION:

266-2013 – An Ordinance Approving Agreement of Sale By and Between City of Cape May and RFB Properties NJ-3, LLC Authorizing the Acquisition of Real Property Known as Block 1061, Lots 52 and 53, on the Tax Map of the City of Cape May

Motion: Swain
Second: Wichterman

Motion to Open Public Hearing for Ordinance 266-2013

Charles Hendricks – 106 Trenton Avenue, Cape May asks what the rush is to buy this contaminated property for a City Park. Also, Mr. Hendricks asks the City if he can obtain a DEP report to show that mediation was done.

Mr. Monzo explains that the Public Hearing of this Ordinance was advertised in the local newspaper. Also, when this ordinance was introduced, it was announced that a second reading and public hearing would take place on this date. As to the contamination, Mr. Monzo advises that Republic Bank acquired the property as part of a foreclosure and sheriff sale through a single asset entity. The City has unlimited indemnification and hold harmless commitment from JCP&L as a public utility, comments Mr. Monzo. Also, remediation on this site has been completed to the DEP's satisfaction and two feet of clean fill was put on the entire site, except under the buildings. JCP&L will clean and place new fill when the buildings are demolished. Mr. Monzo advises that the DEP report is available to the public.

Mr. Hendricks asks if the plans submitted by Temple were signed by a Licensed New Jersey Architect.

Mayor Mahaney replies that the plans were a conceptual drawing agreed by the public.

Mr. MacLeod comments that the level of funding will only be used for the acquisition and the demolishing of the property.

Jerry Gaffney – 810 Columbia Avenue, Cape May strongly opposes this acquisition and has concerns that the property will never be clean from contamination. Mr. Gaffney feels the City should have documentation stating that the city will not be responsible for any contamination on the property. In addition, the City should have an escrow account holding monies from the sellers to grantee protection in the future.

Mr. Monzo replies that the contract negotiation took a long time and was very difficult. However, the agreement will have the same language for any properties that the City acquires in that area.

Motion to Adopt Ordinance 266-2013

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

RESOLUTIONS:

104-05-2013 – Resolution Supporting Victorian Towers Renewal Project-**Tabled**

105-05-2013 – Resolution Approving the Submission of a Grant Application and Execution of a Grant Agreement with the New Jersey Department of Environmental Protection for a Community Stewardship Incentive Program Grant

106-05-2013 – Resolution Authorizing Utility Bill Adjustments Due to Catastrophic Occurrence

107-05-2013 – 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

Removed from Consent Agenda

108-05-2013 – Resolution – Annual Sidewalk Sale

109-05-2013 – Resolution Authorizing Membership in the Cape Island Joint Rabies Clinic

110-05-2013 – Resolution Refunding Overpaid 2012-2013 Taxes

111-05-2013 – Resolution Authorizing Participation in Clean Communities Grant Program

112-05-2013 – Resolution Awarding Contract for Supplying of Uniforms for Beach Patrol, Jr. Lifeguards and Beach Tag Personnel for the 2013 Season

- 113-05-2013 – Resolution Awarding Contract for the Supply and Delivery of Removable Containers to be used in the City’s Recycling Program
- 114-05-2013 – Resolution Awarding Contract for Supplying of HVAC Service and Repairs
- 115-05-2013 – Resolution Awarding Contract for Tree Care and Maintenance
- 116-05-2013 – Resolution Awarding Contract for the Supply and Delivery of One (1) new 2013 Beach Tractor
- 117-05-2013 – Resolution Approving Agreement with the Department of Environmental Protection, Green Acres Program, Project Number 0502-12-CBA, Lafayette Street Coastal Blue Acres Acquisition
- 118-05-2013 – Resolution Approving Agreement with the Department of Environmental Protection, Green Acres Program, Project Number 0502-10-016, Lafayette Street Open Space Recreation Area
- 119-05-2013 – Resolution Approving Settlement of Tax Appeal Litigation Known a Richard Haaz and Jennifer Haaz v. City of Cape May
- 120-05-2013 – Resolution of the City of Cape May Appointing an Advisory Committee on Shared Parking
- 121-05-2013 – Payment of Bills “A”

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

- 121-05-2013 – Payment of Bills “B”

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

MINUTES:

- City Council Regular/Worksession Meeting Minutes dated March 5, 2013
- City Council Regular Meeting Minutes dated March 19, 2013
- City Council Closed Executive Meeting Minutes dated March 19, 2013

Motion: Mahaney
 Second: Wichterman
 Roll Call:

Fiocca Absent
Murray Abstain
Swain Yes
Wichterman Yes
Mahaney Yes

City Council Special Meeting Minutes dated April 26, 2013

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

REPORTS RECEIVED BY THE CLERK:

City of Cape May Police Department Monthly Reports for March 2013
Occupancy Tax Budget Projection Report dated April 22, 2013
City of Cape May Shade Tree Commission Minutes dated March 14, 2013
City of Cape May Planning Board Meeting Minutes dated March 12, 2013 and March 26, 2013
City of Cape May Environmental Commission Meeting Minutes dated April 23, 2013

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

NEW BUSINESS:

- A) City Attorney
- B) City Manager
- C) City Clerk
- D) Councilmembers – Mayor Mahaney welcomes everyone to a free Mothers Day Concert at Convention Hall on Friday night at 8pm.

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.

Charles Hendricks – 106 Trenton Avenue, Cape May is pleased to serve on the Advisory Committee for Shared Parking. Also, Mr. Hendricks advises that the Parent’s Weekly magazine named Cape May City beaches as one of the five best beaches in the country.

John Cooke - 223 Congress Place, Cape May comments on the City website and appreciates the information in the Guide Book about the Welcome Center. Also, the Chamber of Commerce would like the City to financially support and continue their obligation to the Welcome Center.

Mr. MacLeod advises that the City cannot make any contribution by State Statute except to the Volunteer Fire Department and Volunteer Rescue Squad. However, Mr. MacLeod advises that in the past, the City has worked as a partner with the Chamber on activities and events to accommodate the residents and visitors in the City of Cape May.

Deputy Mayor Murray agrees that the Welcome Center is the Gateway to the City of Cape May for Visitors. Mr. Murray asks Mr. Cooke how the neighboring towns fund their Chamber of Commerce.

Mr. Cooke will look into the funding in other Municipalities and report back to Council.

Bob Steenrod – 1011 Lafayette Street, Cape May applauds the women that put the Information Guide Book together. Mr. Steenrod comments that the Guide Book is a Cape May City book and asks why the book contains information on other towns. Finally, Mr. Steenrod advises that other businesses would like to place ads in the book for next year and feels the City should work together with the Chamber of Commerce to have one book.

Mayor Mahaney advises that he participated in the production of the Information Guide because he felt that the information would be helpful to our visitors and residents.

Maryann Gorrick – 1002 Washington Street, Cape May agrees that the City of Cape May and the Chamber of Commerce should combine the information in the Guide Book. Also, Ms. Gorrick believes the website is an excellent advertising tool and she is happy to see the Welcome Center advertisement. Ms. Gorrick complains about noise from car radios and suggests that the City install a digital sign asking people to turn down their radio music.

Craig Van Wall comments that he is an employee at the Welcome Center and speaks on behalf of the staff. The Welcome Center staff makes the first impression on visitors arriving in the City of Cape May and the employees at the Welcome Center greet over 100,000 visitors a year helping everyone with their needs. Mr. Van Wall asks about the \$60 million that FEMA is giving the residents of the State of New Jersey that suffered from Hurricane Sandy and asks if the City of Cape May will receive any of those funds.

Mayor Mahaney comments that the State will be receiving \$24 million but the State has not decided on how to disburse the monies at this time.

Bob Steenrod, 1011 Lafayette Street, Cape May comments on the friendly employees of the City of Cape May's at the Recycling Center.

ADJOURNMENT


Motion made by Mayor Mahaney and seconded by Councilmember Wichterman to adjourn. The meeting adjourned at approximately 4:15P.M.

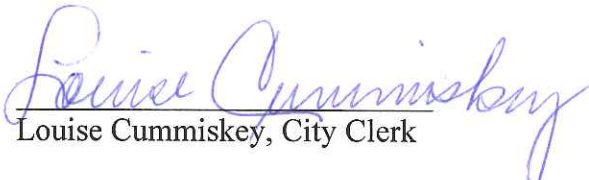

Edward J. Mahaney, Jr., Mayor


Jack Wichterman, Councilmember


Deanna Fiocca, Councilmember


Terri L. Swain, Councilmember


William H. Murray, Deputy Mayor


Louise Cummiskey, City Clerk