

**WORKSESSION/REGULAR MEETING  
OF CITY COUNCIL OF THE CITY OF CAPE MAY, NJ  
Monday, November 4, 2013, 1:00 P.M.**

**CALL TO ORDER -- ROLL CALL -- Pledge of Allegiance to the Flag**

Present: Councilmember Deanna Fiocca  
Mayor Edward J. Mahaney, Jr.  
Deputy Mayor William H. Murray, Esquire  
Councilmember Terri L. Swain  
Councilmember Jack Wichterman

Also Present: City Attorney Anthony Monzo, Esquire  
City Manager Bruce MacLeod  
City Clerk Louise Cummiskey  
Deputy Clerk Patricia Harbora

**MAYOR'S ANNOUNCEMENT "Open Public Meetings Law"**

**COUNCIL COMMENTS**

Minutes do not reflect the actual order in which the events occurred.

**AGENDA ADDITION/DELETION OF LATE AGENDA ITEMS TO BE CONSIDERED FOR ACTION:**

- 245-11-2013 – Resolution of the City of Cape May Approving Agreement with the County of Cape May for High Wheel Vehicle Shared Services Agreement - **Removed**
- 246-11-2013 – Resolution Authorizing a Grant Application for the New Jersey Economic Development Authority Stronger New Jersey Neighborhood and Community Revitalization Program Streetscape Revitalization Program - **Added**
- 247-11-2013 – Resolution Authorizing a Grant Application for the New Jersey Economic Development Authority Stronger NJ Neighborhood and community Revitalization Program Development and Public Improvement Projects - **Added**

Motion: Mahaney

Second: Murray

Roll Call:

Fiocca	Yes
Murray	Yes
Swain	Yes
Wichterman	Yes
Mahaney	Yes

**Presentation** – Partnership Mission between United States Army Civil Affairs Battalion and City of Cape May

Mayor Mahaney introduces Major Kenion and Sergeant Schumacher of the United States Army Civil Affairs Battalion, Fort Dix, New Jersey. Major Kenion explains that the Civil Affairs Unit is located in Fort Dix and is made up of five companies each of which employs twenty-five to thirty soldiers. The Major advises that the Civil Affairs Unit is a bridge between the Commander and the Country or society within which they are working and the job of the Civil Affairs Unit is to mitigate any problems arising from a military presence in an area. They (Civil Affairs) are a liaison between the citizens and the military, comments Major Kenion.

Major Kenion advises that the mission in the City of Cape May is to complete a six-day training event with emphasis on civil information management. Civil information is defined as finding out what is going on in an area and sharing it with the Commander, advises Major Kenion. The Civil Affairs Unit will practice talking to people to gather information to better understand the “big picture.” At the end of the exercise, the Unit will share the information with the City.

**WORK SESSION DISCUSSION**

**On Street Resident Parking Permits**

City Manager, Bruce MacLeod, explains a proposed amendment to the Ordinance governing On Street Parking. At the present, the Ordinance provides for On Street Parking permits for a six month period at a fee of \$350.00. Mr. MacLeod advises that residents have approached him about extending the permit to cover the entire year. There is discussion regarding the need for the extension and the cost of a yearly permit. Deputy Mayor Murray feels that there is a need for the yearly permit, especially on Jackson Street.

**ENGINEER REPORT**

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

Underground Storage Tank – the DEP has issued a “No Further Action” report. The project is now closed.

Madison Avenue Water Tank – the antennae are being removed and the contractor will perform the site restoration.

Canning House Lane Standpipe – Wireless carriers have commenced their work and 90% of the scaffolding is in place.

FY 2012 NJDCA Small Cities Grant Application – ADA Improvements – the project was awarded to Axios, LLC and will provide improvements to Carpenter’s Lane between Perry and Jackson Streets and beach access at Madison, Pittsburgh Perry and Broadway.

FY 2012 NJDOT Municipal Aid – funds in the amount of \$180,000.00 have been awarded to be used for the reconstruction of Cape May Avenue from Madison to Reading Avenues.

FY 2012 Road and Utility Improvement Program – Phase I – All work has been completed except for punchlist items.

City Hall Rehabilitation – Phase 2 of the masonry repair was started October 14, 2013 with a projected completion date of December 20, 2013.

FY 2013 NJDCA Small Cities Grant Application – the project has been advertised and bids will be accepted on November 21, 2013. The projected completion date is May, 2014.

FY 2013 NJDOT Municipal Aid – An award of \$175,000.00 has been granted to the City of Cape May and the work to be performed will be part of the FY 2013 Road and Utility Program.

Harbor Lane Bulkhead – A Grant Application has been submitted by the County through FEMA and bid documents are being prepared.

Gurney Street Storm Drain – Bids will be advertised on November 9, 2013 and the projected construction dated is January, 2014.

FY 2013 Road and Utility Program – This project will include the north side of Cape May Avenue from Reading to Trenton Avenues; Delaware Avenue from Trenton to Pittsburgh Avenue and Beach Avenue. Bids for Beach Avenue will be advertised on November 9, 2013 and bidge for Cape May Avenue and Delaware Avenue will be advertised on November 16, 2013.

FY 2014 NJDCA Small Cities Grant Application – Preliminary work has been completed and an application was submitted. We are awaiting notice of award.

City Manager, Bruce MacLeod, asks Mr. Roberts to keep the City updated on projects going out to bid so that the City web-site can be updated.

#### **CITY MANAGER ITEMS**

Mr. MacLeod reports that the Occupancy Tax received through October, 2013, as compared to the same time period in 2012, shows in increase of 1.4%. Mr. MacLeod advises homeowners that they should contact the Tax Office if they have not received their Homestead Rebate Application. Finally, Mr. MacLeod advises that the Beach replenishment program will begin this week and should be completed in approximately fifty-two days.

#### **ATTORNEY ITEMS**

#### **CLERK'S ANNOUNCEMENTS**

General Election November 5, 2013, Polls open at 6:00 A.M. and close at 8:00 P.M.

Regular Meeting, Monday, November 18, 2013 at 7: 00 P.M.

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

The following Resolutions are offered by Consent

**RESOLUTIONS:**

- 239-11-2013 – Resolution Authorizing Utility Bill Adjustment Due to Catastrophic Occurrence
- 240-11-2013 – Resolution Authorizing Release of Performance Guarantee for Broadway Beach, Inc., Block 1016, Lot 13, 201-1211 S. Beach Avenue
- 241-11-2013 – Payment of Bills “A”  
Payment of Bills “B” – **Removed from Consent**
- 242-11-2013 – 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- Personnel-Police Department; UAW Contract Negotiations
- 243-11-2013 – Resolution Approving Refund of Overpaid 2013 Utilities
- 244-11-2013 – Transfers of Appropriations
- 245-11-2013 – Resolution Approving Shared Services Agreement with Cape May County - **Removed**
- 246-11-2013 – Resolution Authorizing a Grant Application for the New Jersey Economic Development Authority Stronger New Jersey Neighborhood and Community Revitalization Program Streetscape Revitalization Program - **Added**
- 247-11-2013 – Resolution Authorizing a Grant Application for the New Jersey Economic Development Authority Stronger NJ Neighborhood and community Revitalization Program Development and Public Improvement Projects – **Added**

Motion: Wichterman

Second: Fiocca

Roll Call:

- Fiocca Yes
- Murray Yes
- Swain Yes
- Wichterman Yes
- Mahaney Yes

241-11-2013 – Payment of Bills “B”

Motion: Wichterman

Second: Fiocca

Roll Call:

- Fiocca Yes
- Murray Yes
- Swain Abstain
- Wichterman Yes
- Mahaney Yes

**MINUTES:**

**REPORTS RECEIVED BY THE CLERK:**

- Occupancy Tax Budget Projection Report dated October 22, 2013
- Environmental Commission Meeting Minutes dated October 22, 2013



Motion: Wichterman

Second: Murray

Roll Call:

Fiocca Yes

Murray Yes

Swain Yes

Wichterman Yes

Mahaney Yes

**UNFINISHED BUSINESS:**

**NEW BUSINESS:**

A) City Attorney

B) City Manager – Mr. MacLeod advises that the Exit 0 International Jazz Festival will take place November 8<sup>th</sup> through November 10<sup>th</sup> and Neil Berg’s 100 Years of Broadway will take place on November 11, 2013.

C) City Clerk

D) Councilmembers – Mr. Wichterman advises that based upon the question erroneously placed upon the ballot by the Board of Education, the City of Cape May was caused to spend \$22,000.00 to have it removed from the ballot. Mr. Wichterman advises that there will be a binding referendum on the ballot in the future, but there are certain steps that must be taken prior to placing the question on the ballot.

Mayor Mahaney compliments the Décor Committee of the BID for the wonderful fall decorations on the Mall. The Mayor advises that City Hall will be closed on Veteran’s Day, November 11, 2013 and that there will be a Veteran’s Day Ceremony at the Columbia Street monument at 11:00 A.M. that day.

**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.

Jules Rausch, 1010 New York Avenue, Cape May, asks the City to review the cost for outside seating at restaurants on the Washington Street Mall. Mr. Rausch feels that the fees should be raised and the increased revenue may be used for the operation of Convention Hall.

Mayor Mahaney advises that outdoor seating, mercantile license fees and fire inspections are being reviewed by the City Manager and City Council.

Kevin Soler, 1018 Stockton Avenue and 1005 New Jersey Avenue, Cape May, speaks about noise complaints filed in the City of Cape May. Mr. Soler would like to know why summons were not issued as a result of the 156 noise complaints that were issued.

Mayor Mahaney advises that noise complaints are handled on a case by case basis by the Police Department and may not warrant a summons. The Mayor states that resort home rentals are being reviewed as to noise, zoning, parking, etc.

Charles Hendricks, 106 Trenton Avenue, Cape May, NJ, thanks Mr. Wichterman for taking action to remove the school funding question from the General Election Ballot. Mr. Hendricks asks how noise complaints are recorded in the City of Cape May and states that he believes that hotels and motels in Cape May should be required to comply with the Noise Ordinance.

Mayor Mahaney advises that the process of recording each call is subjective and assures Mr. Hendricks that the Committee on Resort Homes will be gathering and reviewing information.

Jerry Gaffney, 810 Columbia Avenue, Cape May asks when the 2014 Budget presentation meeting will be held.

Mr. MacLeod advises that the public presentation of the Budget to the Governing Body is a statutory date of January 15<sup>th</sup>, unless adjusted by the State.

Mr. Gaffney inquires as to when Vance's property will be demolished and if a parking lot is being considered for that area.

Mr. MacLeod advises that the Public Works Department will be razing the building upon receipt of the proper permit from the Construction Department.

Councilmember Wichterman advises that he has suggested a parking lot at the site and Mayor Mahaney comments that a public meeting will be held to discuss the use of the property.

Patricia Hendricks, 106 Trenton Avenue, Cape May advises that she is a Real Estate Agent and would like to know what disclosures she should make to clients who will potentially rent a "Resort Home?" Also, Ms. Hendricks asks if the Resort Home Committee has met and/or when a meeting will be scheduled.

Mayor Mahaney advises that the Resort Homes Committee has not yet met and that information is being gathered before a meeting will be scheduled. Mayor Mahaney would like to schedule a meeting within the next two weeks and information will be posted as to the time and date.

Woody Woodland, 416 Portsmouth Road, Lower Township, speaks about the upcoming Jazz Festival.

George Costich, Victoria Towers, Cape May asks if the videos that he tapes are on the City Website. Mr. Costich advises that he will be unavailable to tape the Special Meeting on Friday, November 8, 2013.

Mayor Mahaney advises Mr. Costich that the City is having a problem transferring the video provided by Mr. Costich to the City's computer. Mayor Mahaney thanks Mr. Costich for all his volunteer work around the City, videotaping concerts and special events.


#### **CLOSED SESSION**


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

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


**ADJOURNMENT**

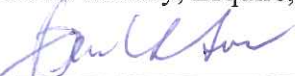
Motion made by Deputy Mayor Murray seconded by Councilmember Fiocca to adjourn. The meeting adjourned at 3:43P.M.

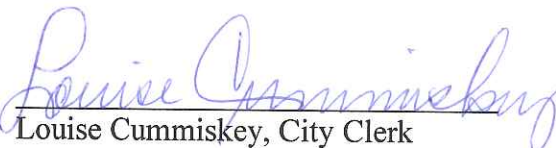
  
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Edward J. Mahaney, Jr., Mayor

  
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Jack Wichterman, Councilmember

  
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Deanna Fiocca, Councilmember

  
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William H. Murray, Esquire, Deputy Mayor

  
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Terri L. Swain, Councilmember

  
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Louise Cumiskey, City Clerk

