

**WORKSESSION/REGULAR MEETING  
OF CITY COUNCIL OF THE CITY OF CAPE MAY, NJ  
Tuesday, January 3, 2012, 1:00pm**

The regular meeting of City Council of the City of Cape May was called to order by Mayor Mahaney at 1:00 P.M. Tuesday, January 3, 2012, 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 William H. Murray  
Councilmember Terri L. Swain  
Deputy Mayor Jack Wichterman  
Also Present: City Attorney Anthony Monzo  
City Manager Bruce MacLeod  
City Clerk Diane L. Weldon  
Deputy Clerk Louise Cummiskey

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.

**COUNCIL COMMENTS**

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

Resolution 32-01-2012 Award of Contract between the City of Cape May and Philadelphia Protection Bureau, Inc.

Motion: Mahaney

Second: Murray

Roll Call:

Fiocca	Yes
Murray	Yes
Swain	Yes
Wichterman	Yes
Mahaney	Yes

**WORK SESSION DISCUSSION ITEMS**  
**ENGINEER REPORT**

1. Mr. Roberts advises that he is awaiting acceptance by the City of the Contractor's proposal for additional funds to perform additional work. RV has recommended the acceptance

of the proposal. If accepted by the City, the total cost for the project will be \$10,800.00 and the project will take one day to complete. City Council agrees to accept the proposal and Mr. Roberts will contact the contractor and press him for a date to complete the repair.

2. FY 2011 Road and Utility Improvement Program – Jefferson and Corgie Street project. Mr. Roberts anticipates work to begin within the next 10 days. Mr. Roberts also advises that a tree biologist inspected the trees located in the work zone and a report will be forthcoming. The report will contain information regarding realigning the utilities to stay away from the trees as much as possible.

3. Canning House Lane underground Storage tank – case #23. This matter should be closed prior to the next worksession.

4. Canning House Lane underground Storage tank – case #48. A Deed Notice is being prepared and will be filed and the matter should be completed by the end of February.

5. Madison Avenue-Columbia Avenue Water Tank Rehabilitation – Mr. Roberts advises that we are on schedule and anticipate advertising for bids on March 24, 2012.

6. FY 2011 NJDCA Small Cities Grant Application – Beach access and ADA improvements – Bids were opened on December 20, 2012 and the low bidder was Axios, Inc. of Northfield, NJ. This matter is on today's agenda and if awarded, the contractor should begin work by the end of January with completion by May 15, 2012.

7. FY 2012 NJDCA Small Cities Grant Application – Awaiting a determination of any award.

8. FY 2012 NJDOT Municipal Aid Grant Application – Awaiting a determination of any award.

9. FY 2012 Road and Utility Improvement Program – Survey's are being performed today and we will advertise for bids in February with construction to begin in March with completion by the end of May.

10. City Hall Rehabilitation-Roof, windows and brick pointing – RV has completed a report on the rehabilitation and a report is provided to Mayor and Council for their information and review. Mr. MacLeod inquires as to whether the City will need approval from the HP Office for the repairs and Mr. Roberts advises yes.

11. Renewal of Beach Maintenance Permit – Mr. Roberts advises that once payment is approved by the City, the application will be forwarded to DEP.

**CITY MANAGER ITEMS** – Mr. MacLeod advises that he is still working on the update to the Salary Ordinance and information will be available by the next regular City Council meeting. Mr. MacLeod mentions that he recently received information from the County Engineer's Office regarding improvements to the storm water infrastructure from Wilmington Avenue to Brooklyn

Avenue. The effort of the County is to consolidate and eliminate some of the existing outfall pipes in the future. The work will begin January 9, 2012 and the intention is to have the work complete by March 2012.

### **ATTORNEY ITEMS**

Taxicab Licenses – Mr. Monzo speaks about a new law requiring the licensing of all taxicabs operating within a municipality. He comments that the current legislation is unclear as to whether the City of Cape May will need to license any and all tax cabs that comes into the City. He will research the matter for clarification and advise accordingly.

### **CLERK'S ANNOUNCEMENTS**

City Manager's Budget Meeting – Friday, January 13, 2012 at 9:30am. Our next meeting is January 17, 2012 at 7:00 P.M. at which time we will have public hearing on the Ordinance regarding overtime parking

### **REGULAR MEETING BUSINESS:**

The following Resolutions will be approved by Consent. Mayor Mahaney offers an explanation of the purpose of the Resolutions for the benefit of the public.

### **RESOLUTIONS:** Council will accept questions from the public on Consent Agenda

Resolutions:

- 19-01-2012 Resolution approving the 2012 temporary budget
- 20-01-2012 Resolution approving the 2012 debt service budget
- 22-01-2012 Resolution approving 2012 deferred school tax levy – Cape May City School District
- 23-01-2012 Resolution approving the 2012 Cash Management Plan for the City of Cape May
- 24-01-2012 Resolution designating Official City of Cape May Physicians for the year 2012
- 25-01-2012 Resolution approving list of peddlers' designated locations
- 26-01-2012 Resolution of the City of Cape May to approve members of the Cape May Volunteer Fire Company
- 27-01-2012 Authorizing the purchase of one (1) new 2012 International Dump Truck with plow for Public Works Department under State Contract #A79123
- 28-01-2012 Resolution authorizing the City Clerk to issue bingo & raffle licenses throughout the year to qualified organizations
- 29-01-2012 Resolution approving settlement of litigation known as CITY OF CAPE MAY V. CAPE MAY SEASHORE LINES, INC.
- 30-01-2012 Payment of bills
- 31-01-2012 Resolution awarding contract to Axios, Inc for the Small Cities Program – ADA improvements for the fiscal year 2011
- 32-01-2012 Award of Contract between the City of Cape May and Philadelphia Protection Bureau, Inc.

Motion: Wichterman

Second: Fiocca

Roll Call:

Fiocca	Yes
Murray	Yes
Swain	Yes
Wichterman	Yes
Mahaney	Yes

21-01-2012 Resolution approving 2012 deferred school tax levy – Lower Cape May Regional School District

Motion: Murray  
Second: Wichterman

Deputy Mayor Wichterman advises that very few children from the City of Cape May attend school in Lower Township and the City's contribution per child is \$50,000.00. The City of Cape May has no say in the formula used to determine its contribution and Mr. Wichterman would like the Mayor to correspond with Senator Van Drew to see what we can do to make this payment more equitable to the City.

Roll Call:

Fiocca	Yes
Murray	Yes
Swain	Yes
Wichterman	Yes
Mahaney	Yes

Motion authorizing Mayor Mahaney to write to Senator Jeff Van Drew regarding this matter.

Motion: Wichterman  
Second: Murray  
Roll Call:

Fiocca	Yes
Murray	Yes
Swain	Yes
Wichterman	Yes
Mahaney	Yes

**REPORTS RECEIVED BY THE CLERK:**

2% Occupancy tax budget projection dated December 20, 2011  
Assessors Office monthly report dated December 13, 2011  
Environmental Commission meeting minutes dated December 1, 2011 and December 13, 2011  
WSM Mgmt. Co., Inc. meeting minutes dated November 7, 2011  
Construction Office Permit Activity Report for November 2011  
Regular meeting minutes of the Tourism Commission dated October 12, 2011  
CMCMUA meeting minutes dated September 7<sup>th</sup>, September 21<sup>st</sup>, October 5<sup>th</sup>, October 19<sup>th</sup>  
Monthly report of tax collections for November 2011  
Under \$500. bill list dated December 22, 2011

Motion: Wichterman

Second: Fiocca

Roll Call:

Fiocca Yes

Murray Yes

Swain Yes

Wichterman Yes

Mahaney Yes

### **UNFINISHED BUSINESS:**

### **NEW BUSINESS:**

A) City Attorney – Mr. Monzo advises there is a file on the issue of the payment to the Lower Township schools and relief may be available. He asks the Clerk to look for the file.

B) City Manager -

C) City Clerk

D) Councilmembers – Ms. Swain advises that the Improvement District Board of Trustees met last night and appointed Joanne Klineberger as their Tourism Committee representative. Deputy Mayor Wichterman asks about petty cabs and why the application to use them in the City of Cape May was denied. Mayor Mahaney advises that all five council members voted against the proposal for various reasons, some of which were the proprietor did not have a viable location to store his vehicles and it was questionable as to whether he had the financing to support the project. The council at the time believed that the internal shuttle was a more appropriate way to transport people around town.

Mayor mentions that as a result of our sustainable NJ certification, the College of New Jersey has set up a webinar to stimulate the 250 towns that are not attempting to gain Sustainable New Jersey Certification. The Mayor, on behalf of the City, will conduct the webinar which is scheduled for noon on January 24, 2012.

**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.

### **COUNCIL & CITY MANAGER COMMENTS**

Motion made by Councilmember Murray, seconded by Deputy Mayor Wichterman, to adjourn the meeting. The meeting adjourned at approximately 2:00 P.M.

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Edward J. Mahaney, Jr., Mayor

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Jack Wichterman, Deputy Mayor

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Deanna Fiocca, Councilmember

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Terri L. Swain, Councilmember

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William H. Murray, Councilmember

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Diane L. Weldon, City Clerk