

**REGULAR MEETING
OF CITY COUNCIL OF THE CITY OF CAPE MAY, NJ
Tuesday, February 21, 2012 7:00 P.M.**

The regular meeting of City Council of the City of Cape May was called to order by Mayor Mahaney at 7:00 P.M. Tuesday, February 21, 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
Also Present:	City Attorney Anthony Monzo City Manager Bruce MacLeod City Clerk Diane L. Weldon Deputy Clerk Louise Cummiskey
Absent:	Deputy Mayor Jack Wichterman

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.

PUBLIC HEARING – Local Government Assistance Program Application and a Local Blue Acres Floodplain Acquisition Application to the New Jersey Department of Environmental Protection Green Acres Program with regard to the Lafayette Street Open Space Recreation Area Project

Mayor Mahaney advises that the first item in this meeting's agenda is a public hearing regarding the Local Government Assistance Program Application and Local Blue Acres Floodplain Acquisition Application to the New Jersey DEP Green Acres Program, specifically regarding the Lafayette Street Open Space Recreational Area Project. The Mayor asks Mr. James Rutala, the City's consultant for this application, to approach the rostrum to more fully explain the application. Mr. Rutala advises that Green Acres has existed in the State of New Jersey for over three decades and during that time, thousands of acres of park land have been purchased. This year, the State put nine million dollars aside to fund a Blue Acres Program and in order to qualify for that funding, the area of the project must be located on a barrier island or be a coastal area that is flood prone. Therefore, the pool of competitors for this funding is much smaller than the pool of competitors for the Green Acres Funds. Mr. Rutala states that grant money has become more and more competitive each year and that this may be the last year for Green Acres funding. Because of the lack of Green Acres funding, Mr. Rutala thought it prudent for the City of Cape May to continue on two tracks for the Lafayette Street Open Space. First, continue to apply for Green Acres funding, and second, to apply for Blue Acres funding. Blue Acres allows for funds up to fifty percent of the value of the property if the property is unimproved. In the

case of the City of Cape May, we are looking at one parcel just next to the Vance's property, which has been assessed for a little over \$1.5 million. If successful, the City would receive almost \$800,000.00. Mr. Rutala advises that the property in question did qualify as it is flood prone, it does contain wetlands buffers, and it is adjacent to other open space properties which makes the property ideal from the State's standpoint. The applications have been submitted and we should have a decision by late summer.

Mayor Mahaney asks if there are any questions from the public. Mr. George Costich thanks Mr. Rutala for all his efforts and Mayor Mahaney echoes Mr. Costich's sentiments.

2012 CAPE MAY CITY BUDGET:

62-02-2012 Resolution approving introduction of 2012 City of Cape May Local Municipal Budget

Mr. Costello advises that by the passage of this Resolution, the Budget is official and will be sent to the State. Further, Mr. Costello comments that there will be a public hearing on March 20, 2012 and at time, the public can comment and ask questions. Between now and March 20th, we can meet and go over any changes; however, changes will not be made until after the Public Hearing on March 20th, if there are any changes. On March 20th, the Budget can pass as is, or changes may be made and the budget may be passed or, you may vote against passage.

Motion: Murray

Second: Fiocca

Roll Call:

Fiocca	Yes
Murray	Yes
Swain	Yes
Wichterman	Absent
Mahaney	Yes

PROCLAMATION

Read Across America

ORDINANCES FOR INTRODUCTION:

248-2012 Ordinance to exceed the Municipal Budget appropriations limits and to establish a CAP BANK

City Auditor, Leon Costello, explains that this Ordinance is mandatory by State Law. He comments that the title of the Ordinance is misleading because it is titled Ordinance to "exceed" the municipal budget appropriations when in fact the City is under the spending limit and is not asking to exceed. Establishing a Cap Bank is the important part, advises Mr. Costello, and the Ordinance is a State model and must read as written. The City is not spending more than allowed and in fact, is spending below that amount. Through this Ordinance, the City is reserving the right to "bank" so that in the event we receive future revenues, we will have the right to spend those revenues.

Motion: Murray
Second: Fiocca

Roll Call:

Fiocca	Yes
Murray	Yes
Swain	Yes
Wichterman	Absent
Mahaney	Yes

ORDINANCES FOR PUBLIC HEARING AND ADOPTION:

247-2011 An Ordinance to update the uniform salary and classification plan for the Department of Personnel positions in the City of Cape May

Mr. MacLeod advises that the City updates the Salary Ordinance every few years and the numbers that are relevant to each position. The majority of the numbers are in relationship to existing contractual agreements with labor groups/unions in the City of Cape May.

Motion to open public hearing.

Motion: Murray
Second: Swain

Public Hearing is opened. No one speaks.

Motion to adopt the Ordinance.

Motion: Murray
Second: Fiocca

Roll Call:

Fiocca	Yes
Murray	Yes
Swain	Yes
Wichterman	Absent
Mahaney	Yes

RESOLUTIONS:

63-02-2012	Resolution approving certified list of Length of Service Award Program (LOSAP) Qualified City of Cape May Volunteer Fire Department members for the year 2011
64-02-2012	Resolution approving an electronic communications policy for Cape May City Council
65-02-2012	Payment of bills A
65-02-2012	Payment of bills B-removed from consent agenda

66-02-2012 Resolution establishing a policy to negotiate use and rental agreements, contracts with vendors and performers and ticketing prices, policies and procedures for use of convention hall

Vote on all Resolutions except Resolution 65-02-2012 B

Motion: Swain
Second: Fiocca

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

65-02-2012 Payment of bills B

Motion: Fiocca
Second: Murray

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

LICENSES:

Raffle License, 50/50, merchandise and off-premise, Christ Child Society of Cape May County Chapter, April 29, 2012, Grand Hotel of Cape May
Raffle License, Mid-Atlantic Center for the Arts and Humanities, September 21, 2012, November 11, 2012, at Cape May Lutheran Church

Motion: Mahaney
Second: Swain

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

MINUTES:

City Council meeting minutes dated February 7, 2012

Closed Executive Session City Council meeting minutes dated February 7, 2012

Motion: Mahaney

Second: Murray

Roll Call:

Fiocca Yes

Murray Yes

Swain Yes

Wichterman Absent

Mahaney Yes

Special City Council meeting minutes dated February 15, 2012

Motion: Mahaney

Second: Swain

Roll Call:

Fiocca Abstain

Murray Yes

Swain Yes

Wichterman Absent

Mahaney Yes

REPORTS RECEIVED BY THE CLERK:

Shade Tree Commission meeting minutes dated January 12, 2012

Washington Street Mall Management Co., meeting minutes dated January 2, 2012

Assessor's Office Monthly Report dated February 8, 2012

Construction Permit Activity Report for January, 2012

Planning Board meeting minutes dated January 24, 2012

Motion: Mahaney

Second: Swain

Roll Call:

Fiocca Yes

Murray Yes

Swain Yes

Wichterman Absent

Mahaney Yes

UNFINISHED BUSINESS:

NEW BUSINESS:

A) City Attorney – Mr. Monzo speaks about Assembly Bill 1338 which modifies the Permit Extension Act. More importantly, advises Mr. Monzo, the Bill is attempting to create exceptions

to environmentally sensitive areas. Mr. Monzo asks that council look at the bill and contact him with any questions and/or comments. He would like council to consider passing a Resolution to make sure the interests of Cape May are protected if Assembly Bill 1338 is passed. Mayor Mahaney suggests that he and Councilmember Murray work with Mr. Monzo on this matter.

B) City Manager – Mr. MacLeod advises that the City will receive bids for the portable stage on February 17, 2012 at Noon.

C) City Clerk – Ms. Weldon advises that the Cape May City Board of Education passed a resolution changing School Board elections to November. Also, the City of Cape May elections will also take place in November this year and packets will be available soon.

D) Councilmembers – Ms. Fiocca comments that there is a lot of trash around Convention Hall and asks if we can do something to clean up the area.

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 Councilmember Murray, seconded by Councilmember Fiocca to adjourn. The meeting adjourned at approximately 7:35 P.M.

Edward J. Mahaney, Jr., Mayor

ABSENT

Jack Wichterman, Deputy Mayor

Deanna Fiocca, Councilmember

Terri L. Swain, Councilmember

William H. Murray, Councilmember

Diane L. Weldon, City Clerk