

**SPECIAL MEETING  
OF THE CITY COUNCIL  
OF THE CITY OF CAPE MAY, NJ  
Thursday, April 26, 2012, 3:00pm**

The special meeting of City Council of the City of Cape May was called to order by Mayor Mahaney at 3:00pm Thursday, April 26, 2012, in the Cape May City Hall Auditorium. The Clerk called the roll and the Pledge of Allegiance was recited.

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

**RESOLUTIONS:**

112-04-2012 Resolution to award contract for replacement of master water meters

City Manger Bruce MacLeod advises that the City will replace water meters at two locations, Wilbraham Park and Canning House Lane. Two bids were received for this project and the low bid for the Wilbraham Park meter was \$108,069.00, and for Canning House Lane was \$105,350.00. The successful bid total is \$213,419.00.

Motion: Wichterman

Second: Swain

Roll Call:

Fiocca	Absent
Murray	Yes
Swain	Yes
Wichterman	Yes
Mahaney	Yes

Jerry Gaffney, 810 Columbia Avenue, Cape May, NJ asks who the successful bidder was and Mr. MacLeod advises Garrison Enterprises.

Kate Wyatt, 292 Windsor Avenue, Cape May, NJ, asks if the installation of these new meters will resolve the issue of the alleged loss of water to the Borough of West Cape May. Mr. MacLeod advises that this is part of the process.

113-04-2012 Resolution approving agreement between Light Action, Inc. and the City of Cape May

City Solicitor Tony Monzo explains that this Resolution will enable the staging, lighting and acoustic requirements for the Peter Nero Concert.

Motion: Wichterman

Second: Swain

Roll Call:

Fiocca	Absent
Murray	Yes
Swain	Yes
Wichterman	Yes
Mahaney	Yes

114-04-2012 Resolution approving agreement between Peter Nero and the Philly Pops Contract

Mr. Monzo highlights the terms and conditions of this contract which approves the performance of Peter Nero and the Philly Pops Concert at the grand opening of Convention Hall on May 26, 2012. During the course of this negotiation, the Peter Nero personnel made sure the new Hall meets the requirements of this orchestra for this type of event.

Deputy Mayor Wichterman mentions that at the last meeting, Mr. Monzo advised that it would not be necessary for the Mayor to sign this contract, and since that time, Mr. Monzo has changed his opinion. Mr. Monzo comments that the policy adopted by Council was for the Director of Marketing and Event Sales, along with the City Manager, to negotiate all contracts for performances and uses of Convention Hall. He still maintains that position as long as the contracts fit within the parameters of the policy established by Council. However, Mr. Monzo explains that after examining the Peter Nero Contract and the Light Action Contract and under the Local Public Contracts Law, he believes that the threshold for the approval of contracts without council consent should be the bid threshold of \$17,500.00 and if there is a Contract that requires an expenditure of an amount over \$17,500.00, it should go to council for approval. Mr. Wichterman recommends that since the Contract was already signed, Council should be approving the action as opposed to approving the execution of the Contract. Mr. Monzo comments that council can change the Resolution to "ratify the previously executed contract."

Councilmember Murray states there are two additional items in the contract that he didn't notice, one being that the City of Cape May would provide a Steinway concert grand piano, and the other is that the City will provide security. He asks if the cost of those two items is in the \$85,000.00 contract fee. Mayor Mahaney confirms that those costs are in addition to the contract fee. Mr. MacLeod confirms that the fee for the piano is \$2,800.00 and Mayor Mahaney confirms that the security condition does not mandate police personnel but rather an employee of the City

who will stand at the hall entrances for the purpose of making sure only authorized personnel be allowed into the dressing rooms and stage area. Mr. Murray wants to make sure the City is not taking a loss on this event Mr. MacLeod advises that the City is anticipating a sell out performance. Mayor Mahaney mentions that he previously provided a profit/loss statement for this event and that statement does project a surplus for this concert. Mayor Mahaney states that this event will demonstrate what the new hall is capable of hosting.

Jerry Gaffney, 810 Columbia Avenue, Cape May, NJ is concerned about this concert for a number of reasons. He asks what the total cost will be and the Mayor responds the total will be in the vicinity of \$110,000.00. Mr. Gaffney asks the price of the tickets and how many will be sold. The Mayor responds. Mr. Gaffney is confused about the circumstances surrounding the signing of the contract and Mr. Monzo again explains.

Jim Wyatt, 292 Windsor Avenue, Cape May, NJ asks if we could have the Lower Cape May Regional Band perform at the opening gala instead of Peter Nero and the Philly Pops. Mayor Mahaney advises that the Lower Cape May Regional Band will perform at the hall on Friday, May 25, 2012. Mr. Wyatt then asks how much security will cost and who will provide that security and the Mayor responds that security will be provided by City employees. Mr. Wyatt asks for a tabulation of all expenses and receipts and he is told that after the concert, that information will be made public.

Deputy Mayor Wichterman comments to Mr. Wyatt that the Peter Nero Concert has not been kept a secret from the public. This is the first event the City has sponsored at the new hall and is a learning process for all. There is no smoke screen and we are going to make this new Convention Hall work.

John Cook, asks when tickets for the Peter Nero Concert will go on sale and where the public can purchase tickets. Mr. MacLeod advises that tickets will be sold on the City's website, as well as in the Civic Affairs Office of City Hall.

Deputy Mayor Wichterman asks if the title of the Resolution should be changed. Mr. Monzo advises that the title of the Resolution is "Approving Agreement." The Resolution itself should be amended in paragraph 2 to state that the Mayor and Clerk and all other authorized City Officials are directed to take any and all action necessary to effectuate the purposes of the Agreement.

Motion: Wichterman, as amended

Second: Swain

Roll Call:

Fiocca	Absent
Murray	Yes
Swain	Yes
Wichterman	Yes
Mahaney	Yes

115-04-2012 Resolution authorizing Historic Preservation Commission grant application for survey of properties

Motion: Wichterman  
Second: Swain

Mr. MacLeod explains this is an ongoing process to survey almost 1300 properties within the City of Cape May. The State of New Jersey has offered grants over the years and this grant is not to exceed \$25,000.00 and by pursuing that level of funding, we will not be required to provide a match. If we are successful in obtaining the grant, the City will be able to accomplish about 185 additional surveys.

Roll Call:


Fiocca	Absent
Murray	Yes
Swain	Yes
Wichterman	Yes
Mahaney	Yes


**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.

Kate Wyatt asks about the policy regarding the use of the community room and the atrium at the new Convention Hall on behalf of the Taxpayers Association of the City who meet on the third Friday of each month. Mr. MacLeod advises that he spoke to Mike Whipple about the request and it was determined that some of the third Friday dates have already been booked. In addition, there is a price structure for various uses of the building including the Community Room and the base fee for general use of the Community Room is \$175.00. Ms. Wyatt asks about the pre-function area and whether that can be used at no charge. Mr. MacLeod comments there are times when that area will be rented but that area will also be a common area for people coming in and out of the building.


**COUNCIL & CITY MANAGER COMMENTS**

Motion made Deputy Mayor Wichterman to adjourn. The meeting adjourned at 4:00 P.M.

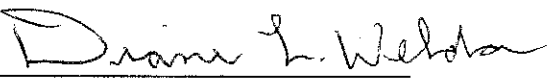
  
Edward J. Mahaney, Jr., Mayor

  
Jack Wichterman, Deputy Mayor

  
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