

**REGULAR MEETING
OF CITY COUNCIL OF THE CITY OF CAPE MAY, NJ
Tuesday, May 15, 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, May 15, 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 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

Absent: Councilmember William Murray

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.

PROCLAMATION:

Knights of Columbus, Council No. 6202 -

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

Resolution 128-05-2012 – Mayor Mahaney asks that this Resolution be removed from the Consent Agenda and held until after the Closed Session.

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

ORDINANCES FOR SECOND READING AND CONSIDERATION FOR ADOPTION:

250-2012 Bond ordinance providing for various water and sewer utility improvements of the City of Cape May, in the County of Cape May, New Jersey appropriating the aggregate amount of \$1,263,000 therefor and authorizing the issuance of \$1,113,000 bonds or notes of the City for financing the cost thereof

Motion to open public hearing.

Motion: Wichterman
Second: Fiocca

City Manager Bruce MacLeod offers an explanation of how the funds of Ordinance 259-2012 will be used.

Motion for Adoption.

Motion: Wichterman
Second: Fiocca

Roll Call:

Fiocca	Yes
Murray	Absent
Swain	Yes
Wichterman	Yes
Mahaney	Yes

251-2012 Bond ordinance providing for various beach utility improvements of the City of Cape May, in the County of Cape May, New Jersey appropriating the aggregate amount of \$300,000 therefor and authorizing the issuance of \$300,000 bonds or notes of the City for financing the cost thereof

Mr. MacLeod highlights the use of the funds as set forth in Ordinance 251-2012.

Public Hearing is opened.

Motion for adoption.

Motion: Wichterman
Second: Fiocca

Roll Call:

Fiocca	Yes
Murray	Absent
Swain	Yes
Wichterman	Yes
Mahaney	Yes

252-2012 Bond ordinance providing for various capital improvements of the City of Cape May, in the County of Cape May, New Jersey appropriating the aggregate amount of \$2,080,000 therefor and authorizing the issuance of \$1,425,000 bonds or notes of the City for financing the cost thereof

Mr. MacLeod sets forth the use of the monies in Ordinance 252-2012.

Motion: Wichterman
Second: Fiocca

Public Hearing is opened.

Motion for adoption.

Motion: Wichterman
Second: Fiocca

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

RESOLUTIONS:

- 124-05-2012 A Resolution of the City of Cape May Approving the 5th Annual Harborfest Celebration
- 125-05-2012 A Resolution of the City of Cape May Authorizing the annual 4th of July Fireworks Display
- 126-05-2012 Resolution appointing Acting City Clerk/Registrar of Vital Statistics
- 127-05-2012 Resolution Authorizing the Purchase of four (4) new Scott Air Packs for use by the Fire Department Under State Contract No. A80961 (\$23,993.00)
- 129-05-2012 Resolution of the City of Cape May providing for a meeting not open to the public in accordance with the provisions of the NJ Open Public Meetings Act, *NJS10:4-12* –Closed – contract negotiations – Police Chief, PBA, Beach Replenishment
- 130-05-2012 Resolution Providing for the insertion of a special item of revenue in the Budget pursuant to Chapter 159, PL 1948
- 131-05-2012 Resolution Authorizing Change Order #2 for Contract with Perna Finnegan, Inc. for the 2011 Utility and Road Program
- 132-05-2012 Payment of Bills A

Consent for all but Resolution 128-05-2012 and Resolution 132-05-2012B

Motion: Wichterman
Second: Fiocca

Roll Call:

Fiocca Yes
Murray Absent
Swain Yes
Wichterman Yes
Mahaney Yes

132-05-2012 Payment of Bills B

Motion: Wichterman

Second: Mahaney

Roll Call:

Fiocca Yes
Murray Absent
Swain Abstain
Wichterman Yes
Mahaney Yes

MINUTES:

City Council special meeting minutes dated April 26, 2012

City Council worksession meeting minutes dated May 1, 2012

City Council closed executive session meeting minutes dated May 1, 2012

Motion: Wichterman

Second: Mahaney

Fiocca Yes
Murray Absent
Swain Abstain
Wichterman Yes
Mahaney Yes

REPORTS RECEIVED BY THE CLERK:

Cape May Zoning Board of Adjustment Meeting Minutes of March 22, 2012

Overtime Report for April 2012

Assessors Office Monthly Report of May 7, 2012

Monthly Report of Tax Collections for the period January 31, 2012

Cape May Fire Department Monthly Report of April, 2012

Shade Tree Commission Minutes dated April 12, 2012

Cape May Police Department monthly reports for April 2012

Cape May Planning Board Meeting Minutes dated March 13, 2012

Motion: Mahaney

Second: Wichterman

Roll Call:

Fiocca	Yes
Murray	Absent
Swain	Yes
Wichterman	Yes
Mahaney	Yes

UNFINISHED BUSINESS:

NEW BUSINESS:

- A) City Attorney
- B) City Manager – Mr. MacLeod announces that there will be an antique car race between 10:00 A.M. and noon on Beach Avenue. He advises that the Clean Communities seminar is being held May 23 through May 25, 2012 and on Memorial Day weekend, beginning on Friday, May 25th from 10:00 A.M. until 12:00 P.M., there will be a grand opening of the new Convention Hall. Light refreshments will be provided and all will be able to tour the facility. On Saturday, May 26, 2012 at 8:00 P.M., Mr. MacLeod advises that the Peter Nero and the Philly POPS will perform a special program. On Sunday, May 27, 2012 at 8:00 P.M. there will be a Jazz Quintet which is free and open to the public. On Memorial Day, Monday, May 28, 2012, Mr. MacLeod advises that the City will honor Veterans with a ceremony at Convention Hall. The USCG Training Center will be featured during this ceremony and the traditional flyover by the Coast Guard and the launching of the memorial flower boat which will occur at Noon. Finally, Mr. MacLeod tells us that there will be a concert in Rotary Park on Monday evening.
- C) City Clerk – Ms. Weldon advises that the June worksession will be held on Monday, June 4, 2012 at 1:00 P.M. because of the Primary Election on June 5, 2012.
- D) Councilmembers – Deputy Mayor Wichterman comments that May 12, 2012 was the culmination of many years of work by many people with the opening of the new Convention Hall for the Cape May Regional High School Prom. Mr. Wichterman advises that he received nothing but positive comments.

Councilmember Fiocca comments about the success of the prom and all the positive comments from the public.

Mayor Mahaney comments on the success of the prom and the opening of the new Convention Hall. The Mayor advises that if individuals are interested in touring the Hall they may do so between 10 a.m. and 4 p.m. each day. Mayor Mahaney confirms there are three free concerts during the opening week of Convention Hall. Finally, the Mayor announces that the current City Clerk, Diane Weldon, is retiring from governmental service. The Mayor commends Ms. Weldon on her loyalty and dedication to the citizens of the City of Cape May. He wishes her every success.

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.

Shirley Stiles, Victorian Towers, inquires as to the lack of a railing at the ramp on one side of Convention Hall and is concerned that someone may fall. Mayor Mahaney advises that the City is addressing that situation.

John Fleming, 1484 Washington Street, Cape May, NJ thanks Mayor and Council for their efforts and success in seeing the Convention Hall project to fruition. Mr. Fleming asks Mr. MacLeod about the picketing around the City and he inquires as to where the PBA contract negotiations stand.

Mr. MacLeod comments that the City's Police Department is expressing their unhappiness at not having a contract by information picketing. Mr. MacLeod advises that both sides are continuing to negotiate and the intent is to come to an agreement.

City Solicitor Anthony Monzo advises that it is his understanding that the picketing will cease and there will be meetings beginning next week. Mr. Fleming asks if there have been any layoffs in the Police Department and Mr. MacLeod advises that there have been no layoffs.

COUNCIL & CITY MANAGER COMMENTS

CLOSED:

Motion made by Deputy Mayor Wichterman to go into Closed. Session. The regular meeting adjourned at 7:55 P.M.

CLOSED: contract negotiations – Police Chief, PBA, beach replenishment

Open session resumes at 9:10 P.M.

128-05-2012 Resolution Authorizing the City of Cape May to enter into an Agreement with the New Jersey Department of Environmental Protection for Construction of Lower Cape May Meadows-Cape May Point, New Jersey Ecosystem Restoration Project, Third Renourishment Cycle, Project No. 6056-R3 –

Motion: Mahaney (with conditions to the Resolution and Contract as follows:)

Second: Swain

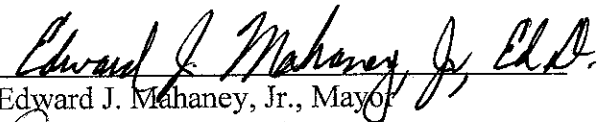
1. The City of Cape May would prefer that the methodology used in the renourishment would be appendix B which would have a total share cost to the City of \$62,140.59 and would incorporate the concept of backpassing on the beaches from Convention Hall to Second Avenue.
2. The Army Corp and DEP will incorporate into the Contract, the clean up of any stones left on the beach as a result of the backpassing and that the cost of that clean up will be assigned to the DEP and Army Corp.

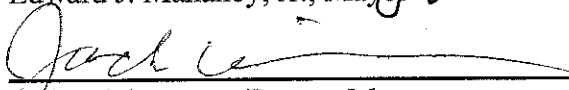
Roll Call:

Fiocca Yes
Murray Absent

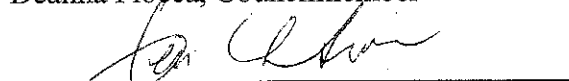
Swain Yes
Wichterman No
Mahaney Yes

Motion made Deputy Mayor Wichterman to adjourn. The meeting adjourned at 9:15 P.M.


Edward J. Mahaney, Jr., Mayor


Jack Wichterman, Deputy Mayor


Deanna Fiocca, Councilmember


Terri L. Swain, Councilmember

ABSENT
William H. Murray, Councilmember


Diane L. Weldon, City Clerk