

**REGULAR MEETING  
OF CITY COUNCIL OF THE CITY OF CAPE MAY, NJ  
Tuesday January 18, 2011 – 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. on Tuesday, January 18, 2011, in the Cape May City Hall Auditorium. The Clerk called the roll.

The following attended the regular meeting of City Council:

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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 H. 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.

**PRESENTATION:**

Charles Norkis, Executive Director of the Cape May County Municipal Utilities Authority begins by explaining that the rate structure of the CMCMUA in Cape May County is unique because the circumstances in Cape May County are unusual because of the very high summer population and a lower winter population. That change in population effects billing. The treatment facilities were built to accommodate the larger summer population at twice the size and probably twice the cost. The user charges are divided into two components, fixed and variable, and a variable charge would be electricity which varies with the amount of flow, as well as a chemical cost which also varies with the amount of flow. Fixed costs are those costs which do not vary with flow such as debt service, insurance, etc. The fixed costs are 88% of the total bill and the variable charges are 12% of the total bill. Of that 88%, almost 60% is the debt service component. Mr. Norkis provides all with a worksheet and explains how the MUA projects is variable and fixed costs and how those costs convert to dollars. Mr. Norkis talks about how the MUA trimmed their staff and continually tries to cut costs as they are aware of these hard economic times. Upon completion of his presentation, Mr. Norkis entertains questions.

Deputy Mayor Wichterman asks what the amount of the surplus is in the budget of the MUA and Mr. Norkis advises there is no surplus because they are non-profit and their service agreement indicates that if there is any money left, they must return to their customers. They have no retained earnings.

Mayor Mahaney thanks Mr. Norkis for attending.

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

City Manager MacLeod asks that Ordinance 226-2011, amending the Mercantile Ordinance of the City, be pulled from the agenda as the requested changes have not been reflected in the Ordinance on the table.

Motion: Wichterman

Second: Fiocca

Roll Call:

Fiocca	Yes
Murray	Absent
Swain	Yes
Wichterman	Yes
Mahaney	Yes

**EARLY PUBLIC COMMENT ON AGENDA ITEMS** – Excluding Ordinances listed for public hearings

**ORDINANCES FOR INTRODUCTION:**

225-2011      An Ordinance amending Section 310-19 of the Cape May City Code – Mercantile Late Fee

**Motion:** Wichterman

**Second:** Swain

Roll Call:

Fiocca	Yes
Murray	Absent
Swain	Yes
Wichterman	Yes
Mahaney	Yes

Ordinance #225-2011 will come up for Second Reading and Consideration for Final Passage at the meeting of February 15, 2011.

226-2011      An Ordinance amending Section 204-6 of the Cape May City Code – types of contractors **Deleted**

**Motion:**

**Second:**

Roll Call:

Fiocca  
Murray  
Swain  
Wichterman  
Mahaney

227-2011      An Ordinance approving negotiations for the acquisition of property located at 409 Elmira St., Block 1060, Lot 33

**Motion:** Wichterman

**Second:** Fiocca

Roll Call:

Fiocca	Yes
Murray	Absent
Swain	Yes
Wichterman	Yes
Mahaney	Yes

Ordinance #227-2011 will come up for Second Reading and consideration for adoption at the meeting of February 1, 2011 at 1:00 P.M.

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

**RESOLUTIONS:** Council will accept questions from the public on resolutions:

21-01-2011      Resolution of the City of Cape May 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* – negotiations Fire Chief contract, labor counsel

22-01-2011      Resolution of the City of Cape May approving bid for lease of 702 Beach Avenue, Cape May, New Jersey

23-01-2011      Resolution authorizing change order number 2 and final payment for contract with Albrecht & Heun, Inc.

24-01-2011      Resolution appointing contact person for the Employment Practices Liability Helpline of the Atlantic County Joint Insurance Fund

25-01-2011      Resolution for the release of maintenance guarantee for 931 Beach Avenue, LLC

26-01-2011      Resolution authorizing professional services contract with J.P Bainbridge & Associates, Inc. and the City of Cape May

27-01-2011      Payment of bills A

28-01-2011      Resolution approving grant application for the completion of surveys of historic buildings within the City of Cape May Historic District

**Motion:** Wichterman

**Second:** Mahaney

Roll Call:

Fiocca	Yes
Murray	Absent
Swain	Yes
Wichterman	Yes
Mahaney	Yes

27-01-2011      Payment of bills B

**Motion:** Wichterman

**Second:** Mahaney

Roll Call:

Fiocca	Yes
Murray	Absent
Swain	Abstain
Wichterman	Yes
Mahaney	Yes

**MINUTES:**

City Council regular meeting minutes dated January 4, 2011

**Motion:** Wichterman

**Second:** Fiocca

Roll Call:

Fiocca	Yes
Murray	Absent
Swain	Yes
Wichterman	Yes
Mahaney	Yes

**LICENSES:**

50/50 and Chinese Auction applications, Women's Community Club of Cape May, February 23, 2011, 10am-2pm, Corinthian Yacht Club, Delaware Ave., Cape May

**Motion:** Wichterman

**Second:** Mahaney

Roll Call:

Fiocca	Yes
Murray	Absent
Swain	Yes
Wichterman	Yes
Mahaney	Yes

**REPORTS RECEIVED BY THE CLERK:**

CMCMUA meeting minutes for 11/3, 11/17, 12/1 and 12/15  
Cape May Police Department monthly report for December, 2010  
Corrected and revised adjustment for 2010 wastewater user charges  
Historic Preservation Commission meeting minutes dated November 8, 2010  
Environmental Commission meeting minutes for December 17, 2010  
Cape May City Fire Department monthly report for December, 2010  
WSM Management Co., Inc. meeting minutes for December 6, 2010  
Tax Collections monthly report for the period ending 11/30/2010  
Tax Assessors Office monthly report dated January 5, 2011  
Shade Tree Commission meeting minutes dated December 9, 2011  
Construction Permit Activity Report for December, 2010

**Motion:** Fiocca

**Second:** Swain

Roll Call:

Fiocca	Yes
Murray	Absent
Swain	Yes
Wichterman	Yes
Mahaney	Yes

### **UNFINISHED BUSINESS:**

#### **NEW BUSINESS:**

A) City Attorney

B) City Manager – Mr. MacLeod advises that he attended the Beach Replenishment weekly construction meeting and the project is going smoothly and is on time. The pumping of sand at the Cove Beach will begin soon and they are projecting a finish date of mid-February. As to the Housing Authority water sewer bill, Mr. MacLeod comments that he was provided with a contact, Larry Taylor, with whom he spoke. Mr. MacLeod advises that Mr. Taylor will review the Housing Authority billings for the past two years and upon that review, he will contact Mr. MacLeod for further discussion. The Convention Hall project is moving forward advises Mr. MacLeod, and together with Deputy Mayor Wichterman and Mayor Mahaney, we appeared before the HPC, the Planning Board and the Cape May County Planning Board to review the redesigned project and respond to any questions. Lastly, the City Manager advises he presented his Budget to City Council and as a result, February 15 2011 is targeted for the introduction of the Budget.

C) City Clerk

D) Councilmembers – Deputy Mayor Wichterman comments about the budget. One area that he hopes to reduce is the amount of money the City spends on overtime. He commends Bruce MacLeod for his efforts in preparing the Budget. Councilmember Fiocca comments that the Leos, who are very happy and thankful for council's decision in not expanding Cape Hart Lane, contacted her to thank her. Mayor Mahaney mentions that yesterday, he attended the Gallery Opening at the Carriage House on the Physick Estate. This year advises the Mayor, there is no admission charge and the exhibit is well worth visiting. Also, the Mayor advises that on Friday, February 4, 2011, from 6:00 P.M. until 9:00 P.M. there will be a Super Bowl event at the West Cape May Fire Hall.

### **PUBLIC PORTION:**

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

**CLOSED:** PBA Negotiations, beachfront restaurant lease, depot market

Motion made by Deputy Mayor Wichterman at 8:50 P.M. to go into closed session.

Motion made by Deputy Mayor Wichterman to go back into open session. Motion made by Deputy Mayor Wichterman to adjourn the meeting. Meeting adjourned at approximately 9:00 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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ABSENT  
William H. Murray, Councilmember

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Diane L. Weldon, City Clerk