

**REGULAR MEETING
OF CITY COUNCIL OF THE CITY OF CAPE MAY, NJ
Tuesday, August 2, 2011 – 1pm**

The worksession/regular meeting of City Council of the City of Cape May was called to order by Mayor Mahaney at 1:00pm on Tuesday, August 2, 2011, in the Cape May City Hall Auditorium. The Clerk called the roll and the Pledge of Allegiance was recited.

Present: Councilmember Deanna Fiocca
Councilmember Terri L. Swain
Mayor Edward J. Mahaney, Jr.
Councilmember William H. Murray
Deputy Mayor Jack Wichterman
City Solicitor Anthony Monzo
City Manager Bruce MacLeod
Deputy Clerk Louise Cummiskey
City Clerk Diane Weldon

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:

Deputy Mayor Wichterman asks to discuss metered parking by the handicapped.

Motion: Wichterman

Second: Mahaney

Roll Call:

Fiocca	Yes
Murray	Yes
Swain	Yes
Wichterman	Yes
Mahaney	Yes

PROCLAMATION:

221st Anniversary of the United States Coast Guard – read by the City Clerk.

WORK SESSION DISCUSSION ITEMS

ACMJIF Member Update – Fund Commissioner Robert Smith reviews the ACMJIF Member Update as it relates to the City of Cape May. The update sets forth premium and surplus history, Cape May City's attendance record which is 100%, and monetary awards given to the City based upon the City's participation in training seminars and their constant effort to reduce injuries in the workplace. Mr. Smith reports that last year was a very good year for the City of Cape May as indicated by the 1.7% reduction in their assessment.

Handicapped Parking - Deputy Mayor Wichterman advises he has had discussion with the Police Chief and City Manager about handicapped metered parking. Mr. Wichterman states that the current law is impossible to enforce and he asks the City Solicitor to investigate the possibility of allowing people with handicapped stickers on their cars to park at metered parking spots without paying.

ENGINEER REPORT

Ray Roberts goes over the status of the current projects beginning with the slip-lining project. Mr. Roberts indicates that he has become aware of several additional issues which have arisen in the sewer department which require repair. As the repair of those issues would require the same type of contractor, Mr. Roberts has suggested that the City may want to combine all three of the repairs into one contract which would save money for the City. The three projects are the slip lining of the sanitary sewer on Washington Street, a length of pipe on Beach Avenue that needs to be cleaned, and a manhole on New Jersey Avenue with a significant leak.

Mr. Roberts advises that he has gone over the road program with the proper City employees to be clear on the scope of the work.

Mr. Roberts then discusses the underground tanks, #23 which is awaiting paperwork for completion and #48 which is awaiting results of water samples recently collected.

Finally, Ray Roberts advises that the ADA project design is being worked on which encompasses Carpenter's Lane and work on the handicapped beach access and the Franklin Street School access.

Mr. Roberts previously provided the City with a detailed Water Storage Tank Evaluation Report which thoroughly outlines the project and today, he distributes a brief summary which itemizes the main issues regarding the Water Storage Tank. He explains the main issues and fields questions from Mayor and Council which include storage, fire storage, construction costs, rehabilitation costs for the existing tank, and a construction schedule. There is a lengthy discussion regarding the cost of maintenance on both the existing tank and on a new tank, as well as questions regarding financing the project and whether loans and grants are available. Mr. Roberts then talks about a construction schedule and the problems of performing construction during the summer months. Mr. Roberts concludes by advising that his report is complete and he awaits direction from Council. He would like to have a decision by the middle of August to get the project out to bid as soon as possible. Council agrees to review the information and make a decision by the next meeting which will be August 16, 2011.

CITY MANAGER ITEMS

Mr. MacLeod distributes information on the Municipal Public Access Plan created by the DEP regarding new rules and regulations for all beach and coastal communities. He advises that the DEP has put together a template to help guide municipalities in the establishment of the plan; however, those rules and regulations are still being reviewed by the DEP and are not expected to be in effect until early 2012. Mr. MacLeod explains the areas which will be covered by the plan and notes that the development of the plan should be a collaborative effort.

Mayor Mahaney asks Councilmember Murray to participate in the development of the new beach plan. The Mayor advises that the Planning Board, the City Council, and the DEP must adopt the plan. Once approved, the City has an opportunity to set up a fund which will provide the City with fees for developers who cannot meet the requirements for beach access. The major import advises the Mayor, is that in order for the City to maintain their General Permit for the beaches, it must have an approved Municipal Access Plan. In addition, the City will maintain their ability to receive Green Acres funding and be eligible for the Blue Trails Program.

Mr. Monzo comments that this plan will be custom fit to the City's needs as opposed to a one size fits all regulation. Mr. MacLeod then comments on the five basic points of the plan, as set forth on the template.

Mr. MacLeod then talks about the water/sewer billing periods and the possibility of changing the current four (4) unequal billing periods which consist of one three month cycle, two three and one-half month cycles, and one two month cycle back to four (4) equal three month periods. Within the year the cycle is changed, Mr. MacLeod advises that the City will only bill for eleven months and if implemented, that would be for the year 2011. The City is in a position to sustain that one month loss of billing and receipts and Mr. MacLeod would like to implement the new cycle beginning with a reading on October 1st (cut off of September 30) which would put the City back on a true quarterly billing cycle. Council agrees.

Mr. MacLeod reminds us that starting Wednesday, August 3, 2011, the City will host the USLA Lifeguard Championships.

The City Manager advises that the tax bills were received and will be reviewed and once a mailing date has been determined, a 25-day grace period will be calculated. At the next council meeting, we will have a Resolution to determine that precise grace period.

ATTORNEY ITEMS

CLERK'S ANNOUNCEMENTS

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 resolutions:

- 166-08-2011 Resolution of the City of Cape May approving employment agreement by and between the City of Cape May and Jerome E. Inderwies, Jr.
- 167-08-2011 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 Beach Theatre Foundation
- 168-08-2011 Award of contract for the supply and delivery of one (1) new police vehicle
- 169-08-2011 Payment of bills

Deputy Mayor Wichterterman asks that Resolution 168-08-2011 be voted upon separately.

Motion for Resolutions 166, 167 and 169.

Motion: Wichterterman

Second: Murray

Roll Call:

Fiocca	Yes
Murray	Yes
Swain	Yes
Wichterterman	Yes
Mahaney	Yes

There is discussion regarding Resolution 168-08-2011 and Mr. MacLeod advises that the City put this purchase out to bid, as there were no vehicles available through the State Contract. The two bids received were comparable or better than the State Contract price, states Mr. MacLeod, and if the City purchases the Crown Victoria style police vehicle, that will allow the rotation of equipment such as light bars, computers and standardized equipment from an old police vehicle onto the newly purchased vehicle saving between \$3,500.00 to \$5,000.00.

Mr. Wichterterman believes that the City must start somewhere to downsize and now is the time to do so. Councilmember Murray believes there must be some study regarding the size of Police vehicles and does not think the time is right to make a change. He believes the cost of the Crown Victoria is good and likes the fact that we are able to transfer equipment, thereby saving money. He also agrees that sometime in the near future, we should investigate the options of changing the style of our police vehicles. Councilmember Fiocca thinks we should do a study to determine what the cost savings would be but we did get a good price on this vehicle and she doesn't have a problem with the purchase. Councilmember Swain agrees with Mr. Wichterterman. Mayor Mahaney asks of the status of the new vehicle and Mr. MacLeod advises the vehicle has not yet been purchased. The Mayor suggests that this matter be tabled until council receives information on the possible purchase of a smaller police car and a final decision will be made at the meeting of August 16, 2011.

Motion: Wichterterman

Second: Mahaney

Roll Call:

Fiocca	Yes
Murray	Yes

Swain Yes
Wichterman Yes
Mahaney Yes

REPORTS RECEIVED BY THE CLERK:

2% Occupancy Tax Budget Projection dated July 20, 2011
Construction Permit Activity Report for June, 2011
Overtime Report for July 2011
Shade Tree Commission meeting minutes dated June 9, 2011
Assessors Office monthly report dated July 12, 2011

Motion: Murray
Second: Fiocca
Roll Call:

Fiocca Yes
Murray Yes
Swain Yes
Wichterman Yes
Mahaney Yes

MINUTES:

Cape May City Council Worksession and Regular meeting minutes dated July 19, 2011
Cape May City Council Closed Executive meeting minutes dated July 19, 2011

Motion: Wichterman
Second: Fiocca
Roll Call:

Fiocca Yes
Murray Yes
Swain Yes
Wichterman Yes
Mahaney Yes

UNFINISHED BUSINESS:

NEW BUSINESS:

- A) City Attorney
- B) City Manager
- C) City Clerk
- D) Councilmembers – Ms. Fiocca advises that she has spoken to several beach taggers about the distribution of the Beach Safety Brochures and was advised that the brochures were being handed out only if the purchaser asked for one. She would like a written policy and Mr. Murray agrees and suggests a written directive be prepared.

Councilmember Murray talks about Officer Genaro and would like to arrange for a meeting regarding the issue. Mayor Mahaney advises that John Thomas is in the process of arranging a

meeting. Also, Mr. Murray advises that he received a copy of a notice from DOT regarding applying for money for walking and biking in the City of Cape May. Mayor Mahaney suggests we talk to Ray Roberts about the program and make application.

Deputy Mayor Wichterman asks the City Solicitor about painting a crosswalk on Beach Avenue at the end of the Promenade. Mr. Monzo advises it is not a good idea and it is illegal for the City to paint a crosswalk, as Beach Avenue is not a City road. Councilmember Murray suggests speaking to the County Engineer about placing a crosswalk at that area.

Mayor Mahaney reminds us that the Baby Parade is being held this Friday at 11:00 A.M. and suggests that council advise the City Clerk if they will be attending. Movies on the Beach will commence at dark on Thursday and the Band concerts are still taking place. The Sunset Parade at the Coast Guard Base is taking place Sunday night and National night out is tonight at 6:00 P.M. Finally, the USLA Championships will begin tomorrow.

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.

Motion made by Murray, to go into closed session. The regular meeting adjourned at 3:40 P.M.

CLOSED – Beach Theatre Foundation

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 4:00 P.M.

Edward J. Mahaney, Jr., Mayor

Jack Wichterman, Deputy Mayor

Deanna Fiocca, Councilmember

Terri L. Swain, Councilmember

William H. Murray, Councilmember

Diane L. Weldon, City Clerk