

**WORKSESSION/REGULAR MEETING  
OF CITY COUNCIL OF THE CITY OF CAPE MAY, NJ  
Tuesday, November 1, 2011 – 1pm**

The regular meeting of City Council of the City of Cape May was called to order by Mayor Mahaney at 1:00 P.M. Tuesday, November 1, 2011, 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  
Deputy Mayor Jack Wichterman

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.

**PRESENTATION:** Plaque for Raymond Maher presented by Mayor Mahaney and Deputy Mayor Wichterman

**COUNCIL COMMENTS**

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

Mayor Mahaney recommends adding negotiations on Beach Replenishment to the closed session

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

Deputy Mayor Wichterman recommends adding negotiations with the Fire fighters to the closed session.

Motion: Wichterman

Second: Murray

Roll Call:

Fiocca Yes

Murray Yes

Swain Yes

Wichterman Yes

Mahaney Yes

## **WORK SESSION DISCUSSION ITEMS:**

### **ENGINEER REPORT**

Ray Roberts refers to the Engineer's Report he has provided to Mayor and Council and advises he will highlight several of the items on the report. He begins with the 2011 Road Program project and advises that there is a Resolution to award the contract for the project on today's agenda. Mr. Roberts asks about the Cape May Avenue project and specifically asks for direction as to the scope of the work and some direction prior to November 14, 2011. The City Manager advises that the City received bids for the Corgie and Jefferson Streets project and a contract for same will be awarded today. Mr. MacLeod advises that the "block out" method will be used to complete the work on Cape May Avenue and since there are insufficient funds to complete the project using that method, the project will not go out to bid in May or June of 2012.

Mr. Roberts advises that he is going forward with the design of the rehabilitation of the water tank and at the same time, he is preparing a revised preliminary engineering report to be submitted to the USDA asking them to allocate the committed dollars to the rehabilitation of the Madison Avenue tank and the exterior renovation of the Canning House Lane stand pipe.

As to the ADA improvements, which include Carpenters Lane, Franklin Street School, Trenton Avenue Dune Crossing and the Cove Beach access, Mr. Roberts advises he received notification from the State Historic Preservation Office that the material choices have been approved so the design may now go forward. Mr. Roberts advises that the State will allow the City to submit a modification to the existing CAFRA Permit so there will be no need for another CAFRA Permit.

Deputy Mayor Wichterman inquires as to Mr. Roberts' satisfaction with the Company that won the bid for the roadwork. Mr. Roberts feels the company is very capable to performing the work in a timely and competent manner.

**CITY MANAGER ITEMS** – Mr. MacLeod advises that there is a Resolution on the agenda today to approve the On Street Parking Permits for the year 2012. He comments that he has performed a review of the program and has found that it continues to "break-even." Therefore, Mr. MacLeod recommends that the permit fee remain at \$350.00 for the year 2012.

**ATTORNEY ITEMS** - City Solicitor Tony Monzo advises he is working on the draft Leases for the Convention Hall Retail Spaces and will have a draft to council within the next few days. Thereafter, notice of the bids will be published and upon acceptance of the qualified bidders, an award will be made.

## **CLERK'S ANNOUNCEMENTS**

The City Clerk reminds all that the next regular City Council meeting to be held on Monday, November 14, 2011 at 7:00 P.M. Also, next Tuesday, November 8, 2011 is election day and City Hall will be closed. Please remember to vote.

## **REGULAR MEETING BUSINESS :**

### **ORDINANCE INTRODUCTION:**

243-2011      An Ordinance amending Chapter 10, Article XX of the Cape May City Code and establishing a Department of Tourism, Civic Affairs and Recreation

Mayor asks for motion to introduce Ordinance 243-2011.

Motion: Wichterman

Second: Swain

Roll Call:

Fiocca            Yes

Murray           Yes

Swain            Yes

Wichterman      Yes

Mahaney        Yes

244-2011      An Ordinance amending chapter 10, Article XXXVI of the City Code to establish a Tourism Utility, Eliminate the Tourism Commission and reinstitute the Advisory Committee on Tourism

Mayor asks for motion to introduce Ordinance 244-2011.

Motion: Wichterman

Second: Swain

Councilman Murray asks for the reasons for abolishing the Tourism Commission and replacing it with an Advisory Committee. Mr. Monzo states that one of the main reasons for replacing the Tourism Commission with a Tourism Authority is the City will now have a separate Department that is devoted to tourism with significant authority and control over all aspects of tourism. The thought process is to have an Advisory Committee as opposed to a decision making board. Also, through this Ordinance, the funds that are currently raised through the Tourism Commission will be allocated through the budgetary process directly to the Tourism Utility so that there is no duplication of services or inconsistent approaches in how tourism is handled through those two different bodies. Mr. Murray confirms that the adoption of the within Ordinance will transfer decision making and budgetary issues to City Council with the advice of the Advisory Committee and the Director of Tourism.

Roll Call:

Fiocca            Yes

Murray           Yes

Swain	Yes
Wichterman	Yes
Mahaney	Yes

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:

223-11-2011	Resolution establishing the 2012 on-street parking permit fee
224-11-2011	Resolution authorizing the bid of city-owned property located at 100 Beach Avenue
225-11-2011	Award of contract – 2011 utility and road program
226-11-2011	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, <i>NJS10:4-12</i> , - prosecutor interviews, Beach Theatre Foundation, as amended by adding Beach Replenishment and IAFF negotiations
227-11-2011	Resolution authorizing utility bill adjustment due to catastrophic occurrence
228-11-2011	Resolution providing for the insertion of a special item of revenue in the budget pursuant to Chapter 159, PL 1948
229-11-2011	Resolution to the NJSLM Conference urging the State Legislature to alter eligibility requirements for unemployment insurance for seasonal public entity workers
230-11-2011	Enabling resolution NJDEP Green Acres Program grant
231-11-2011	Payment of bills
232-11-2011	Rejection of bids – Supply and installation of barrier fence
233-11-2011	Resolution of the City of Cape May approving award of food service equipment for Convention Hall (Stein's Food Service – Pleasantville, NJ)

Motion: Mahaney  
 Second: Wichterman  
 Roll Call:

Fiocca	Yes
Murray	Yes
Swain	Yes
Wichterman	Yes
Mahaney	Yes

**MINUTES:**

Regular City Council meeting minutes dated October 18, 2011

Motion: Wichterman  
 Second: Mahaney  
 Roll Call:

Fiocca	Yes
Murray	Yes

Swain            Yes  
Wichterman    Yes  
Mahaney        Yes

**UNFINISHED BUSINESS:**

**NEW BUSINESS:**

A)      City Attorney

B)      City Manager – Mr. MacLeod announces on November 11, 2011 at 11:00 A.M. there will be a Veteran's Day Ceremony at the Columbia Avenue Monument. Further, Mr. Macleod advises that there will be a rebid of the barrier fence for the roller skating program and an RFP for engineering services for the roof top solar array and a bid for the audio/visual stage lighting and security equipment.

C)      City Clerk

D)      Councilmembers – Deputy Mayor Wichterman advises that there is a Convention Hall meeting every other Friday to discuss what is happening at Convention Hall. Mr. Wichterman advises things are going very well and he feels the General Contractor, Ogren, is a good company to deal with. We are still on target, advises Mr. Wichterman, with a targeted opening date of Memorial Day 2012. Deputy Mayor Wichterman then asks Mr. MacLeod to put some kind of notice on the City's parking meters advising people that they are no longer in operation. Councilmember Murray suggests we advertise free parking on the Welcome Sign so as you enter the City so that people coming into town will be so advised. Councilmember Fiocca questions Mr. MacLeod about a letter which was sent to Mayor and Council from Pat Devaney regarding water use at her mother's home. Mr. MacLeod goes over the reasons for the charges and advises he will provide Ms. Devaney with some suggestions as to how to cut back on the charges.

**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.

Jerry Gaffney, 810 Columbia Avenue, Cape May, NJ talks about the change orders for the new Convention Hall. He asks if the issue constituting the change order regarding the rocks/jetty should have been worked out by the engineer before the Contract was put out for bid. Secondly, he asks how much money has been put aside for contingencies for the Convention Hall project. Mayor Mahaney advises he would rather not disclose the amount of money set aside for contingencies to keep the change orders by the contractor to a minimum. The Mayor comments that there is a standard percentage for contingencies, based upon the total cost of the project and would rather Mr. Gaffney determine that amount in private. Mr. Gaffney asks about the status of the CRDA money and the amount which was approved for this project. He wants to know if the City is in receipt of those funds. Mr. MacLeod advises that we do not yet have the money but that we are in contact with the CRDA and we are approved for \$1,500,000.00 based upon the \$10.5 million dollar project. Mr. Gaffney is concerned that the City will not receive those funds because of the changes occurring in the CRDA.

Charles Hendricks, 106 Trenton Avenue, Cape May, NJ advises that he has filed a denial of access complaint because of the City's denial to provide him with certain requested information and he is here to provide a copy of his complaint to the City Clerk.

Bernie Haas, 1016 Illinois Avenue, Cape May, NJ has a question about the Tourism Commission. On the City website, Mr. Haas advises that it says the Tourism Commission was established to promote tourism in the City of Cape May and that the assessment on the Mercantile License will be for the “purpose of publicizing and promoting the City of Cape May to attract tourism.” Mr. Haas asks who, now will promote the City of Cape May as a tourist destination. Mr. Monzo advises that the City Department of Tourism and Civic Affairs and Recreation will have those responsibilities for promoting tourism.

John Fleming, 1484 Washington Street, Cape May, NJ asks about the Beach Theatre Foundation discussion in closed session and he asks of the status of the loan and if any monies have been repaid. Mayor Mahaney advises that the purpose of our closed session tonight is to finalize the repayment process. Mr. Fleming concurs with council about keeping some of the financial information regarding Convention Hall confidential. He believes you cannot allow the public to know exactly what you have.

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

Motion made by Councilmember Murray, seconded by Deputy Mayor Wichterman to go into closed session. The regular meeting adjourned at 2:05 P.M.

**CLOSED:** Prosecutor interviews - Beach Theatre Foundation

Motion made by Deputy Mayor Wichterman to go back into open session. Motion made by Deputy Mayor Wichterman, seconded by Councilmember Murray to adjourn the meeting. The meeting adjourned at approximately 4:45 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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William H. Murray, Councilmember

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Diane L. Weldon, City Clerk