

**REGULAR MEETING
OF CITY COUNCIL OF THE CITY OF CAPE MAY, NJ
Tuesday, December 20, 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. Tuesday, December 20, 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
Deputy Mayor Jack Wichterman
Also Present: City Attorney Anthony Monzo
City Manager Bruce MacLeod
City Clerk Diane L. Weldon
Absent: Terri L. Swain

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.

Mayor Mahaney thanks the Police Department for their efforts in making Christmas for the less fortunate in our town.

Minutes do not reflect the actual order in which the events occurred.

PRESENTATION:

2012 Seasonal Beach Tag Winner – Brandon Bauer, Teitelman School – 7th grade

2012 Saturday-to-Saturday Beach Tag Winner – Jacob Basil Harkins, Teitelman School – 8th grade

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

REVISED - 263-12-2011	Transfers of appropriations for the 2011 budget, revised total amounts- Traffic Maint. S&W amount increased from \$5,000.00 to \$7,000.00 Fire Dept. S&W amount increased from \$5,000.00 to \$7,000.00
ADDED - 277-12-2011	Resolution approving an agreement between the City of Cape May and Van Note Harvey for engineering services to replace master water meters
ADDED – 278-12-2011	Appointment to the Cape May City Fire Police

REMOVED Ordinance 247-2011 An Ordinance to update the uniform salary and classification plan for the Department of Personnel positions in the City of Cape May

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

PUBLIC HEARING:

Public hearing and adoption of the Washington Street Mall Management Company, Inc. 2012 Budget
Resolution #276-12-2011 Resolution adopting the Washington Street Mall Management Co., Inc, Business Improvement District 2012 Annual Budget

Susan Tischler, Treasurer, explains the proposed budget and asks for questions or comments.

There being none, the Mayor closes the public hearing.

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

ORDINANCES FOR INTRODUCTION:

246-2011 Ordinance amending Chapter 7 of the Cape May City Code - Overtime Parking Regulations

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

Ordinance will come up for public hearing on January 17, 2012 at 7:00 P.M.

ORDINANCES FOR PUBLIC HEARING AND ADOPTION:

245-2011 An Ordinance amending Section 469-2 of the Cape May City Code concerning licensing of tours

Motion to Open Public Hearing

There being none, the Mayor closes the public hearing.

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

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

- 255-12-2011 Resolution to set the date for the annual Cape May City Council reorganization meeting
- 256-12-2011 Resolution approving professional services agreement between Remington, Vernick & Walberg Engineers and the City of Cape May
- 257-12-2011 Resolution of the City of Cape May to approve members of Cape May Volunteer Fire Company
- 258-12-2011 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, *NJS10:4-12*, collective bargaining – PBA
- 259-12-2011 Approval to submit a grant application and execute a grant agreement with the NJ Department of Transportation for the Cape May Safe Routes to School Project
- 260-12-2011 Authorizing final payment to Lewandowski Construction, Inc., USDA – Sanitary Sewer Improvements – Phase III, Contract 7
- 261-12-2011 Authorizing final payment to Giberson Plumbing & Excavating, Inc. 2010 Capital Improvement Project, Contract 12
- 262-12-2011 Resolution fixing the rate of interest on delinquent taxes and assessments
- 263-12-2011 Transfer of appropriations – 2011 budget
- 264-12-2011 Resolution of the City of Cape May approving bid for lease of Cape May Convention Hall Retail Store A
- 265-12-2011 Resolution authorizing the re-bid for lease of Cape May Convention Hall Retail Store B
- 266-12-2011 Payment of bills A and B
- 267-12-2011 Resolution approving amusement games license for Peter & Adele Tiburzio – 732Beach
- 268-12-2011 Resolution approving amusement games license for Peter & Adele Tiburzio – 406Beach
- 269-12-2011 Authorizing utility bill adjustment due to catastrophic occurrence
- 270-12-2011 Providing for the insertion of a special item of revenue in the budget pursuant to Chapter 159, PL 1948
- 271-12-2011 Resolution to award engineering services for design of new photovoltaic power system at the Cape May Convention Hall
- 272-12-2011 Resolution approving an agreement between the City of Cape May and Comcast Cable Communications Management, LLC for Ethernet dedicated Internet services\

- 273-12-2011 Resolution approving professional service agreement for design engineer to prepare bid specifications for tele-data infrastructure in convention hall facility
- 274-12-2011 Rejection of bids for Convention Hall chair risers
- 275-12-2011 Resolution of the City of Cape May approving first amendment to third amended and restated agreement between Kimmel Bogrette Architect & Site, Inc. and the City of Cape May
- 277-12-2011 Resolution approving an agreement between the City of Cape May and Van Note Harvey for engineering services to replace master water meters
- 278-12-2011 Appointment to the Cape May City Fire Police

Motion: Wichterman

Second: Fiocca

Roll Call:

Fiocca	Yes
Murray	Yes
Swain	Absent
Wichterman	Yes
Mahaney	Yes

MINUTES:

City Council meeting minutes dated December 6, 2011

Closed Executive Session City Council meeting minutes dated December 6, 2011

Motion: Murray

Second: Fiocca

Roll Call:

Fiocca	Yes
Murray	Yes
Swain	Absent
Wichterman	Yes
Mahaney	Yes

REPORTS RECEIVED BY THE CLERK:

Assessors Office monthly report dated December 13, 2011

Environmental Commission meeting minutes dated December 1, 2011

WSM Management Co., Inc., meeting minutes dated November 7, 2011

Motion: Fiocca

Second: Mahaney

Roll Call:

Fiocca	Yes
Murray	Yes
Swain	Absent
Wichterman	Yes
Mahaney	Yes

UNFINISHED BUSINESS:

NEW BUSINESS:

- A) City Attorney
- B) City Manager – Mr. MacLeod reports on the 12 month occupancy tax receipts and advises that the total revenue for 2011 is \$1,121,645.00, compared to the 2010 revenue in the amount of \$1,087,430.00. On December 22, 2011, bids will be opened for the audio-visual system for the new Convention Hall and on December 29, 2011, bids will be received on the security system, advises Mr. MacLeod. Bids for the 2011 Small Cities Block Grant ADA Project were accepted this morning comments Mr. MacLeod and the City Engineer is reviewing the bids received in an effort to determine the winning bidder. Lastly, Mr. MacLeod advises that he attended a meeting regarding the current beach replenishment, and the dredging work is expected to be finalized during the first few weeks of January, 2012. The back passing part of the project is to be finalized by the end of this week and a final inspection will be performed early next week.
- C) City Clerk – Ms. Weldon mentions that a letter was received from the Sr. Vice Commander and Commander of the American Legion Post #193, thanking the City of Cape May for their efforts and participation in the Veterans' Day Ceremony.
- D) Councilmembers – Mayor Mahaney wishes everyone a happy holiday season. He mentions that the County Engineer, Dale Foster, notified the Mayor that next week, the County of Cape May would issue bid information for the street work in front of Convention Hall that will cause Beach Avenue to have some one-lane closures during the month of April. In closing, the Mayor mentions that Peter Nero and the Pops will be performing at our new Convention Hall.

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.

COUNCIL & CITY MANAGER COMMENTS

Motion made by Deputy Mayor Wichterman, seconded by Councilmember Murray to go into closed. session. The regular meeting adjourned at approximately 3:00 P.M.

CLOSED: PBA Local 59 – collective bargaining

Motion made by Councilmember Murray, seconded by Deputy Mayor Wichterman to go back into open session.

Motion made Deputy Mayor Wichterman, seconded by Councilmember Murray to adjourn. The meeting adjourned at approximately 4:00P.M.

Edward J. Mahaney, Jr., Mayor

Jack Wichterman, Deputy Mayor

Deanna Fiocca, Councilmember

ABSENT

Terri L. Swain, Councilmember

William H. Murray, Councilmember

Diane L. Weldon, City Clerk