

**REGULAR MEETING  
OF CITY COUNCIL OF THE CITY OF CAPE MAY, NJ  
Tuesday, May 4, 2010 – 1pm**

The worksession/regular meeting of City Council of the City of Cape May was called to order by Mayor Mahaney at 1:00 P.M. Tuesday, May 4, 2010, in the Cape May City Hall Auditorium. The City Clerk called the roll and the Pledge of Allegiance was recited.

|               |  |
|---------------|--|
| Present:      | Deputy Mayor Niels S. Favre<br>Councilmember David C. Kurkowski<br>Mayor Edward J. Mahaney, Jr.<br>Councilmember Linda A. Steenrod<br>Councilmember Terri L. Swain |
| Also Present: | City Attorney Anthony Monzo<br>City Manager Bruce MacLeod<br>City Clerk Diane Weldon<br>Assistant to the City 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.

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

City Manager MacLeod advises that he would like to add Litigation regarding the Parking Meter Referendum to the Closed Session Resolution #100-05-2010

**Motion:** Steenrod  
**Second:** Kurkowski  
**Roll Call:**  
Favre            Yes  
Kurkowski    Yes  
Steenrod      Yes  
Swain          Yes  
Mahaney      Yes

**PROCLAMATIONS**

The City Clerk reads a Proclamation honoring Harry Hirsch. Mr. Hirsch then thanks Mayor and Council and his family for supporting him and speaks about his love for the City of Cape May.

Knights of Columbus – Council No. 6202

The City Clerk reads a Proclamation honoring the Knights of Columbus for their efforts in financially supporting our citizens who suffer mentally challenged disabilities and the Proclamation is then presented to Joe Ripman and Luke Dillon of the Knights of Columbus Council #6202.

## **WORK SESSION DISCUSSION ITEMS**

### **ENGINEER REPORT**

Mayor Mahaney asks the City Engineer, Jim Mott, to come to the table.

Cape May Avenue, Phase I – Mr. Mott advises that all work has been satisfactorily completed, and final payment is being withheld until two claims, filed by residents, have been taken care of by the Contractor.

DCA Handicap Beach Access Phase I – Mr. Mott informs that all work has been completed except for the widening of the Promenade between Ocean and Gurney Streets and we are waiting for the CAFRA Permit which is probably about two weeks out.

DCA Handicap Beach Access Phase II – A pre-construction meeting was held with the Contractor advises Mr. Mott and the materials have been ordered. As soon as we receive word from CAFRA, work will commence and the job should be completed within two to three weeks.

NJ Clean Energy Program is 100% complete and Mr. Mott advises that we are waiting to receive the grant money from the State prior to finalizing payment to the Contractor.

2009 Road Program Improvements is moving along and Mr. Mott informs us that the contractor had a deadline to have all of the utilities, water and sewer lines completed by May 1<sup>st</sup> and he has met that date. Mr. Mott updates us on the progress of work on Idaho, Ohio and Maryland Avenues. He is optimistic that all work will be completed by June 15, 2010. As to Cape May Avenue, Mr. Mott advises that he has given the contractor until May 15, 2010 to clean up and seed the area.

Mayor Mahaney mentions that the City is receiving complaints from residents on Cape May Avenue about the mowing of the islands. The Mayor asks Mr. MacLeod to get back to all of the homeowners, in writing, as to the City's plan for mowing this season. Mayor Mahaney believes that our best asset is communication with the residents. There is discussion about a street opening moratorium and Mayor Mahaney advises that our Ordinance specifies five years.

Gateway Project – Mr. Mott advises that there are some minor punch list items to be finished and beyond that, the only thing left is for the electricity to be turned on for the lights which will run along the path of the bridge. He advises that the plan is to wait for the street lighting to be turned on to make sure that it won't interfere with putting in the solar lighting.

USDA Sanitary Sewer Improvements – Mr. Mott advises that there is a Resolution on today's Agenda for a change order to extend the time limit on this job to April 15, 2011. The Contractor is not to start until September, 15, 2010.

Elmira Street Project – Mr. Mott advises that we are waiting for the County to review the plans and we still need to acquire some property.

Queen Street Outfalls – An emergency CAFRA Permit was received for the required construction advises Mr. Mott and the project is currently out to bid. There will be a pre bid meeting next week and bids will be received on May 13<sup>th</sup> for the possible award of contract on May 18, 2010.

There is much discussion regarding the work that will be performed and Mr. Mott explains in detail the entire process and exactly what it will entail. Deputy Mayor Favre asks how long the process will take. Mr. Mott thinks about three days for each line to be installed or less than three weeks.

Within the next 30 days, Mr. Mott advises that he will prepare a grant application for State Aid for road paving for Cape May Ave Phase II and at the same time, he will prepare an application for a grant for a safe sidewalk program.

Deputy Mayor Favre asks Mr. Mott about the problems with the apron on the Fire House. Mr. Mott advises that the issue should be discussed in closed session.

Mr. Monzo asks to add the topic to today's closed session Resolution.

**Motion:** Favre

**Second:** Steenrod

Roll Call:

Favre                Yes

Kurkowski        Yes

Steenrod           Yes

Swain                Yes

Mahaney           Yes

### **HPC COMPLETED SURVEYS DISCUSSION**

Warren Coupland and Andy Fontain from the HPC come to the table. Mayor Mahaney advises that each member of council has a copy of the 242 completed surveys by McCabe and Company, as well as the updated design standards. The Mayor asks that we begin with the design surveys and also asks that when the time comes to take action on this issue, that we have a updated and complete list.

Mr. MacLeod begins by advising that he met earlier in the day with Edie Kopsitz, Maryann Gaffney and Andy Fontain and they discussed just how many surveys were completed over the years. He goes on to inform that the original source document goes back to 1993 and that document is referred to as the original list. Upon approving and accepting the surveys that have been completed advises Mr. MacLeod, they will either replace or be added to the 1993 list that currently exists. Mr. MacLeod explains that in 2007 to early 2008, there were 106 surveys completed by United Architects. Those 106 surveys were accepted and approved by the State Historic Preservation

Office and then beginning in May 2008, McCabe and Associates commenced performing the surveys on behalf of the City and 242 were completed and that number is what is reflected on our current Agenda. In addition to that, in November of 2008, the City Council amended McCabe's contract to perform another 60 surveys and 62 were actually completed. Those three components add up to 410. Mr. MacLeod believes it would be beneficial to acknowledge all 410. Further, in November 2009, The City of Cape May authorized another 60 surveys to be completed by McCabe and Associates for which data is still being compiled. Those surveys must be accepted by the State before coming back to the City for approval.

Mr. Kurkowski asks about the Cape May Historic District and what is included in that district. Mr. Fontaine advises that the surveys will include the historic structures in the City of Cape May both inside and outside the Historic District. Mr. MacLeod advises that when this project originally began in 2007, there were 1348 properties that were the targeted properties to be surveyed. We are now one-third of the way into that process.

Mr. Favre comments that with the last 60 surveys, there will have a total of 470. He asks if the HPC prioritized the properties and surveyed the most important ones first. Mr. Fontaine affirms.

Mr. Kurkowski asks about the process of preparing one survey. Mr. Fontaine advises that there is an entire process. McCabe performs a historical review by looking at paper documents. The site is then visited and photographed by historic preservationists. The preservationists then prepare a two to three page comprehensive survey of each property which provides, in addition to the photographs, a physical description of the property. The surveys are provided to the HPC and each survey is reviewed by at least two HPC members. The surveys are then sent back to McCabe for any necessary clarifications or changes and then those completed surveys are sent to the State for approval and return to the City of Cape May.

Mr. Favre asks how the surveys are archived in the City. Edie advises that they are in books which are kept in the office of the HPC.

Mr. Kurkowski asks the City Clerk about archiving digitally. The Clerk advises we could if we had the available funds.

Mr. Fontain advises that scanning is a much more effective way of archiving.

Mr. MacLeod advises that the City applied for a Paris Grant but because of the dwindling supply of grant funds within the State, we were unsuccessful.

Mr. Monzo advises that the survey should be presented at a hearing before the HPC, then they should go before the planning board for approval, and then to City Council for approval.

The Mayor moves on to the amendments to the design standards and asks Mr. Fontain to highlight the amendments.

Mr. Fontain advises there are three addenda. The first two are not included in the design standards at all and this is an effort to update the design standard to meet the current technology. The third amendment is a clarification and embellishment of an existing design standard.

Mr. Fontain talks about the solar panels and advises that they are appropriate, even in a historic district, but they may not be visible. Windmills are a little different. They are visible, they have to be elevated and have clear air space and therefore, are not appropriate in the historic district and maybe not in Cape May. Mr. Fontain thinks they should not be permitted in Cape May and that the HPC be given the leverage to approve exceptions.

The third addendum is a clarification. Mr. Fontain advises that the existing standards are clear that in key and contributing buildings, wood windows are the only option available to the homeowner. There are questions as to energy efficiency and Mr. Fontain advises that studies show they are more efficient than the current available replacement windows of all qualities.

Mrs. Steenrod says that the surveys were well done and the standards that are being proposed are well thought out.

Mayor Mahaney comments that the clarification on replacement windows is fine and was needed, as is the clarification on solar panels. As to the windmills, Mayor Mahaney believes we should look a little further into that option and keep our options open so we don't restrict ourselves.

Councilmember Steenrod suggests that the HPC have some discussion with Charlotte Todd, Chairperson of the Energy Committee, as Ms. Todd is very knowledgeable on the subject of windmills and wind turbines.

Mr. Fontain agrees.

Mayor Mahaney believes that a meeting between the HPC and Charlotte Todd is an excellent idea.

### **CITY MANAGER ITEMS**

City Manager Bruce MacLeod advises that field work begins today on the 2010 census. The field workers will address property owners and individuals whose census forms were not received.

Mrs. Steenrod asks if you will be contacted if you have previously responded. Mr. MacLeod advises only if you have not completed the form.

Mr. MacLeod announces that the new City Web site is up and running. It is a continuous work in progress advises Mr. MacLeod, and there is information that needs to be replaced and updated. City Manager MacLeod mentions that the online tax payment process is now available and you can go on-line and find the balance of your taxes then go through a six step process to submit a payment.

Mr. Kurkowski asks if you can pay water and sewer on line and Mr. MacLeod advises no but the City is looking at offering other payments electronically.

Mr. MacLeod extends thanks to Bernie Haas and his on-line company, as well as Jack Fichter, for providing the City with pictures that are currently displayed on the website. Finally, Mr. MacLeod advises that we are hoping to have links to all of the various organizations within the City so that anyone that goes onto the Cape May City website looking for activities and events can easily find them.

Mayor Mahaney mentions that he paid his taxes on line last week and the system works well. Regarding the website, the Mayor reads an email from Kate Wyatt commending the new City website. The Mayor thanks all involved in the process.

City Manager MacLeod advises that a FEMA office is open at the Cape May County Library Building on Mechanic Street in Cape May Court House, NJ and anyone suffering property damage as a result of the March 11, 12 and 13 rainstorms can visit that office for help.

Mr. MacLeod advises that as a result of the snowstorm of February 5 and 6, classified as a blizzard, the City of Cape May submitted an application for reimbursements and the City was notified that it will receive approximately a 75% reimbursement in the amount of \$66,562.46 for costs incurred in clean up and emergency services during that snow event.

Mr. MacLeod advises that he was approached by Bob Morris of the Cape May Kiwanis Club regarding a new project. The Kiwanis would like to place a park bench in a small section of pavers in the area of the island on Cape May Avenue, just behind the water conservation garden. Mayor and Council all agree to the request.

Finally, Mr. MacLeod advises that before the next city council meeting, the City will host the 31<sup>st</sup> Cape May Foot Race Event.

### **ATTORNEY ITEMS**

### **CLERK'S ANNOUNCEMENTS**

The City Clerk announces that there will be a Town Meeting at the Cape May Elementary School on May 5, 2010 between 3:30 and 6:30. Also, May 11, 2010 is election day.

### **REGULAR MEETING BUSINESS :**

#### **ORDINANCES FOR INTRODUCTION:**

205-2010      Bond Ordinance providing for improvements to the storm water collection system in and by the City of Cape May, in the County of Cape May, New Jersey, appropriating \$275,000.00 therefore and authorizing the issuance of \$261,250 bonds or notes of the City to finance part of the cost thereof

**Motion:** Kurkowski

**Second:** Steenrod

Roll Call:

|           |     |
|-----------|-----|
| Favre     | Yes |
| Kurkowski | Yes |
| Steenrod  | Yes |
| Swain     | Yes |
| Mahaney   | Yes |

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

90-05-2010 Award of contract for the supply and delivery of removable containers to be used in the City's recycling program – Blue Diamond Disposal, Inc.

**Motion:** Kurkowski

**Second:** Swain

Roll Call:

|           |     |
|-----------|-----|
| Favre     | Yes |
| Kurkowski | Yes |
| Steenrod  | Yes |
| Swain     | Yes |
| Mahaney   | Yes |

91-05-2010 Award of contract for supplying water & sewer materials and supplies – HD Supply

**Motion:** Kurkowski

**Second:** Swain

Roll Call:

|           |     |
|-----------|-----|
| Favre     | Yes |
| Kurkowski | Yes |
| Steenrod  | Yes |
| Swain     | Yes |
| Mahaney   | Yes |

92-05-2010 Award of contract for supplying water meter installation materials – HD Supply

**Motion:** Kurkowski

**Second:** Swain

Roll Call:

|           |     |
|-----------|-----|
| Favre     | Yes |
| Kurkowski | Yes |
| Steenrod  | Yes |
| Swain     | Yes |
| Mahaney   | Yes |

93-05-2010 Award of contract for supplying of uniforms for Beach Patrol, Jr. Lifeguards & Beach Tag Personnel for the 2010 Season – Wave One Sports, Inc.

**Motion:** Kurkowski

**Second:** Swain

Roll Call:

|           |     |
|-----------|-----|
| Favre     | Yes |
| Kurkowski | Yes |

|          |     |
|----------|-----|
| Steenrod | Yes |
| Swain    | Yes |
| Mahaney  | Yes |

94-05-2010 Refund of overpaid 2009 utilities

**Motion:** Steenrod

**Second:** Kurkowski

Roll Call:

|           |     |
|-----------|-----|
| Favre     | Yes |
| Kurkowski | Yes |
| Steenrod  | Yes |
| Swain     | Yes |
| Mahaney   | Yes |

95-05-2010 Refund of overpaid 2010 utilities

**Motion:** Steenrod

**Second:** Kurkowski

Roll Call:

|           |     |
|-----------|-----|
| Favre     | Yes |
| Kurkowski | Yes |
| Steenrod  | Yes |
| Swain     | Yes |
| Mahaney   | Yes |

96-05-2010 Award of contract for supply of calcium chlorite – Coyne Chemical

**Motion:** Kurkowski

**Second:** Swain

Roll Call:

|           |     |
|-----------|-----|
| Favre     | Yes |
| Kurkowski | Yes |
| Steenrod  | Yes |
| Swain     | Yes |
| Mahaney   | Yes |

97-05-2010 Award of contract for tree care and maintenance – Menear's Inc.

**Motion:** Kurkowski

**Second:** Swain

Roll Call:

|           |     |
|-----------|-----|
| Favre     | Yes |
| Kurkowski | Yes |
| Steenrod  | Yes |
| Swain     | Yes |
| Mahaney   | Yes |

98-05-2010 Award of contract for supplying of HVAC services – Polar Bear Mechanical

**Motion:** Kurkowski



**Second:** Swain

Roll Call:

|           |     |
|-----------|-----|
| Favre     | Yes |
| Kurkowski | Yes |
| Steenrod  | Yes |
| Swain     | Yes |
| Mahaney   | Yes |

99-05-2010 Payment of bills A

**Motion:** Kurkowski

**Second:** Swain

Roll Call:

|           |     |
|-----------|-----|
| Favre     | Yes |
| Kurkowski | Yes |
| Steenrod  | Yes |
| Swain     | Yes |
| Mahaney   | Yes |

99-05-2010 Payment of bills B

**Motion:** Kurkowski

**Second:** Favre

Roll Call:

|           |         |
|-----------|---------|
| Favre     | Yes     |
| Kurkowski | Yes     |
| Steenrod  | Yes     |
| Swain     | Abstain |
| Mahaney   | Yes     |

100-05-2010 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 – collective bargaining and personnel (fire chief), as amended

**Motion:** Favre

**Second:** Kurkowski

Roll Call:

|           |     |
|-----------|-----|
| Favre     | Yes |
| Kurkowski | Yes |
| Steenrod  | Yes |
| Swain     | Yes |
| Mahaney   | Yes |

101-05-2010 Authorization for the City of Cape May to extend construction timeline for Contract No. 7 – USDA Sanitary Sewer Improvements Phase III – Rebid

**Motion:** Kurkowski

**Second:** Swain

Roll Call:

|       |     |
|-------|-----|
| Favre | Yes |
|-------|-----|

|           |     |
|-----------|-----|
| Kurkowski | Yes |
| Steenrod  | Yes |
| Swain     | Yes |
| Mahaney   | Yes |

102-05-2010 Resolution of the City of Cape May, in the County of Cape May, New Jersey authorizing an emergency appropriation pursuant to NJSA 40A:4-48 to make improvements to the storm water collection system and further authorizing the issuance of emergency notes to fund such emergency appropriation

**Motion:** Kurkowski

**Second:** Swain

Roll Call:

|           |     |
|-----------|-----|
| Favre     | Yes |
| Kurkowski | Yes |
| Steenrod  | Yes |
| Swain     | Yes |
| Mahaney   | Yes |

#### **LICENSES:**

Special permit for social affair, Cottagers Association of Cape May, summer social at the Beach Club of Cape May on July 3, 2010 from 6:30 – 8:30pm.

**Motion:** Kurkowski

**Second:** Steenrod

Roll Call:

|           |     |
|-----------|-----|
| Favre     | Yes |
| Kurkowski | Yes |
| Steenrod  | Yes |
| Swain     | Yes |
| Mahaney   | Yes |

#### **REPORTS RECEIVED BY THE CLERK:**

Cape May Planning Board meeting minutes dated March 9, 2010

2% occupancy tax budget projection dated April 22, 2010

Historic Preservation Commission meeting minutes dated February 22, 2010

Overtime report for April 2010

**Motion:** Steenrod

**Second:** Kurkowski

Roll Call:

|           |     |
|-----------|-----|
| Favre     | Yes |
| Kurkowski | Yes |
| Steenrod  | Yes |
| Swain     | Yes |
| Mahaney   | Yes |

#### **MINUTES:**

Town meeting minutes dated 2/19/2010  
Worksession/regular meeting minutes dated 4/6/2010  
Closed executive meeting minutes dated 4/6/2010  
Regular meeting minutes dated 4/21/2010  
Closed executive meeting minutes dated 4/21/2010

### **Town Meeting Minutes**

**Motion:** Mahaney

**Second:** Swain

Roll Call:

|           |         |
|-----------|---------|
| Favre     | Yes     |
| Kurkowski | Abstain |
| Steenrod  | Yes     |
| Swain     | Yes     |
| Mahaney   | Yes     |

### **Work Session Regular Minutes of 4-6-10 and Closed Executive Minutes of 4-6-10**

**Motion:** Favre

**Second:** Steenrod

Roll Call:

|           |     |
|-----------|-----|
| Favre     | Yes |
| Kurkowski | Yes |
| Steenrod  | Yes |
| Swain     | Yes |
| Mahaney   | Yes |

### **Regular Meeting Minutes of 4-21/10 and Closed Executive Minutes of 4-6-10**

**Motion:** Kurkowski

**Second:** Swain

Roll Call:

|           |         |
|-----------|---------|
| Favre     | Abstain |
| Kurkowski | Yes     |
| Steenrod  | Yes     |
| Swain     | Yes     |
| Mahaney   | Yes     |

Steenrod reminds everyone

Kurkowski – drives down Beach Avenue. Pedestrian crossing lines are not demarcated well. Thinks we should have better lines.

Bruce says there are three ways to mark out pedestrian crossing.

Kurkowski wants to make them more noticeable. Steenrod says painting lines would be less costly than a lawsuit.

Mayor asks Bruce to talk to county.

Bruce says he called the County to see where we could purchase the labels. Found out that they made them.

### **UNFINISHED BUSINESS:**

Councilmember Steenrod would like to advise that by the next meeting we will have a Resolution to review and discuss, suggesting that City projects go before the HPC for review and/or approval.

Councilmember Kurkowski advises that he took a drive down Beach Drive last night and he is apprehensive about the demarcation, or lack thereof, of the pedestrian crosswalks across Beach Drive.

Mayor Mahaney asks Mr. MacLeod to call the County to see if we can take care of the problem and to ask the County where they purchased the new warning signs that say Stop, instead of Yield, pursuant to the new law. Mr. MacLeod advises that he already contacted the County and they did not purchase the new signs but rather the County sign shop made the new signs.

### **NEW BUSINESS:**

- A) City Attorney
- B) City Manager – Mr. MacLeod advises that the bathrooms at the Solarium are now open.
- C) City Clerk
- D) Councilmembers

Mayor Mahaney thanks the women's garden club of Cape May for their recent Flower Show and comments on how well it was done. Secondly, the Mayor advises that MAC has opened their permanent summer exhibit which runs until the fall. This year it is a stained glass exhibit and the Mayor advises it is well worth a visit. Finally, the Mayor advises that the final town meeting between the residents of the City of Cape May and the Temple University Department of Landscape Architecture and Horticulture will be held tomorrow, May 5, 2010 from 3:30 until 6:00. The Mayor itemizes the project performed by the students and asks everyone to come out to the meeting.

**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.

Charlotte Todd, 651 Hughes Street, Cape May, NJ speaks about the catastrophic oil rig problem in the Gulf of Mexico and in order to satisfy some balances for herself, she started to think of some positive things happening here in the City of Cape May. Ms. Todd advises that it gives her great pleasure to spread some good news. She says that sometimes we forget that hard work and small steps are needed to keep project on course. Ms. Todd is referring to the solar panels that were recently installed on the Beach at the Lifeguard Station and she is delighted with them. Volunteer efforts keep Cape May beautiful advises Ms. Todd and one small example is the

Water Conservation Garden, maintained by the Kiwanis. Also advises Ms. Todd, on April 22 we celebrated 40 years of a designated Earth Day – something to be very proud of. Finally, Ms. Todd comments on windmills and future technology and how you can cool an entire building with a small computer chip. Today, Ms. Todd is celebrating Solar Panels and she thanks the Mayor, Council and City Manager for sticking with it.

Deputy Mayor Favre comments on Charlotte Todd's speech and specifically about a windmill which sits right in the middle of town. Mr. Favre believes it is something that will guide us in the future.

Councilmember Steenrod thanks Charlotte Todd for speaking tonight and advises that she is sharing her excitement tonight about solar panels.

Bill Murray, 1012 Kearney Avenue, Cape May, NJ congratulates all regarding the new City Website. He asks City Manager MacLeod if the City will send out a notice regarding on-line tax payments. Mr. MacLeod advises that a notice will be sent.

Dawn Brautigam, 1331A Virginia Avenue, Cape May, NJ thanks all for the new Website. Mr. Brautigam then speaks about solar panels.

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

**CLOSED:** collective bargaining (UAW, IAFF), personnel (Fire Chief)

Motion made by Councilmember Kurkowski, seconded by Deputy Mayor Favre to go into closed session at 3:07 P.M.

Councilmember Steenrod moved to adjourn. Meeting adjourned at approximately 4:45 P.M. Motion carried.

---

Edward J. Mahaney, Jr., Mayor

---

Niels S. Favre, Deputy Mayor

---

David Kurkowski, Councilmember

---

Linda Steenrod, Councilmember

---

Terri L. Swain, Councilmember

---

Diane L. Weldon, City Clerk