

**WORKSESSION/REGULAR MEETING  
OF CITY COUNCIL OF THE CITY OF CAPE MAY, NJ  
Tuesday, September 7, 2010 – 1pm**

The regular/worksession meeting of City Council of the City of Cape May was called to order by Mayor Mahaney 1:00pm Tuesday, September 7, 2010, 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  
City Attorney Anthony Monzo  
City Manager Bruce MacLeod  
City Clerk Diane 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.

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

**PROCLAMATION** Supporting September 11 Observances - The City Clerk reads a Proclamation supporting September 11, 2010 observances.

-Deputy Mayor Wichterman advises that there will be an extended service at the Cove on September 11, 2010 at 6:30 P.M.

-Mayor Mahaney advises that the County Patriots Day observance will be held at 1:00 P.M. at the Crest Haven Complex in Cape May Court House.

**WORK SESSION DISCUSSION ITEMS:**

Save the Solarium presentation - Kevin Maloney offers a plan to save the Solarium. He advises that there is a group in Cape May who believe the Solarium would provide a good venue to house a maritime museum and he provides Mayor and Council with his estimates of the costs for the relocation of the Solarium, the preparation of the new site, and the renovation of the Solarium. His choice of contractors is attached. Mr. Maloney also provides estimates of income and expenses for 2011, projects the number of jobs to be created if the project is adopted and the outlines the services which the museum will offer to our community.

The Board of Directors of the Maritime Museum will include Kevin Maloney, Harry Bellangy, Stephen Todd and Jay Schatz. Mr. Maloney advises the proposed location of the Museum will

be on City owned land on Delaware Avenue and he asks Mayor and Council to sell the Solarium for \$1.00 and rent the City owned land on Delaware Avenue for \$1.00. He also asks that the City of Cape May support a loan to them to complete the project. The members of the Save Our Solarium have no revenue source but the City of Cape May.

Councilmember Murray comments that we cannot delay the razing of the Convention Hall building and the Solarium must be moved before that happens. He believes that time is of the essence and wants some kind of assurance that the City will be repaid.

Deputy Mayor Wichterman requests a pay back plan.

A question and answer time follows and there is much discussion about how a loan would be repaid to the City.

Mayor Mahaney asks if expansion of the building is being considered and Mr. Maloney advises it is not. There is discussion about parking and Mr. Maloney concedes that there is not a lot of room for parking and suggests that the trolley service could be used.

Mayor Mahaney advises that the request will be discussed in Closed Session by Mayor and Council and that the City Manager would get back to him tomorrow regarding their decision.

Mayor Mahaney advises that Mr. Allen is in the audience requesting a Handicapped Parking space and Mr. MacLeod explains the request. There is a consensus of Council to introduce an Ordinance regarding a Handicapped Parking Space in the name of Harvey Allen at the Regular Council Meeting on September 21, 2010.

Mayor Mahaney asks Richard Orth to come to the lectern regarding his request to sell bait and tackle along the beachfront. As a result of that, the Mayor provided all member of Council with the prior Ordinance and all minutes from prior meeting at which this matter was discussed. The Mayor asks Mr. Orth to explain to the current council exactly what he is requesting. Mr. Orth advises he would like to park his truck on Beach Avenue between the months of October and May to sell bait and tackle and he would like to be able to roam the beachfront and not be restricted to a single location. There is discussion regarding designating certain hours and locations in the proposed Ordinance, as well as a Sunset provision. It is decided to introduce an Ordinance and the Regular Meeting on Council on September 21, 2010.

### **ENGINEER REPORT**

Mayor Mahaney asks City Engineer, James Mott, to come to the table. Mr. Mott discusses the current engineering projects, as follows:

DCA Handicap Beach Access – Phase II – is wrapping up this week. All the Mr. Boardwalks are down and the contractor is awaiting shower fixtures and the water fountain at the Lifeguard Headquarters.

Deputy Mayor Wichterman asks why the project has taken so long and Mr. Mott advises that the materials were back ordered causing the delay.

USDA Sanitary Sewer Improvements - This years project will be different than last year's project as all of the work will be done from the lowest end of the system to the highest end of the system. The work will begin on Capehart Lane advises Mr. Mott and he sets forth what will happen, block by block. He has provided a preliminary schedule and advises there will be minimal impact on the surrounding area, contrary to last year.

Deputy Mayor Wichterman feels strongly about not subjecting residents to conditions that existed last year, namely, unpaved streets for long periods of time. Mr. Mott advises that he plans to pave as many streets as possible prior to December 31<sup>st</sup> when the asphalt plants close and then, everything else will be paved on March 15<sup>th</sup> when the plants reopen. There is much discussion about base paving and final paving and when that will be completed. For information, there will be a link on the City website that will be linked to the Engineer's website.

Elmira Street Widening is still being negotiated and the subject is on the agenda for a closed session.

2010 Capital Improvement Program – Bids were received on September 2, 2010 and Giberson Plumbing was the low bid. Mr. Mott recommends awarding the contract to Giberson and if awarded, the project will begin by the end of the month.

Cape May Avenue Phase II – We are awaiting the approval of a grant from the NJDOT and expect the approval by November.

Cape May Cit Hall Restoration – A grant application is being prepared by Wayne T. McCabe & Associates and there are two Resolutions on today's agenda in support of the grant application.

### **CITY MANAGER ITEMS**

The City Manager has a few items for which he would like City Council to consider Municipal Ordinance Amendments for introduction on September 21, 2010. The first is for some changes to the Water/Sewer Utility Ordinance concerning leaks and the second is for an increase to the fees for the Bank Street and Jackson Street parking lots.

Deputy Mayor Wichterman asks if the City could give the Housing Authority separate consideration for their water/sewer fees as the Authority is having a problem paying the currents rates. Mr. Monzo advises that he will look into it.

**ATTORNEY ITEMS** – Mr. Monzo advises that it has been recommended that the ballot question to change the election to November be submitted to the voters before an Ordinance is considered by Council. In order to do so, the County Clerk needs a Resolution from City Council and that Resolution is on today's agenda. Mayor Mahaney believes the constituents should make the decision.

### **CLERK'S ANNOUNCEMENTS**

The Clerk announces that the Special Election for the parking meter referendum will be held on Wednesday, September 8, 2010 between 6:00 A.M. and 8:00 P.M.

## **REGULAR MEETING BUSINESS :**

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

- 190-09-2010 Resolution regarding City of Cape May city-wide annual fall sidewalk sale
- 191-09-2010 Refund of overpaid 2010 taxes - block1136/lot 14
- 192-09-2010 Refund of overpaid 2010 taxes – block1061/lot 97&98
- 193-09-2010 Resolution authorizing utility bill adjustment due to catastrophic occurrence
- 194-09-2010 Release of performance guarantee for 1001 Maryland Avenue
- 195-09-2010 Appointments to the Tourism Commission of the City of Cape May
- 196-09-2010 Authorization to file application with the New Jersey Historic Trust and  
Authorization to sign assurances and acknowledgement certifications for said  
grant
- 197-09-2010 Resolution of the City of Cape May to provide matching funds for Capital  
Preservation Grant Level II Application – Garden State Historic Preservation  
Trust Fund
- 198-09-2010 Resolution authorizing Historic Preservation Commission grant application for  
survey of properties within the Historic District
- 199-09-2010 Payment of bills
- 200-09-2010 Authorization for the City of Cape May to award Contract No. 12- 2010 Capital  
Improvements Program
- 201-09-2010 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*
- 202-09-2010 Resolution authorizing referendum question on the ballot to change municipal  
election day to November

Motion: Wichterman

Second: Fiocca

Roll Call:

Fiocca Yes

Murray Yes

Swain Yes

Wichterman Yes

Mahaney Yes

### **MINUTES:**

Regular City Council meeting minutes dated August 17, 2010

Motion: Wichterman

Second: Swain

Roll Call:

Fiocca Yes

Murray Yes

Swain Yes

Wichterman Yes

Mahaney        Yes

**LICENSES:**

Application for Special Permit for Social Affair, Mid-Atlantic Center for the Arts, Dinners for the Preservation of Emlen Physick Estate, at the following locations and dates :

Sunday, September 19, 2010, 6:15pm – 6:45pm, A Ca Mia, 524 Washington St. Mall

Sunday, September 19, 2010, 7pm – 7:30pm, Tisha's Restaurant, 322 Washington St. Mall

Monday, September 20, 2010, 6:15pm – 6:45pm, 410 Bank St., 410 Bank St.

Monday, September 20, 2010, 7:45pm – 8:15pm, Peter Shields, 1301 Beach Ave.

Tuesday, September 21, 2010, 6 :15pm – 6 :45pm, Frescos, 412 Bank St.

Tuesday, September 21, 2010, 7 :00pm – 7 :30pm, Union Park, 727 Beach Ave.

Wednesday, September 22, 2010, 8 :30pm – 9 :00pm, Peter Shields, 1301 Beach Ave.

Thursday, October 14, 2010, 9 :15pm – 9 :45pm, Peter Shields, 1301 Beach Ave.

Application for a special permit for social affair, VFW Post 386, 419 Congress St., Cape May, noon – 6pm, September 11, 2010.

Petition to extend licensed premises, Mad Batter/19 Jackson St., Inc., October 2, 2010 9am – 5pm for Oktoberfest celebration

Motion:            Wichterman

Second:           Swain

Roll Call:

Fiocca            Yes

Murray           Yes

Swain             Yes

Wichterman    Yes

Mahaney        Yes

**REPORTS RECEIVED BY THE CLERK:**

Plan Endorsement Committee meeting minutes dated August 5, 2010

Assessors Office monthly report dated August 9, 2010

2% occupancy tax budget projection dated July 20, 2010

Fire Department monthly report for July, 2010

Environmental Commission meeting minutes dated August 10, 2010

Motion:            Swain

Second:           Fiocca

Roll Call:

Fiocca            Yes

Murray           Abstain

Swain             Yes

Wichterman    Yes

Mahaney        Yes

**UNFINISHED BUSINESS:**

**NEW BUSINESS:**

A)        City Attorney

B) City Manager – Mr. MacLeod advises that the Convention Hall project meeting will begin at 2:00 P.M. on Wednesday, September 8, 2010. He reminds all of the second annual Cape May Kite Festival to be held on September 11<sup>th</sup> and 12<sup>th</sup> and the September 11<sup>th</sup> ceremony at the Cove at 6:30 P.M.

Mr. Murray asks everyone who can come to attend the meeting regarding Convention Hall.

C) City Clerk

D) Councilmembers

Deputy Mayor Wichterman would like to reinstitute a talent bank in the City of Cape May to ask residents what their talents are and whether they would like to sit on Boards and Committees to help the City.

Councilmember Fiocca would like to have a Resolution on the September 21, 2010 agenda endorsing the Occupancy Tax Bill #A2657.

Mayor Mahaney wants to mention that on Thursday, the Plan Endorsement Committee will hold a meeting for the finalization of a document for public review and they will make a presentation at our next worksession on October 5, 2010.

**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.

Bob Biehn, 315 Franklin Street, Cape May, comments on the presentation made by Kevin Maloney. He likes Mr. Maloney's ideas and asks Council to seriously consider the proposal. He thanks the council and city employees who have taken an active role to improve the situation at Sewel and Franklin Street. Mr. Biehn advises that the people at Beach Theatre are trying to clean things up. Want to save the theatre.

Councilmember Murray thanks Bob as a valued member of the parking and traffic committee.

Christine Miller, 535 Bank Street, Cape May talks about her attendance at the Convention Hall meetings and is concerned about people being required to vote for certain designs within a short period of time. She has put together a plan that she believes will work and encourages the committee to include solar and geo thermal energy.

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

**CLOSED:** contract negotiations (depot), potential litigation (beach theatre), labor negotiations (IAFF and Fire Chief), solarium building (attorney-client privilege)

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

Motion made by Councilmember Swain, seconded by Deputy Mayor Wichterman to adjourn. Meeting adjourned at approximately 4:20 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