

**CITY OF SEA ISLE CITY, NEW JERSEY
CITY COUNCIL MEETING MINUTES
TUESDAY, AUGUST 9, 2011 – 10:00 AM
COUNCIL CHAMBERS**

ATTENDANCE: Mr. Edwardi, Mr. Kehner, Mr. McHale, Ms. Tighe and Mr. Divney, Also attending was Mayor Desiderio, Administrator Mr. Savastano and Solicitor Mr. Baldini.

Council President Divney called the meeting to order and asked everyone to rise for the flag salute and prayer. He then announced that the meeting had been advertised in accordance with P. L. 1975, Chapter 231.

Mr. Divney then asked for a motion to adopt the minutes of the 7-19-11 Regular Meeting and Workshop. Motion moved by Ms. Tighe and seconded by Mr. Kehner. All ayes followed.

REPORTS-Mayor and Administrator: Mayor Desiderio asked the Council to support an ordinance prohibiting flyers, etc. to be placed on private property as well as his previous request to require closed businesses to put seasonal decorations on the windows when closing for the winter. All agreed. Mr. Baldini said he would incorporate the seasonal decorations in the zoning ordinance that will be distributed within the next couple of weeks. The Mayor asked that design standards for bike racks also be included.

The Mayor next announced that he will be the guest speaker at the 10/12/2011 SICTA meeting at the new Library; the Ocean View rest area on the parkway is operating and now has a variety of vendors and that Friday, 8/12/11 will be the finale of Sea Isle's Got Talent at the band shell.

He went on to report that a meeting has been scheduled with all of the recipients of the FEMA violations to be held on Saturday, 8/20/2011 at 10:00 a.m. in Council Chambers. Mr. Divney expressed concern that many have a court date and asked if it could be postponed and Mr. Baldini responded that by the 8/20 meeting FEMA would provide direction and that some may be dismissed.

The Mayor next asked Mr. Baldini if homeowners in residential neighborhoods are permitted to rent parking spaces as he had several complaints. Mr. Baldini responded that it was not permitted in the residential zones and it was a zoning violation that could include up to \$500.00 per day in fines.

Mayor Desiderio next read and presented a Proclamation for the Cape Women Resource Fund, Inc. honoring elected women and presented it to Councilwoman Tighe.

In conclusion, the Mayor asked for support of Ordinance 1509 as it is in conjunction with the Police Accreditation.

Mr. Savastano reported that on Wednesday, 8/10/11 the State will be taking bids for the Beach Replenishment program and the City will be taking bids for the I/I project. If the bids are favorable, the contract will be on the 8/23/11 agenda and City Engineer Mr. Previti will be present to provide an update on the Inflow/Infiltration System project.

He went on to announce that the Central Avenue utility and road reconstruction Federal grant should be decided before Labor Day so the plan will be to put it out for bid by the end of September for Phase I work from November to May and Phase II, Fall, 2012 to May, 2013.

Dan McCann, Law Clerk from Mr. Baldini's office then presented his findings regarding the concern of frequency omissions from the cell antennas on the water towers. He presented a thorough report from various experts concluding that the frequency is not more dangerous than a baby monitor and the radio disruption is due to "shadowing" or blocking from the water tower. All signs around the water tower indicating danger are for workers that go on top of the water tower.

REPORTS-Council: Mr. McHale thanked the Public Works on behalf of the Beautification Committee for the signs at the North End. He next announced that at the recent Revitalization/Chamber meeting, there were several complaints about the trolley and the 40-minute gap. The group is looking to add another for next season or licensing jitneys.

Mr. Divney announced that the Revitalization/Chamber Gala would be held on September 12, 2011. It is the fundraiser that helps pay for the trolley and events at the new band shell.

ORDINANCES – Introduction and First Reading:

Mr. Divney asked for a motion to introduce ordinance 1508 on first reading. Motion moved by Mr. McHale and seconded by Ms. Tighe. All ayes followed. The Clerk read the ordinance by title: **1508 – An Ordinance to Amend the Revised General Ordinances of the City of Sea Isle City, Chapters 2-24.2 and 4-7 "Towing" to Provide for Towing, Storage and Lockout Regulations to be Adhered to Within the City of Sea Isle City.** Mr. Baldini explained that this corrects the ordinance that indicates towing operators can be placed on a list and then called on a rotating basis. The City has been bidding the towing services for several years.

Mr. Divney then asked for a motion to adopt ordinance 1508 on first reading and publish according to law. Motion moved by Mr. McHale and seconded by Ms. Tighe. All ayes followed and Mr. Divney announced second reading and public hearing will be 8/23/2011.

Mr. Divney asked for a motion to introduce ordinance 1509 on first reading. Motion moved by Ms. Tighe and seconded by Mr. Edwardi. Mr. McHale stated he has no problem with the police regulations, but he does not support the change in the fire department that gives the Mayor appointing power of the Chief. He expressed concern that the fire department has not had an opportunity to meet and review the changes. Ms. Tighe responded that there are internal problems, the fire department is in a city building using city equipment and this gives the Mayor and Administration the ability to step in. **ROLL CALL FOR INTRODUCTION:** Mr. Edwardi, Mr. Kehner, Ms. Tighe and Mr. Divney – aye. Mr. McHale voted no. The clerk read the ordinance by title: **1509 – An Ordinance to Amend the Revised General Ordinances of Sea Isle city, Chapter 20, “Police Department”, to Amend and Update the Regulations Governing the Sea Isle City Police Department.** Mr. Savastano explained the police and fire changes. There was much discussion regarding the permission for off-duty police to work when special requests are made to be paid for by the entity making the request. Mr. Divney indicated he supported it; however he did not want anything that would require an off-duty police officer and Ms. Tighe agreed. Regarding the fire department, Mr. Edwardi who is also a firefighter, explained that the internal problem is that a suspended firefighter on direction by the chief has been responding to fires, driving equipment and participating and that puts the City in jeopardy from a liability standpoint.

Mr. Divney then asked for a motion to adopt ordinance 1509 on first reading and publish according to law. Motion moved by Ms. Tighe and seconded by Mr. Edwardi. **VOTE:** Mr. Edwardi, Mr. Kehner, Ms. Tighe and Mr. Divney – aye. Mr. McHale voted no. Mr. Divney announced second reading and public hearing will be 8/23/2011.

ORDINANCES – Second Reading and Public Hearing:

Mr. Divney asked for a motion to take up ordinance 1501 for second reading and public hearing. Motion moved by Mr. McHale and seconded by Mr. Edwardi. All ayes followed. The clerk read the ordinance by title: **1501 – A Bond Ordinance Providing for the Beach Replenishment Program of the City of Sea Isle City, New Jersey, in the County of Cape May, New Jersey, Appropriating the Aggregate Amount of \$5,000,000.00 Therefor and Authorizing the Issuance of \$4,750,000.00 in Bonds or Notes of the City to Finance Part of the Cost Thereof.** Mr. Savastano explained that this would be for the City’s share of beach replenishment from lost sand in the Fall, 2009; 1st – 15th Streets and 40th – 52nd Streets. He added that the bid will have an option to include 30th to 40th Streets, with the total estimate to be \$5 million, 25% is the City share.

PUBLIC COMMENT: There was no public comment on Ordinance 1501.

Mr. Divney then asked for a motion to adopt ordinance 1501 on second reading. Motion moved by Mr. McHale and second from Mr. Edwardi. All ayes followed.

Mr. Divney asked for a motion to take up ordinance 1502 for second reading and public hearing. Motion moved by Mr. Kehner and seconded by Mr. Edwardi. All ayes followed. The clerk read the ordinance by title: **1502 – A Bond Ordinance Providing for Various Water/Sewer Utility Improvements to the Water/Sewer Utility in and by the City Sea Isle City, in the County of Cape May, New Jersey, Appropriating the Aggregate Amount of \$2,000,000.00 Therefor and Authorizing the Issuance of \$2,000,000.00 in Bonds or Notes of the City to Finance Part of the Cost.** Mr. Savastano explained that this would be for various water and sewer utility projects.

PUBLIC COMMENT: There was no public comment on Ordinance 1502

Mr. Divney then asked for a motion to adopt ordinance 1502 on second reading. Motion moved by Mr. Kehner and seconded by Mr. Edwardi. All ayes followed.

Mr. Divney asked for a motion to take up ordinance 1503 for second reading and public hearing. Motion moved by Mr. McHale and seconded by Ms. Tighe. All ayes followed. The clerk read the ordinance by title: **1503 – A Bond Ordinance Providing for Various Capital Improvements of the City of Sea Isle City, New Jersey, in the County of Cape May, New Jersey, Appropriating the Aggregate Amount of \$3,600,000.00 Therefor and Authorizing the Issuance of \$3,420,000.00 in Bonds or Notes of the City to Finance Part of the Cost Thereof.** Mr. Savastano explained that the funding would be for the Welcome Center, Phase II of Excursion Park, demolition of the old Library and converting it to a parking lot, improvements to TI Park, a dump truck, lagoon dredging and bulkhead replacement.

PUBLIC COMMENT:

Meg Lennon-18 - 87th St: Complained that there are necessary items in the bond ordinance and items that are “wants” and that there should be separate ordinances. She went on to say that it was not fiscally responsible to do Phase II of Excursion Park and the Welcome Center Mr. Divney explained that the majority of the council could remove items, however, the “wants” vs. “needs” is subjective adding that all of the projects have been worked into the capital plan over the past 3 years.

Dina Korber-121 90th St: Asked what was being done at T.I. Park and Mr. Savastano stated it was handicap ramps and new decking. She then complained about the poison ivy and no urinal in the men’s room.

Irene Jamison-1500 Landis Ave: Opposed the addition to the Lodge for the Welcome Center. She felt it would be better to wait for the school to close, move the existing programs to the new Library and school and renovate the Lodge.

Mr. McHale agreed stating that the best location of the Welcome Center is where it is proposed, but he is concerned with parking and would rather utilize the school and the new library for existing activities at the Lodge and renovate the Lodge, eliminating the addition. Mr. Divney stated that several years have been spent on the decision regarding the Welcome Center, the initial plan to renovate was not supported, then the plan to build one at JFK and Central was opposed by the residents and everyone has agreed that the Lodge is the best Location with an addition as to not interrupt those that use it.

Mr. Divney then asked for a motion to adopt ordinance 1503 on second reading. Motion moved by Ms. Tighe and seconded by Mr. Kehner. **VOTE:** Mr. Edwardi, Mr. Kehner, Ms. Tighe and Mr. Divney – aye. Mr. McHale voted no.

Mr. Divney asked for a motion to take up ordinance 1504 for second reading and public hearing. Motion moved by Mr. McHale and seconded by Mr. Edwardi. All ayes followed. The clerk read the ordinance by title: **1504 – An Ordinance to Amend Various Chapters and Sections of the Revised General Ordinances of the City of Sea Isle City to Reflect Changes Necessary to Allow for the Efficient Government of the City.** Mr. Baldini explained that this ordinance would correct routine errors that exist in the City’s Codified Ordinances.

PUBLIC COMMENT: There was no public comment on Ordinance 1504.

Mr. Divney then asked for a motion to adopt ordinance 1504 on second reading. Motion moved by Mr. McHale and seconded by Mr. Edwardi. All ayes followed.

Mr. Divney asked for a motion to take up ordinance 1505 for second reading and public hearing. Motion moved by Mr. Kehner and seconded by Mr. Edwardi. All ayes followed. The clerk read the ordinance by title: **1505 – An Ordinance to Amend the Revised General Ordinances of the City of Sea Isle City, Chapter 2 Section 24.1 Entitled “Motor Vehicle Accident Reports,” Chapter 2 Section 26.3 Entitled “General Provisions” And 26.4 Entitled “Copying Fees” To Adjust the Fees for Copies of Public Records to Reflect the Changes made on June 28, 2010 by the New Jersey State Legislature Amending N.J.S.A. 47:1A-5b, Which sets the Standard Copying Fees for Copies Made Pursuant to an Open Public Records (OPRA) Request.** Mr. Baldini explained that this will adjust the OPRA copy fees as adopted by the State.

PUBLIC COMMENT:

Ann Organ 209 – 39th St: Asked what the cost changed to and Mr. Baldini responded \$0.05 for 8 ½ x 11” and \$0.07 for 8 ½ x 14”.

Mr. Divney then asked for a motion to adopt ordinance 1505 on second reading. Motion moved by Mr. Edwardi and seconded by Mr. Kehner. All ayes followed.

Mr. Divney asked for a motion to take up ordinance 1506 for second reading and public hearing. Motion moved by Mr. McHale and seconded by Mr. Edwardi. All ayes followed. The clerk read the ordinance by title: **1506 – An Ordinance of the City of Sea Isle City to Provide Beach Tags to Persons in Active Military Service in any of the Armed Forces of the United States. Persons Who Are Active Members of the New Jersey National Guard and to Their Spouse or Dependent Children Over the Age of Twelve (12) Years.** Mr. Divney explained that the Governor signed the bill to allow free beach tags to active military service members and their families and while this will not affect this year, it will be in place for next season.

PUBLIC COMMENT:

Joe Griffies-6413 Central Ave: Expressed support of the ordinance, but that it is unfortunate the legislators have not provided for the Veterans.

Mr. Divney then asked for a motion to adopt ordinance 1506 on second reading. Motion moved by Mr. McHale and seconded by Mr. Edwardi. All ayes followed.

Mr. Divney asked for a motion to take up ordinance 1507 for second reading and public hearing. Motion moved by Mr. Kehner and seconded by Mr. Edwardi. All ayes followed. The clerk read the ordinance by title: **1507 – An Ordinance to Amend the Revised General Ordinances of the City of Sea Isle City, Amending Chapter 3, Section 6.8 Entitled “Alcoholic Beverages” and Chapter 20, Section 20-5.2, Entitled “Special Events” to Permit Alcoholic Beverage Consumption for Special Events at Excursion Park.** Mr. Divney explained that the purpose of the ordinance is to allow civic organizations to host events at the park and have the ability to serve alcohol. Ms. Tighe questioned the difference of the non-profit status or licensed establishment as she is concerned with control and Mr. Baldini provided an explanation. She also asked if permits could be limited to “quasi-government” organizations and Mr. Baldini explained that the intent is to allow organizations such as the Chamber of Commerce and SIC Revitalization and they are private, not “quasi government”; however, he would look at the regulations to see if they can be better defined. Mr. McHale asked about insurance liability and Mr. Baldini responded that JIF guidelines provide for applicants to have insurance certificates that hold the City harmless of liability. Mr. Baldini explained the minor amendment.

PUBLIC COMMENT:

Carl Lala-5620 Sounds Ave: Strongly opposed the ordinance as all of the events there are family oriented. Mr. McHale explained it was only for special events not at family events. Mr. Lala said he understood that.

Jerry Murphy-27 85th St: Opposed the ordinance as he feels it compromises the use of the park and the reference to non-profit is too broad; he feels the permits should be the use not the intention of the event.

Ann Organ-209 39th St: Opposed the ordinance as she feels it will not be controlled and will present a bad image for the city.

Meg Lennon-18 87th St: Opposed the ordinance and urged council to vote no and leave it as the open space park it should be.

Chris Glancey-4009 Landis: Supports the ordinance. The first event will be the Chamber/Revitalization Gala an annual event to raise money to pay for many of the acts at the band shell and that relieves the burden to pay on the taxpayers. He added that there are many rules and regulations involved with getting a one-day liquor license and any event will be secured.

John Fee-220 43rd St: Supports the ordinance and as a member of SIC Revitalization, the Gala also needs to grow to raise funds.

Bob Thibault-8101 Pleasure Ave: Opposed the ordinance as there will be other events and what is to stop a “beef and beer” from being held there.

Joe Griffies-6413 Central Ave: Supports the ordinance. He enjoyed all of the events at the band shell and feels the city should do whatever it needs to do to help raise the funds to continue.

Meg Lennon-18 87th St: Stated the Chamber and Revitalization has been successful holding the event at the yacht club.

Chris Glancey-4009 Landis Ave: Explained it’s about the size of the venue. The yacht club is maximized at 200, the park can hold twice if not more than that.

Ann Organ-209 39th St: Reiterated that the concern is not with the Chamber event, but any other non-profit that may not have the security such as a beef and beer.

Mr. Baldini interjected that the Recreation Committee will have rules and regulations prior to issuing the permit.

Carl Lala-5620 Sounds Ave: Expressed concern that once the door is open, it will continue to open and the city will be unable to control it.

12:00 p.m. Mr. Edwardi left the meeting to respond to a fire alarm.

Ms. Tighe stated she agreed with Mr. Murphy’s concern about who is a non-profit and the Recreation Committee should have many obstacles in the rules and regulations. She added that she is supportive of the Chamber and Revitalization fund raising event and the reality is there will not be many dates available due to the use of the park and the ordinance has a clause requiring the council to review it again in a year.

Mr. McHale agreed and asked if permits could be limited to organizations that raise funds to only benefit Sea Isle City and to limit the number of permits and Mr. Baldini said he would look into it, however he does not think the City can require the funds raised to go back to the City, but the Recreation Committee could limit the number of permits issued. Ms. Tighe asked Mr. Baldini to send a letter to the Recreation Committee outlining the concerns discussed and he said that he would.

Mr. Divney then asked for a motion to adopt ordinance 1507 on second reading as amended. Motion moved by Ms. Tighe and seconded by Mr. Kehner. All ayes followed.

CITIZEN COMMENT ~ Resolutions on Consent Agenda:

John Fee-220 43rd St: Asked for an explanation of #116 and Mr. Divney read the items included in the resolution.

Ann Organ- 209 39th St: Asked for an explanation of #117 and Mr. Divney responded.

RESOLUTION – Consent Agenda:

- 113 Authorizing the Approval of Vouchers
- 114 Authorizing Execution of a Deed of Dedication and Perpetual Storm Damage Reduction Easement Required for a State of New Jersey Sponsored Beach Replenishment Project {*Beach Replenishment Project 1st to 15th and 30th to 52nd Streets*}
- 115 Authorizing the Mayor to Execute a State Aid Agreement {*Beach Replenishment Project 1st to 15th and 30th to 52nd Streets*}
- 116 Authorize use of Tennis Fee Trust Funds
- 117 Authorizing the Award of a Non-Fair and Open Contract for - Irish Dance Instructor & Personal Trainer/Yoga Instructor
- 118 Authorize Advertisement for Bids – Lumber and Related Building Material
- 119 Authorizing Two (2) – One (1) Year Extension Clause of Co-Op Bid for the Purchase of Rock Salt
- 120 Authorizing Two (2) – One (1) Year Extension Clause of Co-Op Contract with Cape May County for the Purchase of J-Fill Dispensing System Supplies and Chemicals

- 121 Authorizing the Extension of an Interlocal Services Agreement with the Municipalities of Avalon, Township of Upper and Dennis Township for Mass Care Shelter Facilities for an Additional Term of One (1) Year Commencing September 1, 2011 to August 31, 2012
- 122 Authorizing the Award of a Non-Fair and Open Professional Services Contract with South Jersey Economic Development District to Act as Grant Administrator {DCA Small Cities Grant – ADA Improvements ~ promenade and T.I. Park}
- 123 Authorizing the Purchase of Sand/Snow Fence Thru Co-operative Bid

Mr. Divney then asked for a motion to adopt the resolutions on the consent agenda #113 - #123. Motion moved by Mr. McHale and seconded by Ms. Tighe. All ayes followed.

PENDING BUSINESS: Mr. McHale expressed the need for bike racks in the downtown and Mr. Baldini suggested waiting for the design standards and Mr. Divney indicated it should be a topic during the capital plan workshop.

He then asked if the council was interested in adopting a dune vegetation management plan to address the numerous requests to the Environmental Commission to trim trees on the dunes. Mr. Divney suggested he present the Avalon plan to the Environmental Commission and have them make a recommendation if interested. Mr. Baldini cautioned that any plan may require a modification to the beach maintenance permit with the State

NEW BUSINESS: Mr. Divney announced a Capital Plan workshop will be held on October 25, 2011 at 2:00 p.m. in Council Chambers and suggested any projects to be included be forward to Mr. Savastano. Mr. McHale asked if there will be a bond/debt service schedule for the workshop and Mr. Divney said yes.

12:15 p.m. – Mr. Edwardi returned to the meeting.

CITIZEN COMMENT:

Wendy Rooney-119 40th St: She was recently attacked by a pit bull and expressed concern that there is no ordinance to address vicious dogs. All agreed to have Mr. Baldini provide information regarding ordinance.

Joe Griffies-6413 Central Ave: Stated he has been working with Avalon and Ocean City to get free beach tags for Veterans, adding that his goal is to get a Statewide universal veteran beach tag.

Ann Organ-209 39th St: Expressed concern that years are spent on some things, but the fire department only gets 2 weeks to review an ordinance that affects them. She also complained about the rental property at 3820 Central Avenue and asked when the City will consider revoking the permit. Council agreed that the property owner has had enough time to turn the problems around and instructed Mr. Baldini to begin the process.

Meg Lennon-18 87th St: Asked if the Recreation Commission Meetings and the Capital Plan workshop will be open to the public and Mr. Divney said yes.

Mr. Divney asked for a motion to adjourn. Motion moved by Mr. McHale and seconded by Mr. Edwardi. All ayes followed and the meeting adjourned at 12:50 pm.

Cindy L. Griffith, City Clerk