

**CITY OF SEA ISLE CITY, NEW JERSEY
CITY COUNCIL MEETING MINUTES
TUESDAY, JULY 19, 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 7-1-11 Regular Meeting. Motion moved by Mr. McHale and seconded by Mr. Kehner. All ayes followed.

REPORTS-Mayor and Administrator:

Mayor Desiderio recognized the success of the programs at the Band Shell on Excursion Park and announced that the Baby Parade will be held on Wednesday, 7/20/11 on the Promenade and that the Bike Auction is at 10:30 today.

The Mayor next reported that Beach Fees are up \$25,000 over the same period in 2010. His final report was to announce he has requested the County make a traffic light change on Landis Avenue from 53rd to 50th Street.

Mr. Savastano provided an explanation of the projects included in the three Bond Ordinances on the agenda for introduction.

Consulting Engineer, Vince Orlando gave an in-depth presentation of the Excursion Park, Phase II project. Ms. Tighe suggested the benches have backs as that is a common complaint with Phase I and also requested reconsideration for shade trees. Mr. Divney asked for the estimated cost and Mr. Orlando indicated around \$1.4 million.

Consulting Architect, Blaine Steinman then gave an overview of the proposed construction of the Welcome Center at the Community Lodge. Mr. Divney suggested the counter area be open and Ms. Tighe agreed adding that she is opposed to the office with the one-way mirror as it is not very welcoming. Mr. McHale added that the outdoor signage should include "Information and Beach Tag Sales".

Mr. Savastano next announced that the Federal Government has not yet confirmed the applied for grant funds for the Central Avenue road reconstruction project from 49th to 69th streets. He indicated that the possible \$600,000.00 grant has been anticipated for the project; however, a decision will have to be made within the next 60 days if the project should move forward and lose the grant opportunity. Mr. Divney indicated another discussion will occur at the next meeting so that the opportunity to do the project with or without the grant can be decided.

REPORTS-Council: Mr. Divney announced that there is a 2:00 p.m. Zoning workshop today in Council Chambers.

The Clerk read a BAN Sale Award for the CFO.

ORDINANCES – Introduction and First Reading: Mr. Divney asked for a motion to introduce ordinance 1501 on first reading. Motion moved by Mr. McHale and seconded by Ms. Tighe. 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 of lost sand from 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.

Mr. Divney then asked for a motion to adopt ordinance 1501 on first reading and publish according to law. Motion moved by Ms. Tighe and seconded by Mr. Kehner. All ayes followed. Mr. Divney announced second reading and public hearing will be 8/9/11.

Mr. Divney asked for a motion to introduce ordinance 1502 on first reading. Motion moved by Mr. McHale and seconded by Mr. Kehner. 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.

Mr. Divney then asked for a motion to adopt ordinance 1502 on first reading and publish according to law. Motion moved by Mr. Edwardi and seconded by Mr. Kehner. All ayes followed. Mr. Divney announced second reading and public hearing will be 8/9/11.

Mr. Divney asked for a motion to introduce ordinance 1503 on first reading. Motion moved by Mr. Kehner 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.

Mr. McHale agreed 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 then asked for a motion to adopt ordinance 1503 on first reading and publish according to law. Motion moved by Ms. Tighe and seconded by Mr. Edwardi. All ayes followed. Mr. Divney announced second reading and public hearing will be 8/9/11.

Mr. Divney asked for a motion to introduce ordinance 1504 on first reading. 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.

Mr. Divney then asked for a motion to adopt ordinance 1504 on first reading and publish according to law. Motion moved by Mr. Kehner and seconded by Mr. Edwardi. All ayes followed. Mr. Divney announced second reading and public hearing will be 8/9/11.

Mr. Divney asked for a motion to introduce ordinance 1505 on first reading. Motion moved by Mr. McHale 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.

Mr. Divney then asked for a motion to adopt ordinance 1505 on first reading and publish according to law. Motion moved by Ms. Tighe and seconded by Mr. Edwardi. All ayes followed. Mr. Divney announced second reading and public hearing will be 8/9/11.

Mr. Divney asked for a motion to introduce ordinance 1506 on first reading. Motion moved by Ms. Tighe and seconded by Mr. McHale. 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.

Mr. Divney then asked for a motion to adopt ordinance 1506 on first reading and publish according to law. Motion moved by Mr. McHale and seconded by Mr. Edwardi. All ayes followed. Mr. Divney announced second reading and public hearing will be 8/9/11.

Mr. Divney asked for a motion to introduce ordinance 1507 on first reading. Motion moved by Mr. Edwardi and seconded by Mr. Kehner. 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. Divney then asked for a motion to adopt ordinance 1507 on first reading and publish according to law. Motion moved by Mr. Kehner and seconded by Ms. Tighe. All ayes followed. Mr. Divney announced second reading and public hearing will be 8/9/11.

ORDINANCES –Second Reading and Public Hearing: Mr. Divney asked for a motion to take up ordinance 1500 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: **1500 – An Ordinance to Amend the Revised General Ordinances of Sea Isle City, Chapter 14 “Flood Damage Prevention” Regarding Certification of Proper Vents to Correct Error.** Mr. Baldini explained that this has to do with FEMA and that a previous ordinance was adopted and an error was made in that it removed a re-inspection requirement.

PUBLIC COMMENT – Ordinance 1500:

Ann Organ-209 39th St: Asked if the letters that have been sent out regarding violations are legal. Mr. Baldini said yes, but this ordinance does not have anything to do with that issue.

Mr. Divney then asked for a motion to adopt ordinance 1500 on second reading. Motion moved by Ms. Tighe and seconded by Mr. Kehner. All ayes followed.

CITIZEN COMMENT ~ Resolutions on Consent Agenda.

Meg Lennon-18 – 87th St: Regarding #109, she asked that Council wait until everyone has had an opportunity to weigh in on the Welcome Center at the Lodge. Mr. Divney explained that the discussion has been on going for over 2 years. She also opposed the change and asked why the 8-9-2011 meeting time was changed and Mr. Divney indicated he had a conflict. Ms. Tighe responded that Council meetings are not the only place residents can express opinions as the council takes all phone calls and e-mails into consideration if someone cannot attend.

Ann Organ-209 39th St: Asked for an explanation of #112 and Mr. McHale explained that the bill would require municipalities to advertise the engineers estimated costs when going out to bid which in turn prevents the bid amounts from being perhaps much less.

RESOLUTION – Consent Agenda:

- 108** Authorizing Approval of Vouchers
- 109** Authorizing Advertisement of Bids for Excursion Park, Phase II and Welcome Center
- 110** Authorizing Municipal Alliance Grant Application
- 111** Authorizing a Shared Services Agreement with the Cape May County Municipal Utilities Authority for Solid Waste Disposal and Recycling Services
- 112** Opposing the Passage of Assembly Bill No. A-3285 Regarding Cost Estimates in Bid Advertisements

Mr. Divney then asked for a motion to adopt the resolutions on the consent agenda #108 - #112. Motion moved by Mr. McHale and seconded Mr. Edwardi. All ayes followed.

PENDING BUSINESS: Ms. Tighe responded as a follow-up to a question at a previous meeting about cell phone antennae on the water towers and possible carcinogens. She indicated the City has sent a letter requesting information; however, have not yet received a response. Mr. Baldini added that he is also collecting data and will present an update on 8-23-2011.

Mr. McHale indicated that the Environmental Commission frequently gets requests to top trees that grow on the dune and that Avalon adopted a “Dune Management Plan” and asked if the City has any interest in adopting something similar. Mr. Divney responded that it would consider any recommendation from the Environmental Commission.

NEW BUSINESS: Mr. Edwardi recognized the great job by Renny Steele at the lifeguard mascot school on Saturday.

CITIZEN COMMENT:

Mr. Baldini announced that the unsafe property at 204 Sounds Avenue has had a hearing regarding demolition. The property has been turned over to a court appointed attorney to administer the estate and he would like to make a request of Council.

Jeff Apell, Esq: Explained that he has been appointed by the court and that he has hired a local environmental company to make application to the State for a CAFRA permit so that the property can be re-habilitated and sold. He explained that if the building is demolished, there is no value to the land without the permit and that he is asking for a delay of at least 6 months beyond the permit application that should occur around September 15, 2011. Mr. Divney asked if this is a Council decision and Mr. Baldini responded that he and Construction Official Mr. Byrne are not willing to make the decision to allow more time without input from Council. Mr. McHale said he had no problem with giving until next summer and all others agreed. Mr. Divney suggested the structure be deemed safe by Mr. Byrne and asked that Mr. Baldini keep the Council informed on the permit process.

Dottie Fean-350 44th St: Expressed her opposition to the Welcome Center at the Lodge and suggested relocating existing uses to the school or new Library. She also suggested the Matilda Landis deed requires 15 ft. front setbacks and the proposed Welcome Center encroaches too close to the sidewalk. In conclusion, she complained about the commercial signs placed on the JFK center island.

John Murphy-233 77th St: Complained about the advertisements placed on doors, that bikes on the promenade are not to be off during prohibited times, specifically the lifeguards when they get off duty ride down the promenade.

Barbara Crowley-4520 Park Rd: Complained about the letter she received from the City indicating private residents may contract with the City's dredging contractor to dredge private boat slips. She expressed concern with the State DEP giving a "blanket" permits without knowing the effects on neighboring properties. Mr. Savastano responded that the City Engineer, Mr. Previti will contact Mrs. Crowley to ensure her concerns are heard.

Joe McDevitt-25 66th St: Representing SICTA, he said he would like to pass on e-mails and complaints received. First, everyone enjoys the band shell, but there is a concern that there is a lack of shade trees. He also complained about the lack of shade and suggested a canopy at play-by-the-bay park. He next suggested permanent financing at this time, as interest rates are low. Mr. Divney responded that he has asked the CFO, Auditor and Bond Council to review and make a recommendation. Mr. McDevitt next complained about the ACME parking lot and he read a letter he wrote to the owners on behalf of SICTA. Next, he asked for an update on the Muller lawsuit and Mr. Baldini said that it is near settlement but has not been approved yet. His last complaint was about the number of residents that received summonses regarding venting violations. Mr. Baldini explained that the summonses were issued based on FEMA recommendations and the level of enforcement was based on the level of past notifications to the homeowner.

Dave Helfrich-21 36th St: Asked for the status of the illegal sign at Brizzles and Ms. Tighe responded that the owners would be fixing the sign in the fall. He next asked if the trash pick-up will be reduced to one time per week after Labor Day. Mr. Savastano said yes, however, he will report back on the date it will change.

Rich Weiner-22 54th St: Expressed concern with the use of pavers at Excursion Park, Phase II.

Chris Donahue-225 56th St: Asked if the information center on the promenade will remain and Mr. Divney said yes.

Lynn Shirk-209 54th St: Supports the use of shade trees and suggested the entire area of Phase II be a parking lot.

Ann Organ-209 39th St: Complained that the no ball playing, picnicking etc. on the beach is not enforced.

Meg Lennon-18 87th St: Asked if any of the business owners will pay for Phase II and was told no. She then complained that the \$150,000 for improvements to TI Park is not enough.

Irene Jamison-1500 Landis Ave: Asked if the turtle was on the plan and was told it was.

Chris Glancey-4009 Landis Ave: Expressed support for ordinance 1507.

Eileen Fean-350 44th St: Opposed the Welcome Center at the Lodge.

Dottie Fean-350 44th St: Stated it was not a Welcome Center, it was office space.

Mr. Divney asked for a motion to adjourn. Motion moved by Mr. McHale and seconded by Mr. Edwardi. All eyes followed and the meeting adjourned at 12:45 pm.

Cindy L. Griffith, City Clerk