

**MINUTES OF BOARD OF COMMISSIONERS
WORK SESSION AND REGULAR MEETING
DECEMBER 5, 2018**

The Work Session of the Board of Commissioners of the Borough of West Cape May was called to order by Mayor Sabo at 4:00pm. The Open Public Meetings Statement was read by Mayor Sabo who then led those present in the flag salute. Mayor Carol Sabo, Deputy Mayor Burke and Commissioner Francis answered roll call. Also in attendance: Municipal Clerk Suzanne Schumann, Deputy Clerk Theresa Enteado, Engineer Ray Roberts and Solicitor Chris Gillin-Schwartz.

ENGINEER'S REPORT

WORK SESSION

OLD BUSINESS:

NFIP Community Rating System:

Nothing new to report.

Protection of Borough Owned Property:

Nothing new to report.

Request for Street Vacation – Morrison Avenue:

Marcello Mogavero indicated that Norm has discussed this matter with the DEP and Health Department and both seem to be okay with the relocation of the septic system, but are waiting for another response from the DEP regarding the buffer zone. At this time, there is no need to move forward with the street vacation request. Deputy Mayor Burke indicated that there are no heritage tree designations in West Cape May, but they are referred to as “specimen trees”. Mayor Sabo stated that she does not believe that there is an official certification for the heritage designation.

NEW BUSINESS:

Food Truck Regulations:

Solicitor Gillin-Schwartz stated that the current Ordinance was adopted in 2015 and only regulated vending, hawking and peddling within 200' of borough events and does not generally permit or prohibit same. This subject was again discussed in 2016 and was decided not to move forward with any action as there were no issues or interest at that time. Solicitor Gillin-Schwartz further indicated that the City of Cape May is the most restrictive with vendors which was challenged in Court and Cape May succeeded, and also indicated that Cape May does not allow ice cream trucks.

Mayor Sabo indicated that food trucks would not be permitted in residential areas and not close to established restaurants, which limits the available area. Mayor Sabo stated that she is supportive of small business ventures, especially for veterans. Deputy Mayor Burke stated that a Park Boulevard location would negatively affect the established businesses in that area and further indicated that there has been a food truck sitting by Wilbraham Park for several days. Solicitor Gillin-Schwartz suggested adding language to prohibit overnight parking.

Deputy Mayor Burke expressed parking concerns during the summer months. Commissioner Francis asked if a study could be completed for resident concerns. Commissioner Francis further stated that he is not sure if a food truck would work in West Cape May and has concerns with parking.

Solicitor Gillin-Schwartz indicated that a vendor with a state license cannot be turned down, but can be regulated as to "where" they can set up. Solicitor Gillin-Schwartz further indicated that the Borough could adopt regulations to only allow licenses to be issued to individuals with a state license, similar to what Cape May has done.

Solicitor Gillin-Schwartz will prepare proposed language for discussion at the next meeting.

Doug Carnes, 133 Myrtle Avenue, asked if food trucks could be parked in municipal owned lots and indicated that he believes it could be a successful business as there are not many similar options.

PUBLIC PORTION:

Doug Carnes, 133 Myrtle Avenue, spoke about the loss in the number of Bed and Breakfast businesses in the City of Cape May, which will trend to West Cape May. Many businesses are converting to weekly rentals through Air B&B and VRBO. Mr. Carnes indicated that there are record numbers of visitors, but low numbers for local businesses. Mr. Carnes suggested reevaluating weekly rentals and the fees charged for same in the Borough, as there should be a level playing field for all accommodations.

The Work Session concluded at 4:55pm.

REGULAR MEETING

CONSENT AGENDA: On motion of Deputy Mayor Burke, seconded by Commissioner Francis, the following Consent Agenda was unanimously approved on roll call vote.

Minutes:
NONE

Ordinances for Introduction and Publication:
NONE

- Resolutions:
- 196-18 Authorizing Hardship Condition Road Opening Permit – South Jersey Gas Company – 1 Willow Avenue; Block 21, Lot 18
 - 197-18 Authorizing Award of Contract for Reconstruction of Leaming Avenue
 - 198-18 Workplace Wellness Best Practices
 - 199-18 Closed Session (Potential Litigation – 408 Sunset Boulevard)
 - 200-18 Bill Payment

NON-CONSENT AGENDA

Ordinances for Second Reading and Public Hearing:
NONE

Resolutions:
NONE

COMMISSIONER REPORTS

Commissioner Francis had nothing to report.

Deputy Mayor Burke stated that the Grand Marshalls for the Parade could not attend due to their health but is hoping they will be able to attend next year.

Mayor Sabo thanked everyone who contributed time and efforts under the challenging circumstances for the parade and stated that it all worked out for the best.

PUBLIC PORTION

When no one wished to speak, public portion was closed and the meeting went into Closed Session at 4:58pm.

Closed Session adjourned and Open Meeting resumed at 5:10pm. No formal actions were taken, no members of the public were present for comments; the meeting was adjourned at 5:11pm on motion by Commissioner Francis, seconded by Deputy Mayor Burke.

Respectfully submitted,

Suzanne M. Schumann, RMC
Municipal Clerk