

**MINUTES OF BOARD OF COMMISSIONERS
WORK SESSION AND REGULAR MEETING
JULY 10, 2019**

The Work Session of the Board of Commissioners of the Borough of West Cape May was called to order by Mayor Sabo at 7:00pm. 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, Solicitor Chris Gillin-Schwartz and Engineer Ray Roberts.

ENGINEER'S REPORT

WORK SESSION

OLD BUSINESS

Protection of Borough Owned Property:

Nothing new to report.

2019 Capital Improvement Projects:

Engineer Roberts discussed the inspection of the leaking areas in the Borough Hall roof and indicated that there are no structural issues currently. Mr. Roberts stated that in the event that additional solar panels are added, there may be some structural work which needs to be evaluated. Clerk Schumann indicated that adding additional solar panels to the roof is not in the current plan. Mr. Roberts stated that the roof leaks in places where the roof level changes which could be an issue with the flashing. Clerk Schumann questioned the proposal submitted by Remington & Vernick Engineers and whether the services would be needed if the Borough chose to use a contractor on state contract for the roof replacement project. Mr. Roberts stated that it would be beneficial for Remington & Vernick Engineers to be involved to be sure that the design specs are properly prepared and the project is closely monitored and inspected in the event of an unexpected problem once the roof is opened up. Mayor Sabo stated that this discussion will continue relative to Remington & Vernick's proposal.

Relative to the proposed project costs for potential roadway improvements, the Commissioners had no question or comments relative to these proposed costs. Mayor Sabo questioned whether the improvements to Oak Avenue could be completed in a pervious surface, similar to what is done on McCullough Alley near Dock Mike's. Engineer Roberts stated that it could be an option to consider and could provide a cost comparison once the project is in the design stage. Mr. Roberts indicated that the material may be more expensive, but the pervious surface would eliminate the need for pipe installation for drainage.

NEW BUSINESS:

Resident Concerns – 123 Leaming Avenue:

Betsy Mulgrew, 123 Leaming Avenue, thanked the Commissioners for the opportunity to voice her concerns. Ms. Mulgrew provided a brief summary of the purchase of her property and improvements made over the last ten years.

Ms. Mulgrew questioned why her property was not included in sidewalk replacement as part of the Leaming Avenue project. Engineer Roberts spoke of the design process for the project.

Ms. Mulgrew spoke about her concerns with a streetscape tree which has been submitted to the Borough's Shade Tree Commission for consideration and was tabled with no decision being made. Ms. Mulgrew has concerns about the liability of the tree if it were to fall and cause damage to property. Further concerns were mentioned relative to the tree roots causing movement to the brick pavers which could be a potential trip and fall concern with the increased amount of pedestrian traffic along Leaming Avenue. Solicitor Gillin-Schwartz advised Ms. Mulgrew that she should consult her attorney or homeowners insurance company to verify coverage and address any liability concerns which she may have. Solicitor Gillin-Schwartz further stated that there are immunities for both a municipality and residential homeowner in the event of an incident. Furthermore, Solicitor Gillin-Schwartz stated that the Board of Commissioners are not at liberty to address tree removal applications, as those are to be handled by the Borough's Shade Tree Commission. Clerk Schumann indicated that the Shade Tree Commission meetings are open to the public and they are more than welcome to attend a Shade Tree Commission meeting to address their concerns and application. Deputy Mayor Burke stated that he believed an email was sent regarding a decision on their application, Clerk Schumann indicated that she will check her files and follow up with Ms. Mulgrew. Ms. Mulgrew made mention of her neighbor's tree being removed as part of the sidewalk improvement project and Deputy Mayor Burke indicated that the removal of that tree was due to damage caused by the contractor and was previously litigated in court.

Ms. Mulgrew mentioned a flowering tree which she planted on her property several years ago and the request to have this tree relocated, as it is in the way of her fence which was recently relocated on her property. Ms. Mulgrew indicated that the tree has prohibited a portion of her fence to be closed in and causes safety concerns for her grandchildren.

Street Opening Hardship Request – 604 Second Avenue:

Ric Burke, Contractor for 604 Second Avenue indicated that the new home is near completion and requires connection to the sewer line and is requesting a hardship to be able to open the dirt alley prior to September. Engineer Roberts confirmed that the sewer lines runs down the alley in the Borough's Right of Way and the opening is regulated by the Borough's street opening permit regulations. Mr. Roberts indicated that his only concern would be the noise nuisance to neighbors in the area and asked for a timeline of the project.

Mr. Burke indicated that the timeline would be about two weeks to start and finish the connection with time allowed for inspections and considering any water issues which may arise. Mr. Burke indicated that there is currently construction taking place in the area and does not believe that the street opening would be a nuisance in the area. Engineer Roberts indicated that a detailed design plan would need to be submitted and reviewed by RVE prior to the street opening permit being issued. Since the TWA was previously approved by the DEP, additional inspection escrow and bond may be required. The Board of Commissioners agreed to approve the hardship upon the conditions indicated by Engineer Roberts.

Disposal of Bulky Plastic and Shredded Paper:

Mayor Sabo reviewed the correspondence received from the Cape May County Municipal Utilities Authority and expressed concerns with the upcoming limitations on recycling. Commissioner Francis stated that he sent a copy of correspondence to the Environmental Commission for review and discussion. Commissioner Francis mentioned that the recyclables are not as clean as they need to be for recycling processing. Commissioner Francis further suggested a reward program for business and/or residents who promote clean recycling, such as Westside Market which has recently done away with plastic bags. Mayor Sabo believes that more recycling education is needed rather than legislation on recycling. Deputy Mayor Burke stated that he believes that the recycling changes may cause an increase to solid waste disposal contracts in the future. Clerk Schumann suggested the Commissioners adopt a resolution in opposition to limiting recyclable materials.

PUBLIC PORTION:

No public comment.

The Work Session concluded at 8:18pm.

REGULAR MEETING

CONSENT AGENDA

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

Minutes:

June 26, 2019 Work Session and Regular Meeting

Ordinances for Introduction and Publication:

568-19 An Ordinance Amending Section 27 of the Borough Code Regarding Demolition in the Historic Preservation District

Resolutions:

120-19 Authorizing Change Order #2 – Final – Reconstruction of Leaming Avenue from Park Boulevard to Elmira Street (Cape Island Creek)

- 121-19 Authorizing Change Order #1 – FY2018 NJDOT Municipal Aid Program – Improvements to the Municipal Parking Lot
- 122-19 Authorizing Change Order #2 – Final – FY2018 NJDOT Municipal Aid Program – Improvements to the Municipal Parking Lot
- 123-19 Approving Catering Permit – Chamberlain Hospitality Group, Inc. – Sunday Backyard BBQ at Beach Plum Farm
- 124-19 Approving Social Affairs Permit – West Cape May Volunteer Fire Company
- 125-19 Approval to Submit Grant Application and Execute a Grant Contract with the New Jersey Department of Transportation for the Reconstruction of Third Avenue
- 126-19 Closed Session (Potential Litigation – Solid Waste and Recycle Materials Collection Services)
- 127-19 Bill Payment
- 128-19 Authorizing Hardship Condition Road Opening Permit – 604 Second Avenue

NON-CONSENT AGENDA

Ordinances for Second Reading and Public Hearing:

566-19 An Ordinance Amending Section 30 of the Borough Code Regarding Trees
Mayor Sabo opened the public hearing.

Betsy Mulgrew, 123 Leaming Avenue, asked what changes were being made to the Ordinance. Solicitor Gillin-Schwartz indicated that changes were being made to incorporate the State's regulations on licensing requirements for Licensed Tree Care Operators and Licensed Tree Experts.

When no one further wished to speak, the public hearing was closed and Deputy Mayor Burke made a motion, seconded by Commissioner Francis, to adopt Ordinance 566-19. The motion was carried unanimously on roll call vote.

Resolutions:

NONE

COMMISSIONER REPORTS

Commissioner Francis had nothing to report.

Deputy Mayor Burke mentioned the upcoming American Red Cross Blood Drive is scheduled for July 25, 2019 from 12pm-5pm at Borough Hall.

Mayor Sabo mentioned that there will be a Fish Fry and Beer Garden hosted by the West Cape May Volunteer Fire Company on August 10th from 11:00am – 7:00pm with live music. Proceeds of the benefit go to the Community Christmas Parade.

PUBLIC PORTION

NONE

CLOSED SESSION

The Commissioners entered into Closed Session at 8:27pm. Closed Session ended and the regular meeting resumed at 8:46pm with no formal action being taken.

The meeting was adjourned at 8:47pm on motion of Deputy Mayor Burke, seconded by Commissioner Francis.

Respectfully submitted,

Suzanne M. Schumann, RMC
Municipal Clerk