

**MINUTES OF BOARD OF COMMISSIONERS
WORK SESSION AND REGULAR MEETING
AUGUST 8, 2018**

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, Deputy Clerk Theresa Enteado and Solicitor Chris Gillin-Schwartz. Police Chief Marino was also in attendance.

ENGINEER'S REPORT

During the Engineer's Report, Engineer Roberts reviewed the plans for the reconstruction of the borough parking lot, including the lighting and electric car meters. Also discussed was the Safe Routes to School Project and the proposed project plan to include in the application. Engineer Roberts further discussed the need for sidewalks on Leaming Avenue which should be further considered by the Board of Commissioners when funding is available.

In regards to a recent request for a 4-Way Stop at Leaming Avenue, Engineer Roberts indicated that a traffic study would be required in order to make a determination as to whether this would be needed at this intersection. Mr. Joseph Kubiak of 189 Leaming Avenue indicated that the Borough's current Ordinance states that there is a 4-way stop at Leaming Avenue/Park Boulevard. Chief Marino indicated that there are plantings which obstruct the view of vehicles which then enter into the travel lane to see past. It was mentioned that the shrubs cannot be more than 30" high in the site triangle. Mayor Sabo indicated that she would discuss this concern with the Borough's Code Enforcement Officers.

Mr. Roberts further discussed the flooding concerns on Third Avenue and indicated that the current storm water pipe is 24" and should be 48"-54" to work efficiently, as several streets drain into this pipe. Mr. Roberts indicated that there is no quick fix to this problem and that it would be a costly project. Deputy Mayor Burke stated that this project would be funded out of the Borough's W/S budget. Mr. Roberts also indicated that this project would include input from the State, City of Cape May and Army Corps. Mayor Sabo indicated that she would like to take the first step to move forward with discussing a solution to the flooding problems in this area. Mr. Michael Taurisano, 212 Third Avenue, indicated that the water in the drain by his house is half full, even without rain. Engineer Roberts indicated that there is an overall increase in the water level.

The Engineer's Report concluded at 7:55pm.

WORK SESSION

OLD BUSINESS:

NFIP Community Rating System:

Mayor Sabo indicated that letters have been sent but no replies have been received yet.

Protection of Borough Owned Property:

Nothing new to report.

West Drive Concerns:

Clerk Schumann reviewed a letter which was received by the Welcome Center of Cape May, in response to the Borough's letter of July 18th, asking for further information and clarification on the routes for busses. Clerk Schumann asked Solicitor Gillin-Schwartz to respond to the Welcome Center of Cape May.

Mr. Joseph Kubiak, 189 Leaming Avenue, spoke of the dump trucks which use Leaming Avenue and exceed the weight limit and are using Leaming Avenue as a through street to Cape May. Chief Marino stated that the project is a federal job and has restrictions on travel routes for trucks.

NEW BUSINESS:

Grant Opportunity – NJDOT FY2019 State Aid Program:

Engineer Roberts stated that there is an increase to the availability of funds for this grant. Mr Roberts suggested Oak Street or ole Fourth Avenue as an option, which could then be removed from the Capital Improvement Project. Another option would be reconstruction of West Drive between Sunset Boulevard and Stevens Street. The fee for RVE to prepare the grant application would be \$2,000.00 and applications are due by October 19, 2018, with a mid-2019 award date. The Board of Commissioners agreed to move forward with an application for the Reconstruction of West Drive.

Right of Way on Park Boulevard:

Engineer Roberts reviewed a portion of property on Park Boulevard which has inconsistent right of way dimensions, compared to other areas on that street. If the Borough wanted to change this, to be consistent along Park Boulevard, it would be giving 25' of property to the property owner which would allow for a small amount of taxes to be collected by the Borough. By doing this, there would be less liability on the Borough if there was to be an accident on the property. Solicitor Gillin-Schwartz indicated for those reasons the pros outweigh the cons and would be in the public interest. Engineer Roberts confirmed that there is already a walking and biking area at this location. If at a later time the Borough needed to expand the Right of Way along Park Boulevard, the Borough could utilize its authority under eminent domain to do so. In order to vacate a portion of Park Boulevard Right of Way, the Borough would have to survey the portion to be vacated and adopt an Ordinance. Adjoining property owners should be notified of the ordinance. Engineer Roberts indicated he would provide an estimate of costs for the surveying and legal description for the Commissioners to consider. Solicitor Gillin-Schwartz would prepare the Ordinance if the Borough wanted to move forward.

Liquor License Regulations – Closing Provisions:

Clerk Schumann mentioned that the Clerk's Office received an inquiry relative to the closing provisions for a Plenary Retail Consumption License. Solicitor Gillin-Schwartz indicated that a recent change was made relative to the brewery license which should be consistent with this license. Solicitor Gillin-Schwartz will review and provide an Ordinance amendment.

PUBLIC PORTION:

NONE

The Work Session concluded at 8:25pm.

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:

July 25, 2018 – Work Session and Regular Meeting

Ordinances for Introduction and Publication:

NONE

Resolutions:

- 141-18 Extending Grace Period for Interest Payment on Tax Bills
- 142-18 Authorizing Notice to Bidders for Reconstruction of Borough Hall Parking Lot
- 143-18 Approving Catering Permit – Chamberlain Hospitality Group, Inc.
- 144-18 Approving Social Affairs Permits – Mid-Atlantic Center for the Arts and Humanities
- 145-18 Proclaiming the Borough of West Cape May and the West Cape May Board of Education Joint Safe Routes to Schools Project
- 146-18 Bill Payment

NON-CONSENT AGENDA

Ordinances for Second Reading and Public Hearing:

- 544-18 An Ordinance Amending Section 27 of the Borough Code Regarding Exceptions to Bulk Regulations

Mayor Sabo opened the public hearing. When no one wished to speak, the public hearing was closed and Commissioner Francis made a motion, seconded by Deputy Mayor Burke, to adopt Ordinance 544-18. The motion was carried unanimously on roll call vote.

- 546-18 Amending Section 10 of the Borough Code Regarding the Requirements for Grading for All Development

Mayor Sabo opened the public hearing. When no one wished to speak, the public hearing was closed and Deputy Mayor Burke made a motion, seconded by Commissioner Francis, to adopt Ordinance 546-18. The motion was carried unanimously on roll call vote.

Resolutions:

- 147-18 Closed Session – Potential Litigation, Solid Waste and Recycle Material Collection Services

Commissioner Francis made a motion, seconded by Deputy Mayor Burke, to approve Resolution 147-18. The motion was carried unanimously on roll call vote.

COMMISSIONER REPORTS

Commissioner Francis mentioned the Lenape Nation event on August 18th and August 19th at Rea's Farm.

Deputy Mayor Burke thanked everyone who participated in the blood drive. The next one is scheduled for January.

Mayor Sabo had nothing to report.

Solicitor Gillin-Schwartz indicated that some municipalities are against the medical marijuana facilities and indicated that there are several options to take as an approach to these facilities.

PUBLIC PORTION

Emmett Vandergrift, Evergreen Curative, LLC, approached the Commissioners relative to establishing a location for a medical marijuana dispensary in West Cape May. Mr. Vandergrift was looking to seek permission to find an adequate location in West Cape May for such facility and asked for a letter of support for same. Mr. Vandergrift indicated that he is currently working on community outreach and has to submit an application for a dispensary license by August 31st. Solicitor Gillin-Schwartz indicated that such facility would need to be a permitted use and an application would have to be reviewed by the Borough's Zoning Office. Commissioner Francis asked if the facility could become available for recreational use. Mr. Vandergrift stated that it could, if that became legal. Mayor Sabo spoke of the lack of public transportation in West Cape May and believes such facility should be in an area with more accessibility. Deputy Mayor Burke

asked if the facility would be for dispensing or using, Mr. Vandergrift responded that it would be for dispensing only. The Governing Body was not interested in endorsing a letter of support at this time.

Closed Session began at 8:55pm and adjourned at 9:20pm. No formal action was taken after Closed Session.

When no one further wished to speak, the meeting was adjourned at 9:22pm on motion by Deputy Mayor Burke, seconded by Commissioner Francis.

Respectfully submitted,

Suzanne M. Schumann, RMC
Municipal Clerk