

**MINUTES OF BOARD OF COMMISSIONERS  
WORK SESSION AND REGULAR MEETING  
SEPTEMBER 12, 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, Engineer Ray Roberts and Solicitor Chris Gillin-Schwartz.

**ENGINEER'S REPORT**

Engineer Roberts reviewed his Engineer Report and continued with information on the upcoming Leaming Avenue project which will offer alternative bidding options to include sidewalk on both sides of Leaming Avenue between Park Boulevard and Broadway or to include sidewalk on one side of Leaming Avenue between Park Boulevard and Broadway.

Engineer Roberts indicated that the pre-construction meeting for the Parking Lot project will be held on Tuesday, September 25<sup>th</sup> at 9:00am at the West Cape May Fire Hall. Commissioner Francis asked if this project will affect Election Day and the polls. Engineer Roberts confirmed that there will be access to Borough Hall for employees during the project as well as Election Day for poll workers and voters. Deputy Mayor Burke indicated that the Department of Public Works offered to have their section of the project skipped if funds become unavailable. Engineer Roberts indicated that the scope of the project could be changed by change order, if needed.

There was discussion on the new speed sign and having it placed on Park Boulevard once it is programmed to gather data to complete the traffic study. Engineer Roberts stated that his informal review indicates that a stop signal will not be warranted at the Park Boulevard and Leaming Avenue intersection, but that a four-way stop will likely be possible.

Mayor Sabo indicated that she has scheduled a meeting for September 19<sup>th</sup> at 3:30pm with the City of Cape May and County Engineer's Office to discuss storm drainage concerns.

Deputy Mayor Burke asked if someone could follow up with the County on their plans for repaving of Sunset Boulevard.

Engineer Roberts provided an update of Park Boulevard, pursuant to the public portion at the last meeting when Mr. Cicchitti asked whether his property was located in the sewer service area. Mr. Roberts provided a copy of the sewer service map and indicated that all of Mr. Cicchitti's property is outside of said service area.

**WORK SESSION**

**OLD BUSINESS:**

NFIP Community Rating System:

Mayor Sabo indicated that there is a Flood Insurance Seminar scheduled for Monday, September 24<sup>th</sup> at 7:00pm

Protection of Borough Owned Property:

Nothing new to report

Proposed Zoning Changes (Setbacks):

Solicitor Gillin-Schwartz reviewed the proposed Ordinance. Mayor Sabo questioned whether it would be beneficial for the Borough to hire a planner/consultant. The Governing Body decided to add this Ordinance to the agenda for introduction.

**NEW BUSINESS:**

Update on Affordable Housing (COAH):

Solicitor Gillin-Schwartz indicated that the Ordinances and Resolution on tonight’s agenda are stipulations of the settlement agreement. Solicitor Gillin-Schwartz further indicated that a Municipal Housing Liaison will have to be appointed when the Ordinances are adopted. These Ordinances were already reviewed and deemed compliant with the Master Plan by the Borough’s Planning Zoning Board.

**PUBLIC PORTION:**

NONE

The Work Session concluded at 7:39pm.

**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:

August 22, 2018 – Work Session and Regular Meeting

August 22, 2018 – Closed Session

Ordinances for Introduction and Publication:

- 548-18 An Ordinance Replacing Chapter XXVIII, Section 28-1 of the West Cape May Borough Code, which will be entitled “Affordable Housing Ordinance”, to Address the Requirements of the Fair Housing Act and the Uniform Housing Affordability Controls (UHAC) regarding Compliance with the Borough’s Affordable Housing Obligations
- 549-18 An Ordinance Adding Section 27-37.3 to Chapter XXVII (Zoning) of the West Cape May Borough Code, which will be entitled “Affordable Housing Mandatory Set-Aside”
- 550-18 An Ordinance Updating Chapter XXVII, Section 37.1 of the Borough’s Code to Update the Borough’s Accessory Apartment Program
- 551-18 A Ordinance Amending Chapter XXVII “Zoning” to Allow for the Creation of Affordable Housing in the Borough’s C-1, C-2 and C-3 Zones
- 552-18 An Ordinance Amending Section 7 of the Borough Code Regarding Traffic and Routes for Trucks and Commercial Vehicles
- 553-18 An Ordinance Amending Section 27 of the Borough Code Regarding Side Yard Bulk Regulations

Resolutions:

- 154-18 Authorizing Shared Services Agreement for Solid Waste Disposal and Recycling Services
- 155-18 Authorizing Award of Contract for Improvements to Municipal Complex Parking Lot
- 156-18 Authorizing Sale of Fire Truck from the Borough of West Cape May
- 157-18 Adopting an “Affirmative Marketing Plan” for the Borough of West Cape May
- 158-18 Requesting the County of Cape May Conduct a Speed Survey in Order to Determine if Reduction of Speed Limit is Warranted on County Roads within the Borough
- 159-18 Authorizing Notice to Bidders for Reconstruction of Leaming Avenue (Park Boulevard to Elmira Street)

- 160-18 Authorizing the Retention of Daniel J. Young, Esquire as Conflict Solicitor for the Borough  
161-18 Bill Payment

### **NON-CONSENT AGENDA**

#### Ordinances for Second Reading and Public Hearing:

- 547-18 An Ordinance Amending Section 6 of the Borough Code Regarding Alcoholic Beverage Control

Mayor Sabo opened the public hearing.

Jimmy Labrusciano, 127 Myrtle Avenue, questioned the change of serving time for alcohol. Clerk Schumann indicated that this public portion is relative to only Ordinance 547-18, which did not include amendments to serving times. Solicitor Gillin-Schwartz clarified the amendment being made, as stated in the Ordinance. Mr. Labrusciano indicated that he is not in favor of this Ordinance and is concerned with noises at closing and does not believe this is beneficial to West Cape May.

When no one further wished to speak, the public hearing was closed and Commissioner Francis made a motion, seconded by Deputy Mayor Burke, to adopt Ordinance 547-18. The motion was carried unanimously on roll call vote.

#### Resolutions:

NONE

### **COMMISSIONER REPORTS**

Mayor Sabo mentioned the Flood Insurance Seminar scheduled for Monday, September 24<sup>th</sup> at 7:00pm. Mayor Sabo also mentioned that September is Suicide Prevention Awareness Month.

Deputy Mayor Burke mentioned that the fall season is the perfect time for successfully planting trees and that the Borough's Shade Tree Commission has trees available for residents who would like to plant.

Commissioner Francis had nothing to report.

### **PUBLIC PORTION**

Jimmy Labrusciano, 127 Myrtle Avenue, referenced the 2011 petition by residents relative to the change of closing time for restaurants serving alcohol. Deputy Mayor Burke indicated that the petition was never brought to vote and the Ordinance was changed by the administration at that time. Mr. Labrusciano asked the reasoning for the change in time and Deputy Mayor Burke responded that times have changed. Mayor Sabo indicated that the previous hours were not appealing to those interested in the liquor license. Deputy Mayor Burke spoke of changes on the State level relative to beer and wine which makes the market different now and also indicated that the sale of the liquor license will provide tax relief to residents. Mayor Sabo mentioned the availability for wineries and breweries. Mr. Labrusciano showed the Commissioners a photo of a man on a bench in Wilbraham Park, indicating that there was public consumption and was concerned that this would happen more with restaurants selling liquor. Mayor Sabo indicated that the license does not include packaged goods sales. Mr. Labrusciano then questioned the enforcement and Solicitor Gillin-Schwartz responded that the police are required to enforce.

When no one further wished to speak, the meeting was adjourned at 8:08pm on motion by Deputy Mayor Burke, seconded by Commissioner Francis.

Respectfully submitted,

Suzanne M. Schumann, RMC  
Municipal Clerk