

**MINUTES OF BOARD OF COMMISSIONERS  
WORK SESSION AND REGULAR MEETING  
OCTOBER 24, 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, Engineer Ray Roberts and Solicitor Chris Gillin-Schwartz.

**CERTIFICATE OF RECOGNITION – JACK PERRY**

**WORK SESSION**

**OLD BUSINESS:**

NFIP Community Rating System:

Mayor Sabo indicated that three properties have been removed from the negative rated list and Lou Belasco, Community Rating System Coordinator, is waiting on an update from the DEP on the remaining properties.

Protection of Borough Owned Property:

Nothing new to report.

Short Term Rental Taxes:

Solicitor Gillin-Schwartz provided clarification that any municipal tax imposed is in addition to the state tax and that a portion of the state tax cannot be retained by the municipality. Deputy Mayor Burke indicated that the Borough does not want to impose any additional taxes.

Regulations on Trailers and Dumpsters:

Solicitor Gillin-Schwartz reviewed the final changes to the Borough's Code regarding storage of trailers and dumpsters.

Regarding trailers, Clerk Schumann indicated that the Zoning Officer suggested a higher fee for a trailer permit, to be consistent with a zoning permit. Mayor Sabo agreed to increase the fee from \$35.00 to \$50.00. This Ordinance was scheduled to be introduced, as amended.

Regarding dumpsters, Clerk Schumann indicated that the sentence regarding a fee for dumpsters on private property was removed, as this was not discussed and permits should only be required for dumpsters placed on public property/streets.

Zoning Permits for Maintenance:

Solicitor Gillin-Schwartz discussed recent State changes and the need for local control. Mayor Sabo confirmed that these permits are required for items such as roofing and siding and not for maintenance such as painting and power-washing. Mayor Sabo further indicated that this Ordinance may need some public education and asked that the Cape May Star and Wave help with the public education.

**NEW BUSINESS:**

Request for 750 Park Boulevard; Block 21, Lot 42:

Jeffrey Barnes, Esquire appeared on behalf of the property owners, Stephen and Barbara Fischer, with a request to vacate a 25' portion of right-of-way on Park Boulevard. Mr. Barnes indicated that the property owners are willing to pay all fees incurred with the vacation request. Mayor Sabo asked if the reason for this request is to fix an old anomaly. Mr. Barnes agreed with

correcting the “anomaly” and also indicated that it would provide variance relief in the event of a subdivision and to avoid the need for an access easement. Mr. Barnes further indicated that it would be a relief of liability for the Borough and would provide for more tax revenue on the property, while allowing the property owner to own additional property. Commissioner Francis asked if this request would prompt other property owners to make the same request. Mr. Barnes indicated that he would be willing to provide notice to other property owners with intent to vacate. Solicitor Gillin-Schwartz confirmed that the current request is only for 750 Park Boulevard. Deputy Mayor Burke indicated that one of the lots is owned by the Borough so three other property owners would have to be noticed. Deputy Mayor Burke also mentioned that when vacating a paper street, it is a requirement for all adjacent property owners to be notified. Solicitor Gillin-Schwartz indicated that the Commissioners would have to make the decision to move forward with this request or not. Commissioner Francis asked what the negative points to this request are. Solicitor Gillin-Schwartz indicated that the right-of-way is currently dedicated and if needed back in the future by the Borough, the process would have to go through eminent domain. Engineer Roberts stated an engineering concern about having control over the paved portion of that right of way. Solicitor Gillin-Schwartz indicated that it is currently public property which is subject to the tort claims act and the Borough is held to a higher standard.

Barbara Fischer, owner of 750 Park Boulevard, spoke of her 23 years of lovingly taking care of her property. Mayor Sabo agreed that it is a beautiful property. Deputy Mayor Burke spoke of a similar request which came from the property owner across the street. Mayor Sabo indicated that the Board of Commissioners will further discuss this matter at the next meeting, as there are several factors to consider, such as the future impact on the area.

Cindy Hickey, 743 Maple Avenue, believes this request would open up the opportunity to potentially build three homes instead of two homes. Ms. Hickey spoke of the severe water problems on her property due to recent construction in the area.

Lou Riccio, 722 Maple Avenue, asked if the referenced property was in a flood zone and mentioned environmental concerns in the area, along with water runoff problems.

Mayor Sabo mentioned that she shares some of the same concerns. Mayor Sabo stated that the Planning Zoning Board is a separate board which allows public comment at the time of an application.

Kevin O’Neill, 747 Maple Avenue, thanked the Borough for their cooperation with the upcoming Half Marathon. Mr. O’Neill spoke of the overdevelopment in the area and the potential of 24 homes in an area that only had four homes at one point. Mr. O’Neill expressed environmental concerns such as light pollution and water runoff and believes that this request has been brought to the Board of Commissioners to circumvent the Planning Zoning Board process. Mr. O’Neill indicated that if the Board of Commissioners were to approve this request, it would be “backroom political deal making and would destroy the reputation and credibility of the Borough.

Chad DeSatnick, 289 Sixth Avenue, questioned why this request came before the Board of Commissioners and not the Planning Zoning Board, as there is a due process and proper avenues to be taken for such request. Mr. DeSatnick spoke of the increase in traffic on Central Avenue and Park Boulevard due to the increase of development in the area and believes there would be an environmental impact if this request was to be granted. Mr. DeSatnick believes that this request coming before the Board of Commissioners creates a double standard and does not feel that it is right.

**PUBLIC PORTION:**  
NONE

The Work Session concluded at 7:52pm.

**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:

October 10, 2018 – Work Session and Regular Meeting

October 10, 2018 – Closed Session

Ordinances for Introduction and Publication:

- 555-18 An Ordinance Repealing Ordinance 547-18 Amending Section 6 of the Borough Code Regarding Alcoholic Beverage Control
- 556-18 An Ordinance Amending Section 14 of the Borough Code Regarding Trailers and Trailer Camps
- 557-18 An Ordinance Amending Section 18-6 of the Borough Code Regarding Refuse Containers and Dumpsters
- 558-18 An Ordinance Amending Section 10 of the Borough Code to Include the Requirement of a Zoning Permit for Maintenance, Work or Repair to a Building
- 559-18 An Ordinance Amending Section 10 of the Borough Code Regarding Building and Housing

Resolutions:

- 178-18 Trick - or - Treat
- 179-18 Application for FY2020 Drug Enforcement and Demand Reduction (DEDR) Grant Funds
- 180-18 Release of Unexpended Escrow Fees – Stacey Wiswall
- 181-18 Release of Unexpended Escrow Fees – Margaret Steger
- 182-18 Closed Session (Amendments to the Borough’s Policy and Procedures Manual and Potential Litigation (408 Sunset Boulevard))
- 183-18 Authorize The Cape May Hallowed Half Running Event
- 184-18 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 spoke of the fall tree planting and the request for banner sponsors.

Mayor Sabo spoke of the Environmental Resource Inventory which was discussed at the Planning Zoning Board meeting on October 23<sup>rd</sup>, which is available on the Borough’s website for review. Ms. Sabo indicated that areas of concern include salt water intrusion. Ms. Sabo indicated

that this ERI should be included as an appendix to the Borough's Master Plan. Solicitor Gillin-Schwartz will look into the process of adding same.

Mayor Sabo also spoke about the Chalfonte fundraiser which sold out at 113 tickets and the upcoming dinners on Monday evening at Exit Zero, November 7<sup>th</sup> at Fin's for the spaghetti dinner and November 18<sup>th</sup> for dinner by Chef Chris Shriver and the Grand Ole Opry show – all events benefit the West Cape May Community Christmas Parade. Mayor Sabo reminded everyone that this parade is funded strictly by donations. Another reminder about the November meetings being held on November 7<sup>th</sup> and 28<sup>th</sup>.

#### **PUBLIC PORTION**

Harry Schmidt, 398 Myrtle Avenue, thanked Deputy Mayor Burke for coming out to property, still concerned with cars going the wrong way on the one-way street. Mentioned empty seats at the Chalfonte fundraiser.

Mayor Sabo responded to Mr. Schmidt that the event actually oversold and thanked Mr. Schmidt for his support.

Deputy Mayor Burke mentioned that he will speak with the Police Chief about the concerns on Myrtle.

When no one further wished to speak, public portion was closed and the meeting went into Closed Session at 8:04pm.

Closed Session adjourned and Open Meeting resumed at 8:24pm. No formal actions were taken, no members of the public were present for comments; the meeting was adjourned at 8:25pm on motion by Deputy Mayor Burke, seconded by Commissioner Francis.

Respectfully submitted,

Suzanne M. Schumann, RMC  
Municipal Clerk