

**MINUTES OF BOARD OF COMMISSIONERS  
WORK SESSION AND REGULAR MEETING  
FEBRUARY 11, 2015**

The Work Session of the Board of Commissioners of the Borough of West Cape May was called to order by Mayor Kaithern at 7:04 PM. The Open Public Meetings Statement was read by Mayor Kaithern who then led those present in the flag salute. Mayor Pamela Kaithern, Deputy Mayor Peter Burke, and Commissioner Carol Sabo answered roll call. Absent: Commissioner Sabo. Also in attendance: Borough Clerk Elaine Wallace, Deputy Clerk Dianne Rutherford, Engineer Ray Roberts, Zoning/Code Enforcement Officer Norm Roach, Deputy Code Enforcement Officer Mike Elias, and Solicitor Frank Corrado (via telephone until 7:25 pm).

**WORK SESSION**

**ENGINEER'S REPORT:** Ray Roberts reviewed his monthly report (attached).

**OLD BUSINESS**

NFIP community Rating System: Nothing new to report.

Land Conveyance – Estate of Elizabeth Allison Smith: Nothing new to report.

Consideration of Tree Regulation: Deputy Mayor Burke will verify with the Shade Tree Commission if the revised draft provided by Frank Corrado is acceptable. If no changes are requested, then the ordinance can be introduced at the next meeting.

No Parking Zone and Other Improvements at Elementary School: Solicitor Corrado drafted an ordinance and asked the Borough Engineer to review for conformance with national standards. Engineer Roberts reviewed the site and has requested additional improvements. Mr. Corrado will revise the draft ordinance based on Mr. Roberts recommendations and have it ready for introduction at the next meeting.

**NEW BUSINESS:**

Food Trucks: The board discussed how to regulate food trucks to protect Borough sponsored festival participants and local businesses. Solicitor Corrado did not believe the Borough could prohibit them, but it could regulate them. Mr. Corrado will draft an ordinance for discussion at the next meeting.

Mercantile License: Deputy Code Enforcement Officer Mike Elias had some questions about restaurant licenses versus retail licenses for places like Seaside Cheese and Westside Market. These places serve food, but do not have waitress service. Currently, they are treated as a retail store as opposed to a restaurant which pays a per seat license fee. Solicitor Corrado explained the Borough is permitted to charge different rates as long as they can be reasonably justified. Mr. Elias also had an issue with restaurants and other retail food service places leaving their outdoor tables and chairs outside, when the ordinance requires them to be

removed from November through April. After some discussion, the Board was not included to change any mercantile regulations.

Brake Retarders: Deputy Mayor Burke has had some complaints from residents on Broadway about NJTransit buses using brake retarders, or “Jake Brakes”, when stopping, especially at night. He was hoping something could be done to stop them. Solicitor Corrado didn’t believe State law gives municipalities the authority to prohibit, but he will research the question.

Construction Time: Deputy Mayor Burke received complaints about construction being permitted at 7 am. He has had some suggest the time begin at 8 am during the “the open window season”, possible May through September. Commissioner Sabo was opposed to limiting the hours, stating the noise is the sound of laborers earning a living. Clerk Wallace advised the new noise ordinance does not differentiate between sources of noise the way the old ordinance did. It limit the degree of noise, and the restricted time is between 10 pm and 7 am, per the state model. Solicitor Corrado explained the Borough could be more restrictive if it is deemed necessary.

LED Lights: Deputy Code Enforcement Officer Elias has been asked about whether LED lights are permissible. The ordinance only specifically prohibits neon lights, however the intent of the ordinance is to prohibit that type of illuminated/backlit/electronic signage. The governing body will discuss the matter further after more input is received.

Work session completed at 8:25 PM and the regular meeting convened at 8:29 PM. Norm Roach and Mike Elias left prior to regular portion

**CONSENT AGENDA:** On motion of Commissioner Sabo, seconded by Deputy Mayor Burke, the following Consent Agenda was unanimously approved on roll call vote. Ordinance 493-15 was removed for revision.

Minutes: January 28, 2015 Regular Meeting  
January 28, 2015 Closed Session

Ordinances for Introduction and Publication: *None*

Resolutions:

- 42-15 Authorize Special Events Permit to CAMACO Quilters
- 43-15 Appropriation Reserve Transfer
- 44-15 Closed Session – Willow Creek, Cox & Cox, Cape May-Water
- 45-15 Bill Payment

**NON-CONSENT AGENDA:**

ORDINANCES FOR SECOND READING AND PUBLIC HEARING: *None*

COMMISSIONERS REPORTS:

Commissioner Carol Sabo had no report.

Deputy Mayor Peter Burke reported the recent blood drive collected 43 good pints, the third best total ever.

Mayor Kaithern had nothing to report.

**PUBLIC PORTION:** No comments

When no one else wished to speak, the meeting was recessed into closed session at 8:32 pm and reconvened at 9:11 PM on motion of Commissioner Sabo, seconded by Deputy Mayor Burke. No action was taken as a result of closed session.

There being no further business the meeting was adjourned at 9:12 PM on motion of Commissioner Sabo, seconded by Deputy Mayor Burke.

Respectfully submitted,

Elaine L. Wallace, RMC  
Borough Clerk