

**MINUTES OF BOARD OF COMMISSIONERS
WORK SESSION AND REGULAR MEETING
JANUARY 28, 2015**

The Work Session of the Board of Commissioners of the Borough of West Cape May was called to order by Mayor Kaithern at 7:00 PM. The Open Public Meetings Statement was read by Mayor Kaithern who then led those present in the flag salute. Mayor Pamela Kaithern and Deputy Mayor Peter Burke answered roll call. Absent: Commissioner Sabo. Also in attendance: Borough Clerk Elaine Wallace, Deputy Clerk Dianne Rutherford, and Solicitor Frank Corrado.

WORK SESSION

OLD BUSINESS

NFIP community Rating System: Clerk Wallace contacted FEMA and NJDEP and is waiting for a firm answer regarding the status of the list of non-compliant properties FEMA is supposed to provide.

Land Conveyance – Estate of Elizabeth Allison Smith: The estate is not eager to buy out the lienholder. The Borough's other option is to foreclose.

Consideration of Tree Regulation: The Borough is waiting for the Shade Tree Commission to review and respond to the revised draft provided by Mr. Corrado.

NEW BUSINESS:

Scheduling Budget Work Session: The board agreed to have the budget work session beginning at 6:00 pm on February 11th.

Amending HPC Guidelines for Sheds: The Historic Preservation Commission recommended the zoning ordinance be changed to exempt sheds under 1200 square feet from getting a certificate of appropriateness. The Clerk and Solicitor will prepare an ordinance for introduction on the consent agenda.

West Cape May Elementary Request for No Parking: The school has asked if the Borough would adopt an ordinance prohibiting parking in front of their dumpster. They are having problems with residents parking in front of it and the trash hauler being unable to empty the trash. The Clerk will prepare an ordinance for introduction at the next meeting.

Historic Preservation Commission: The Board acknowledged the receipt of the HPC annual report.

Work session adjourned at 7:27 PM and the regular meeting convened at 7:34 PM.

CONSENT AGENDA: On motion of Deputy Mayor Burke, seconded by Mayor Kaithern, the following Consent Agenda was unanimously approved on roll call vote.

Minutes: January 7, 2015 Reorganization Meeting

Ordinances for Introduction and Publication:

492-15 Ordinance Amending the West Cape May Zoning Ordinance to Modify the Requirements for Certificates of Appropriateness in the Historic District
Second Reading and Public Hearing February 25, 2015 at 7:00 PM

Resolutions:

- 36-15 Authorizing a Professional Services Contract with Triad Associates for NJDCA Small Cities Housing Rehabilitation Program Grant Implementation
- 37-15 Raffle License to West Cape May Volunteer Fire Company
- 38-15 Refund of Unexpended Escrow – South Jersey Gas
- 39-15 Application for 2015 Drug Enforcement and Demand Reduction (DEDR) Grant Funds
- 40-15 Scheduling of Closed Session – Potential Litigation: Water Loss
- 41-15 Bill Payment

NON-CONSENT AGENDA:

ORDINANCES FOR SECOND READING AND PUBLIC HEARING:

491-15 An Ordinance Amending the Noise Ordinance of the Borough of West Cape May

Mayor Kaithern opened a public hearing on the above referenced ordinance. She explained the amendment was dictated by the NJDEP, who must approve any noise ordinance.

DeeDee McMahon, 310 Pacific Avenue, questioned if there was a need for a noise ordinance and if having a noise officer was going to cost the taxpayers more money. Mayor Kaithern explained only a state approved ordinance can be enforced. Solicitor Corrado stated a noise officer is only required in the event the decibel level is being enforced rather the enforcing a nuisance. In most cases, the police will be contacted first with a noise complaint and if it can't be resolved, then the noise officer could be called in. The Borough could consider an interlocal agreement with other towns to share the cost of a noise officer and equipment. Originally, the Borough tried to use the County noise officer, but they couldn't accommodate us.

Pat Tucker, 435 Third Avenue, checked with the NJDEP website which said previous versions of the state model could be enforced. Mr. Corrado explained the Borough's previous ordinance was never approved by NJDEP.

When no one else wished to speak Deputy Mayor Burke made a motion, seconded by Mayor Kaithern, to close the public hearing and adopt Ordinance 491-15. The motion was carried unanimously on roll call vote.

COMMISSIONERS REPORTS:

Deputy Mayor Burke reminded everyone of the blood drive January 29th from noon to 5 pm. He also reported on an Eco-Agri Tourism conference he attended earlier in the day hosted by Assemblyman Fiocchi.

Mayor Kaithern thanked everyone for coming to the meeting, stating it is nice to have an audience and people taking an interest in the Borough. She also encouraged them to contact the offices at any time if they have questions.

PUBLIC PORTION:

DeeDee McMahon, 310 Pacific Avenue, asked what the impetus behind the shed ordinance was. Mayor Kaithern explained the zoning officer had a concern that the requirement for a certificate of appropriateness on any shed was a burden to homeowners. He recommended that only larger sheds that require building permits should be required to go before the HPC for a certificate of appropriateness.

When no one else wished to speak, the meeting was recessed into closed session at 7:58 pm and reconvened at 8:13 pm on motion of Deputy Mayor Burke, seconded by Mayor Kaithern. Solicitor Corrado was instructed to correspond with the Cape May solicitor with regard to state mediation of the water dispute.

There being no further business the meeting was adjourned at 8:13 PM on motion of Deputy Mayor Burke, seconded by Mayor Kaithern.

Respectfully submitted,

Elaine L. Wallace, RMC
Borough Clerk