

**MINUTES OF BOARD OF COMMISSIONERS  
BUDGET SESSION, WORK SESSION AND REGULAR MEETING  
February 10, 2016**

The Work Session of the Board of Commissioners of the Borough of West Cape May was called to order by Mayor Kaithern at 5:04 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. Also: Clerk Elaine Wallace, Deputy Clerk Theresa Enteadó, and Solicitor Frank Corrado. Ray Roberts, Chris Gillin-Schwartz arrived 7:00 pm.

**BUDGET SESSION:** Auditor Leon Costello, CFO Frank Donato, Deputy CFO Doris Hartman, and Finance Assistant Lauren Vitelli joined the Board to discuss the 2016 budget. Leon Costello provided a draft budget and the board discussed the various line items. The Board will introduce the budget at the February 24<sup>th</sup> meeting.

**WORK SESSION**

**ENGINEER'S REPORT:** Ray Roberts reviewed the report for January.

**OLD BUSINESS**

NFIP Community Rating System: Nothing new to report at this time. Commissioner Sabo will speak with the Floodplain Manager.

Glysohate Usage: Nothing new to report at this time.

Naming Green Street to Honor Mayor Jack Vasser: Mayor Kaithern spoke to Lynda Towns, who is still waiting to hear from Mr. Vasser's family. The possibility of naming the new street on the east side of Broadway in honor of Jack Vasser was discussed as an alternative that was offered.

Plenary Retail Consumption License: The Board reviewed the previous bid package and decided to rebid. A resolution will be prepared for the next meeting.

Support for Coast Guard Community: The Deputy Clerk reported the details of the free lunch program. The Board will consider whether to make a donation and, if so, how much it should be.

Crosswalk Request on South Broadway: The Borough Engineer advised the Board Broadway south of Sunset is entirely within the bounds of Cape May City. Mayor Kaithern will contact Cape May City to see if they are interested in making a request to the County to install crosswalks.

Community Business Task Force – Minimum Area and Bulk Requirements: The Board discussed the recommendations in the Minimum Area and Bulk Requirements section of the task force report. Mr. Burke disagreed with the parking recommendations and did not see how the other changes suggested would benefit the Borough. Mayor Kaithern once again suggested hiring a professional planner to give guidance. No decisions were made. The Board will discuss again at the next meeting.

**NEW BUSINESS:**

New Term for Municipal Judge: The Board discussed the reappointment and decided to add a resolution to the consent agenda.

Green Purchasing Policy: The Board discussed the proposed Green Purchasing Policy. Adopting it will gain the Green Team many points toward the Borough's Sustainable Jersey certification level.

Penalty Ordinance: Solicitor Corrado reviewed the provisions of the ordinance that is up for second reading. The fees are directly from the statute. There was also discussion on how to make changes that would deter people from demolishing houses in the historic district without proper approval. The current fines are not an adequate deterrent.

Indemnification Resolution: Solicitor Corrado explained Resolution 41-16 is a formal finding of the commission that Mayor Kaithern did not act fraudulently, wrongfully, or with malice in her official capacity with relation to ongoing litigation with Willow Creek Winery. The resolution will indemnify Mayor Kaithern who is being sued personally in this lawsuit. This resolution was moved to the non-consent agenda.

The work session was adjourned at 8:11 PM and the regular meeting convened at 8:17 PM.

**CONSENT AGENDA:** On motion of Commissioner Sabo, seconded by Deputy Mayor Burke, the following Consent Agenda was unanimously approved.

Minutes: January 27, 2016 Work Session and Regular Meeting  
January 27, 2016 Closed Session

Ordinances for Introduction and Publication: None

Resolutions:

- 36-16 Appointing Shore Animal Control as Animal Control Officers for the Borough of West Cape May
- 37-16 Agreement between the Borough of West Cape May and the Cape May County Municipal Utilities Authority to Review, Sign/Submit the 2015 Annual Recycling Tonnage Report
- 38-16 Authorization for Submission of the Recycling Tonnage Grant Application to the New Jersey Department of Environmental Protection for Year 2015
- 39-16 Authorizing Special Event Permit to Cape May Film Society
- 40-16 Authorizing Change Order No. 1 for FY2010 USDA Rural Development Myrtle Avenue Sanitary Sewer Replacement
- 41-16 Authorizing Indemnification Agreement in Connection with Willow Creek Litigation
- 42-16 Authorizing Transfers of Appropriations Reserve of the 2015 Municipal Budget Per N.J.S.A. 40A:4-59

- 43-16 Authorizing Amendment No. 2 to the Agreement for Engineering Services for the Sanitary Sewer Extension, Water Main Replacement and Meter Installation Program – FY 2010 USDA Rural Development
- 44-16 Bill Payment
- 45-16 Closed Session – Pending Litigation: Affordable Housing, Willow Creek Winery; Negotiations: Water Allocation, Construction Office
- 46-16 Judge appointment

**NON-CONSENT AGENDA:**

- 41-16 Authorizing Indemnification of Mayor in Connection with Litigation Filed by Willow Creek Winery

On motion of Deputy Mayor Burke, seconded by Commissioner Sabo, the aforementioned resolution was approved on roll call vote, with Mayor Kaithern abstaining.

Ordinance for Second Reading:

- 507-16 An Ordinance Amending the West Cape May Ordinance Governing the General Penalty for Ordinance Violations

Mayor Kaithern opened the public hearing on the above ordinance. When no one wished to speak the public hearing was closed and Commissioner Sabo made a motion, seconded by Deputy Mayor Burke, to adopt Ordinance 507-16, which was unanimously approved on roll call vote.

**COMMISSIONERS REPORTS:**

Deputy Mayor Burke announced the January 28<sup>th</sup> blood drive resulted in 39 good pints. While the goal of 41 wasn't reached, it was still a successful drive.

Mayor Kaithern read aloud a thank you note received from residents thanking the Borough for the Christmas parade and the decorations throughout town. They also appreciated the work done during the most recent nor'easter.

**PUBLIC PORTION:** No comments

When no one wished to speak, the meeting was recessed into closed session at 8:23 PM and reconvened at 9:11 PM on motion of Commissioner Sabo, seconded by Deputy Mayor Burke.

The meeting was adjourned at 9:12 PM on motion of Commissioner Sabo, seconded by Deputy Mayor Burke.

Respectfully submitted,

Elaine L. Wallace, RMC, CMR  
Municipal Clerk