

**MINUTES OF BOARD OF COMMISSIONERS
WORK SESSION AND REGULAR MEETING
OCTOBER 22, 2014**

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 the Mayor who then led those present in the flag salute. Mayor Pamela Kaithern, Deputy Mayor Peter Burke and Commissioner Carol Sabo answered roll call. Also in attendance: Borough Clerk Elaine Wallace, Deputy Clerk Dianne Rutherford, and Solicitor Frank Corrado.

WORK SESSION

OLD BUSINESS:

NFIP Community Rating System: The Community Assistance Visit has been scheduled for Wednesday, November 5, 2014. The Mayor, Clerk and Floodplain Manager will be meeting with representatives of FEMA and NJDEP.

Land Conveyance – Estate of Elizabeth Allison Smith: Solicitor Corrado determined the Borough does not hold enough tax liens to make it cost effective to do an in rem foreclosure.

Consideration of Tree Regulations: The Board discussed the Cape May ordinance the Shade Tree Commission (STC) had requested the Borough adopt. Solicitor Corrado expressed concerns about whether all the provisions in the ordinance are enforceable or whether a STC has the authority given in the ordinance. He will look into the matter. The Board was supportive of the wishes of the STC but thought perhaps the Cape May ordinance was overly broad in regulating all trees on private property and that a balance should be struck between preservation of trees and individual property rights. Solicitor Corrado suggested maybe designating particular species of trees or specific significant trees within the Borough instead of regulating all trees. The Board felt the first step was to have an inventory done of significant trees within the Borough, possibly by a consultant or expert hired by the STC. The existing tree inventory is not adequate for the task. The Clerk will write to the STC and explain the Board's feelings and recommendations.

NEW BUSINESS:

2015 Professional Services Contracts: The Board was in favor of continuing to do professional service contracts under the "non-fair and open" process because this process prohibits all political contributions.

Mayor Kaithern reviewed the consent agenda items. The work session concluded at 7:48 PM and regular portion convened at 7:50 PM.

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

Minutes: October 8, 2014 Work Session and Regular Meeting
October 8, 2014 Closed Session

Ordinances for Introduction and Publication: None

Resolutions:

151-14 Setting Dates of Events for Wilbraham Park 2015

152-14 Bill Payment

153-14 Scheduling of Closed Session: Pending Litigation: Willow Creek and Coxes

NON-CONSENT AGENDA:

ORDINANCES FOR SECOND READING AND PUBLIC HEARING: None

COMMISSIONERS REPORTS:

Commissioner Sabo advised the fire truck committee is doing the final review of the specifications before submitting the purchase order to purchase the new truck.

Deputy Mayor Burke announced the brick project in Wilbraham park was completed before the Lima Bean Festival. Also, the Shade Tree Commission has ordered, and in some cases planted, streetscape trees that were requested by property owners under the STC program.

Mayor Kaithern announced several events being sponsored by Cape May County in the next few weeks. More information is available in Borough Hall. She also announced Lower Cape May Regional will be hosting an information session about the upcoming school ballot questions.

PUBLIC PORTION:

Jim Labrusciano, 127 Myrtle Avenue, asked about the school referendum and was given a summary of what has been happening. He also asked about the pending noise ordinance. Mayor Kaithern explained the NJDEP reviewed the Borough's existing ordinance and would not approve it, which makes it unenforceable. In order to have an enforceable ordinance, the Borough opted to adopt the state model, which will require there to be a certified noise officer. Mr. Labrusciano asked whether a person could still call the police if they have a noise complaint. Mr. Corrado explained the police would be called, and then they could call in the noise officer if it was necessary.

When no one else wished to speak, the meeting was recessed into closed session at 8:10 PM and reconvened at 8:34 PM on motion of Deputy Mayor Burke, seconded by Commissioner Sabo.

Resolution154-14 Authorizing the Solicitor to File an Appeal of Judge Littlefield's Decision in West Cape May v. Willow Creek Winery

On motion of Commissioner Sabo, seconded by Deputy Mayor Burke, the foregoing resolution was adopted unanimously on roll call vote.

There being no further business, the meeting was adjourned at 8:35 PM on motion of Commissioner Sabo, seconded by Deputy Mayor Burke.

Respectfully submitted,

Elaine L. Wallace
Borough Clerk