

**MINUTES OF BOARD OF COMMISSIONERS
REGULAR MEETING
SEPTEMBER 25, 2013**

The Regular Meeting 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, Deputy Mayor Peter Burke, and Commissioner Carol Sabo answered roll call. Also in attendance: Clerk Elaine Wallace, Deputy Clerk Dianne Rutherford, Engineer Ray Roberts, and Solicitor Frank Corrado.

WORK SESSION

OLD BUSINESS

New Fire Truck: Commissioner Sabo advised all the information has been compiled and she will be attending a meeting Monday night to discuss the final application.

USDA Sewer Project: Engineer Roberts reported the project has been moving along well due to the great weather. The contractor has been working with the residents who have been very cooperative. Mr. Roberts expects them to move onto Park Boulevard within a week to ten days. The work to fix areas of concern on Landis/Stewart is expected to begin in the first or second week of October.

NEW BUSINESS:

2013 Best Practices Worksheet: The board reviewed the worksheet that was prepared by the Clerk and CFO. The borough's score qualified it to receive 100% of the remaining 2013 state aid funds.

The work session concluded at 7:20 PM and the regular portion convened at 7:25 PM.

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

Minutes: August 28, 2013

Ordinances for Introduction and Publication: None

Resolutions:

- 138-13 Refund of Duplicate Water/Sewer Payment for Account #778-0
- 139-13 Authorizing Refund of the West Cape May Elementary School PTA Wilbraham Park \$250 Deposit for Clean Up Fee for Park Use
- 140-13 Bill Payment
- 141-13 Resolution of the Borough Commission of West Cape May to Commit to Approve Funding to Support the Costs Associated with the Purchase of a New Fire Engine by the West Cape May Volunteer Fire Company and Associated with an Application to USDA Rural Development Funding under the Community Development Fire & Rescue Grant/Loan Program

142-13 Closed Session – Pending Litigation: Cox, Cox, Willow Creek; Potential Litigation: water loss

Proclamation – National Preparedness Month – September 2013

NON-CONSENT AGENDA:

ORDINANCES FOR SECOND READING AND PUBLIC HEARING:

481-13 An Ordinance of the Borough of West Cape May Establishing an Energy and Natural Gas Aggregation Program

Before opening the public hearing, John Fish of Community Utility Consultants (CUC) gave a brief presentation on the process of energy aggregation and how it would affect residents. On motion of Deputy Mayor Burke, seconded by Commissioner Sabo, the board opened the public hearing on Ordinance 481-13.

John Rowley, 123 Emerald Avenue, questioned whether the borough did its due diligence in researching possible third party firms. He also wondered if the borough prepared a request for proposals to solicit bids. Commissioner Sabo explained this ordinance doesn't preclude the borough from going through the process with another firm if the results with CUC aren't favorable. Mr. Rowley was in favor of having other firms to give a "sales pitch" and suggested the borough establish a committee to look into it. Mayor Kaithern explained CUC is on the state procurement. Putting together an RFP would be a costly process for the borough and could outweigh any savings gained. No matter which firm the borough eventually chooses, this part of the process will be necessary.

Jim Labusciano, 127 Myrtle Avenue, said he called CUC and spoke to a gentleman named Peter who explained the process to him. He was told the amount CUC gets from the supplier is .027%.

Mike Bean, 400 Fow Avenue, asked for clarification on whether there was any penalty for withdrawing. Mr. Fish explained there would be no penalty. However, people who currently have third party agreements may have a penalty clause with their current supplier that would have to be factored before switching to the coop.

John Rowley, 123 Emerald Avenue, asked if the borough would share information about ratepayers and if so would a resolution be passed. Mr. Fish explained a resolution would have to be passed before that information is collected because it would require a contract with Atlantic City Electric.

Mike Bean, 400 Fow Avenue, asked if the borough would get any compensation for using CUC. Mr. Fish explained state law prohibits compensation like that. All savings must be passed to the ratepayers

When all who wished to be heard had spoken, Commissioner Sabo made a motion, seconded by Deputy Mayor Burke, to close the public hearing. Commissioner Sabo

made a motion, seconded by Deputy Mayor Burke, to adopt ordinance 481-13 which was carried unanimously on roll call vote.

COMMISSION REPORTS:

Commissioner Sabo was thrilled to have a resolution on the consent agenda showing the borough's commitment to purchase a new fire truck. It was a daunting task when she was first appointed in January but she's pleased with how it's moved forward. Ms. Sabo also took the opportunity to announce the second annual dragon boat race will take place in Cape May Harbor this coming weekend.

Deputy Mayor Burke spoke about National Preparedness month and how the borough works with the American Red Cross to make sure we are prepared in the event of an emergency. The Red Cross will be visiting the fire hall, the borough's emergency shelter, on October 7th and meet with the borough's OEM coordinator.

Mayor Kaithern announced there will be a special flag lowering ceremony at Sunset Beach on Thursday September 26th in conjunction with the NJ Run for the Fallen. The run will begin Friday, September 27th at 8:30 at the Lighthouse in Cape May Point, the participants stop every mile or so to honor a fallen soldier from New Jersey. Also this weekend, the NJ Ride Against Aids will be traveling on Broadway around noon on Sunday, September 29th. She also announced the state has released "substantial" and "non-substantial" letters in relation to homeowners who may have sustained damage equivalent to 50% of their pre-storm tax assessment. That information is available in borough hall.

PUBLIC PORTION:

Jim Labrusciano, 127 Myrtle Avenue, asked if it would be possible to use the funds from the sale of the liquor license to fund a new fire truck. Deputy Mayor Burke explained that the borough promised to use the funds for long-term tax relief and not on a one-time payment or purchase. Mayor Kaithern also explained the advantages of using long-term, low-rate funding through USDA. Mr. Labrusciano also had questions about trees on his property that have been dying. It was suggested he attend a Shade Tree meeting to see if they could offer any advice even if they can't take action because they don't have jurisdiction over trees on private property.

John Rowley, 123 Emerald Avenue, asked if the borough is replacing water meters under the current USDA project. Ray Roberts explained new meters at Canning House Lane and Sunset are part of the plan, but a final determination won't be made until the City and Borough determine how they're going to handle the water system. When asked, Mayor Kaithern explained the funding for the farmers market is through a dedicated trust account and is used to fund the market and the remaining funds are split between the Shade Tree and Environmental Commissions. Mr. Rowley also asked about the Wilbraham Park events and the Christmas Parade. He then asked questions about the 2013 budget for health insurance and salary and wage figures in the finance office, and an increase in operating expenses in the clerk's office. Mayor

Kaithern advised she did not have the information with her but it could be provided. Deputy Mayor Burke suggested Mr. Rowley send an email detailing his questions.

When no one else wished to speak, the meeting was recessed into closed session at 8:42 PM. The public meeting reconvened at 9:05 PM on motion of Commissioner Sabo, seconded by Deputy Mayor Burke. No action was taken as a result of the closed session discussion.

The meeting was adjourned at 9:06 PM on motion of Deputy Mayor Burke, seconded by Commissioner Sabo.

Respectfully submitted,

Elaine L. Wallace, RMC
Borough Clerk