

**MINUTES OF BOARD OF COMMISSIONERS  
WORK SESSION AND REGULAR MEETING  
JUNE 13, 2018**

The Work Session of the Board of Commissioners of the Borough of West Cape May was called to order by Mayor Sabo at 7:00pm. The Open Public Meetings Statement was read by Mayor Sabo who then led those present in the flag salute. Mayor Carol Sabo, Deputy Mayor Burke and Commissioner Francis answered roll call. Also in attendance: Municipal Clerk Suzanne Schumann, Engineer Ray Roberts and Solicitor Chris Gillin-Schwartz.

**JIF REVIEW & MEMBER BENEFITS (Paul Miola, Executive Director)**

Mr. Miola presented a brief overview of the JIF, including the savings and benefits. Mr. Miola presented information on the Borough's upcoming renewal with the JIF.

**ENGINEER'S REPORT**

Engineer Roberts reviewed the Engineer's Report for June 13, 2018. In addition to this report, Mr. Roberts discussed the Site Investigation Report for Fifth Avenue flooding, which a concern was brought to the Borough's attention by David La Puma. Solicitor Gillin-Schwartz brought up the Property Maintenance Code and indicated that this Ordinance can provide for relief as a "nuisance". Engineer Roberts indicated that there could be provisions added as a requirement to obtain a Certificate of Occupancy on the partially developed lot. Engineer Roberts also suggested recommending that the property owner provide a grading plan. Norm Roach, Zoning Official, suggested a letter be sent by the Borough Engineer or Borough Solicitor in attempt to remedy the situation.

Mr. La Puma provided photos from a heavy rain storm in 2016 in which no excessive water was ponding in the yard. Mr. La Puma indicated that in 2015 when a neighboring septic was being installed, he expressed water level concerns to Mayor Kaithern. Mr. La Puma thanked the Board of Commissioners for giving their attention to these concerns.

**WORK SESSION**

**OLD BUSINESS:**

NFIP Community Rating System:

Mayor Sabo indicated that CRS Coordinator Lou Belasco is preparing letters to send out to the property owners of the 22 negative rated properties.

Review of Properties with Municipal Liens:

Resolution on tonight's agenda to move forward with the In-Rem Foreclosure process.

Protection of Borough Owned Property:

Nothing new to report.

Sale of PRC Liquor License:

Clerk Schumann gave a history on previous sale prices for the liquor license. Commissioner Francis asked what the purpose of selling this liquor license is and Deputy Mayor Burke indicated that it would provide tax relief to residents. Mayor Sabo suggested a minimum bid between \$400,000 and \$425,000 and indicated that the liquor license may be more attractive at \$400,000. The Board of Commissioners agreed to set the minimum bid at \$400,000 and Clerk Schumann indicated the process will start at the July 11 meeting with a Resolution to bid the liquor license.

## **NEW BUSINESS:**

### Hardship Request for Street Opening – 122 Stevens Street:

David DeTorre, Broadway and Jason Hunt, Seashore Road, appeared before the Board of Commissioners relative to a request to open 122 Stevens Street. This application was previously denied by the Clerk's Office, as street openings are not permitted between Memorial Day and Labor Day. Solicitor Gillin-Schwartz reviewed the Ordinance and the definitions of "hardship" or "emergency". Solicitor Gillin-Schwartz indicated that this is not an emergency situation so a valid hardship would have to be presented. Mr. Hunt suggested a work schedule of June 26<sup>th</sup> and 27<sup>th</sup> and indicated that the project will be two days with road closures in the area during the day. Mr. Hunt and Engineer Roberts discussed the design aspect of this opening. Mr. DeTorre expressed the need and importance of this business to connect to water and sewer to tie into the main farm stand and for future use. Mr. DeTorre believes that the property is currently under supply and this connection would help that situation for now and the future.

Mayor Sabo asked Mr. Hunt if he was aware of the moratorium to open streets between Memorial Day and Labor Day. Mr. Hunt indicated that he was aware, as it is noted on the application, but stated that he had received approvals last year between Memorial Day and Labor Day.

Mayor Sabo indicated that the 26<sup>th</sup> and 27<sup>th</sup> is too close to the 4<sup>th</sup> of July weekend and would prefer the work be done during the week of June 18<sup>th</sup> and avoid being done around the weekend.

The Board of Commissioners agreed to grant the hardship request under the following conditions: work should be done on June 19<sup>th</sup> and 20<sup>th</sup> with a rain date of June 21<sup>st</sup>; barriers and flagmen should be posted at intersections to direct traffic to their location; applicant should meet with the Water/Sewer Supervisor to pay for all connection fees; road should be repaved with no difference in the paving. Detailed conditions to be provided in Engineer's letter with approved permit. Clerk Schumann took a rollcall vote on the verbal approval and a formal resolution will be adopted at the June 27<sup>th</sup> Board of Commissioners meeting.

### Commercial Recycling Pick Up:

Mayor Sabo spoke of the inequities in commercial recycling pick up and exceptions to the picking up of these materials have recently come to light. The Borough's Finance Office is looking into options to add to the current trash and recycling contract. This may be a future Ordinance amendment and is a work in progress.

### NJDEP Temporary Debris Management Area:

Clerk Schumann recapped her conversation with Mike Hansen from the NJDEP relative to the DEP's request for temporary debris management areas for storage and dropping of damaged items during a catastrophic event. Mr. Hansen indicated that a shared service agreement for small municipalities is also an option. Mayor Sabo asked Clerk Schumann to forward the information to the Borough's OEM Coordinators for their review and feedback.

### NJDOT Grant Application – Safe Routes to School:

Engineer Roberts indicated that this is a very competitive program and is unsure as to whether West Cape May will produce the necessary graphics for this program. Mr. Roberts suggested that the school apply for the funding if they would like to move forward and would need to provide maps of students in walking distance to the school. Engineer Roberts indicated that the cost for RVE to do this grant application would be \$1,500 and will provide a proposal for approval at a future meeting.

### NJDOT Grant Application – Transportation Alternatives Set-Aside Program:

Engineer Roberts indicated that this program is for high population areas and larger municipalities and does not believe the Borough would be successful in obtaining any grant monies from this program.

Potential Ordinance Amendment – Stairs and Setback:

Zoning Officer Norm Roach spoke of applications received for the purpose of raising houses. Mayor Sabo indicated that applicants were previously able to obtain relief by applying for a variance. Solicitor Gillin-Schwartz indicated that the purpose would be to amend the current ordinance to avoid the need for a zoning variance and allow discretion to be made by the zoning officer. Mr. Roach asked to include steps as part of the deck/porch and asked about showers and mechanical units and whether they can be within the setback. Engineer Roberts indicated that these units should be in the back of the building to avoid a visual nuisance to neighbors. Mr. Roberts further indicated that the stairs can be part of the porch/deck and must be within 5' of property line. Solicitor Gillin-Schwartz will prepare an amendment to the ordinance for the next meeting.

Reconstruction of Borough Parking Lot and Various Street Improvements:

Engineer Roberts reviewed the proposed project schedules for these two projects, as indicated on the Engineer's Report. Mr. Roberts suggested the work being done in several phases and will revise the Engineer Proposal to include the Borough's parking lot and Learning Avenue as the first phase of the projects.

**PUBLIC PORTION:**

**REGULAR MEETING**

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

Minutes:

May 23, 2018 – Work Session and Regular Meeting

Ordinances for Introduction and Publication:

543-18 An Ordinance Granting Renewed Consent and Permission to South Jersey Gas Company to Use the Public Streets to Furnish Gas for Light, Heat and Power in the Borough of West Cape May

Resolutions:

109-18 Annual Renewal of Liquor License for the Year 2018-2019  
110-18 Authorizing the Sale of Fire Truck from the Borough of West Cape May  
111-18 Release of Unexpended Escrow Fees – Engineering Design Assoc.  
112-18 Release of Unexpended Escrow Fees – Jennifer Radano  
113-18 Authorizing In Rem Tax Foreclosures  
114-18 Insertion of Special Item of Revenue – Chapter 159 – Clean Communities Program  
115-18 **\*\*TABLED\*\*** Authorizing Professional Engineering Services for 2018 Capital Improvement Projects  
116-18 Bill Payment

**NON-CONSENT AGENDA**

Ordinances for Second Reading and Public Hearing:

NONE

Resolutions:

117-18 Closed Session (Potential Litigation, NJDEP Violation)

Commissioner Francis made a motion, seconded by Deputy Mayor Burke, to adopt Resolution 117-18. The motion was carried unanimously on roll call vote.

The Board of Commissioners moved into Closed Session at 9:21pm.

The Board of Commissioners resumed Open Meeting at 9:29pm.

118-18 Authorizing Restoration Work on Borough Property

*Deputy Mayor Burke made a motion, seconded by Commissioner Francis, to adopt Resolution 118-18. The motion was carried unanimously on roll call vote.*

#### **COMMISSIONER REPORTS**

Commissioner Francis had nothing to report.

Deputy Mayor Burke indicated that there is a blood drive scheduled in late July at Borough Hall.

Mayor Sabo thanked everyone for their patience with the paving project, striping was just completed today. Mayor Sabo also mentioned that Borough Hall will be closed on Friday, June 22<sup>nd</sup> for interior renovations.

#### **PUBLIC PORTION**

When no one wished to speak, the meeting was adjourned at 9:32pm on motion by Commissioner Francis, seconded by Deputy Mayor Burke.

Respectfully submitted,

Suzanne M. Schumann, RMC  
Municipal Clerk