

**MINUTES OF BOARD OF COMMISSIONERS  
WORK SESSION AND REGULAR MEETING  
OCTOBER 8, 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, Solicitor Frank Corrado, Special Counsel Charles Austermuhl, and Engineer Ray Roberts.

**WORK SESSION**

**ENGINEER'S REPORT:** Ray Roberts reviewed his report for the month of October.

**OLD BUSINESS:**

NFIP Community Rating System: Clerk Wallace spoke to Gary Playford, who is contacting FEMA to schedule the next meeting. Mayor Kaithern asked the clerk to contact the various representatives directly on behalf of the Borough.

Land Conveyance – Estate of Elizabeth Allison Smith: Nothing new at this time.

Noise Ordinance: Solicitor Corrado recommended adopting the ordinance including all the optional sections. The ordinance is scheduled for introduction as part of the consent agenda.

Request for Waiver of Conditions on Street Opening Permit – 419 West Perry St: Gail DeBerardinis, 419 W. Perry Street, asked the Commission to waive the conditions on her street opening permit, stating it is a financial hardship to require her to install 8 feet of curbing and sidewalk to close off her driveway access on West Perry Street. Ms. DeBerardinis was hoping to have a through driveway from West Perry to Myrtle so she wouldn't have to back out onto West Perry Street. The Borough Engineer agreed that entering and exiting from Myrtle would be safer than doing so onto West Perry Street, but limited parking had him requiring the closure of the West Perry Street end. After some discussion, it was determined that sidewalk and curbing could be waived as long as a fence, hedge or some other type of obstacle be placed along the sidewalk to block off the driveway and allow street parking. The Borough Engineer will meet with the property owner the following day to review the site and placement requirements.

**NEW BUSINESS:**

2015 Schedule of Events in Wilbraham Park: The Commission approved the draft schedule provided by the Borough Clerk.

Shade Tree Request for New Tree Ordinance: Deputy Mayor Burke advised the Shade Tree Commission would like the Borough to consider adopting a tree

ordinance similar to the ordinance in Cape May that allows the Shade Tree Commission to govern certain trees on private property. The STC is concerned that many large trees have been cut down recently by homeowners.

Mayor Kaithern reviewed the consent agenda items. The work session concluded at 7:47 PM and regular portion convened at 7:47 PM.

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

Minutes: September 24, 2014 Work Session and Regular Meeting  
September 24, 2014 Closed Session

Ordinances for Introduction and Publication:

489-14 Noise Ordinance of the Borough of West Cape May  
*Second reading and public hearing 11/12/14 at 7 PM*

Resolutions:

- 146-14 Refund of History Committee of West Cape May's Wilbraham Park \$250.00 Deposit for Clean Up Fee
- 147-14 Authorizing Cancellation of Certain Grant Receivables and Appropriated Reserves
- 148-14 Resolution Regarding Trick-or-Treat Night
- 149-14 Bill Payment
- 150-14 Scheduling of Closed Session: Pending Litigation: Willow Creek, Cox Cases

**NON-CONSENT AGENDA:**

ORDINANCES FOR SECOND READING AND PUBLIC HEARING: None

COMMISSIONERS REPORTS:

Commissioner Sabo announced there is an order sheet for t-shirts being sold by a coalition of local fire companies, all money to benefit Breast Cancer research. Ms. Sabo also announced the fire truck manufacturer is working with the H-GAC to be able to order the Volunteer Fire Company to place the new fire truck order soon.

Deputy Mayor Burke announced Shade Tree Commission member Michele Mulligan's birthday.

Mayor Kaithern announced the fundraising events for the Christmas Parade will start with the Exit Zero event from 5-8 pm tomorrow night. The Chalfonte dinner will be Sunday, October 12<sup>th</sup> and tickets are available at Borough Hall as well as at the Lima Bean Festival this weekend.

**PUBLIC PORTION:**

Matt Notch, Top Notch Tree Care and WCM property owner, advised the Borough he has been approached by many people in town asking him to cut down trees. He tries to discourage people from doing so, but asked the Borough if they would consider adopting an ordinance similar to Cape May's in order to help limit the trees cut down and to help replace them with new planting when they are cut down. Commissioner Sabo noted there is a balancing act to be done between property rights and preservation. Mayor Kaithern thought education is important to get people on board with preservation. Mr. Notch explained the process that is normally followed by the Cape May Shade Tree Commission. Solicitor Corrado explained that if the Board decides to adopt an ordinance, the process usually takes about 2 months.

When no one else wished to speak, the meeting was recessed into closed session at 8:04 PM and reconvened at 9:24 PM on motion of Commissioner Sabo, seconded by Deputy Mayor Burke. No formal action was taken as a result of closed session.

There being no further business, the meeting was adjourned at 9:24 PM on motion of Deputy Mayor Burke, seconded by Commissioner Sabo.

Respectfully submitted,

Elaine L. Wallace  
Borough Clerk