

**MINUTES OF BOARD OF COMMISSIONERS  
REGULAR MEETING  
MAY 22, 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: Borough Clerk Elaine Wallace, Deputy Clerk Dianne Rutherford, and Solicitor Frank Corrado.

**WORK SESSION**

**OLD BUSINESS**

New Fire Truck: Nothing new to report at this time.

Proposed Amendments to Right to Farm Rules: The meeting was rescheduled to May 30<sup>th</sup>. Commissioner Sabo, Solicitor Corrado and Mayor Kaithern plan to attend.

**NEW BUSINESS:**

Increased Liability Limits through JIF: Solicitor Corrado spoke to the Borough's Risk Management Consultant who explained the limits are not new and not required, but the JIF was making sure everyone was aware of the potential for increased limits. According to the JIF, judgement amounts have been on the increase across the country. The Board decided to have the JIF consultant attend a future meeting to discuss the matter further.

County Open Space Funding: Deputy Mayor Burke asked the Board if it would be interested in applying for an Open Space grant from the county to put up structures along the sides of the Backyard Park. It may be possible to mount solar panels or lighting on these open sided structures. The Board will give the matter further consideration.

The Board reviewed the Consent Agenda items and Deputy Mayor Burke asked to have resolutions 92 and 93 pulled from consideration until the following meeting to allow more time to research the matters. The work session concluded at 7:38 PM and the regular portion convened at 7:41 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: May 8, 2013 Work Session and Regular Meeting  
May 8, 2013 Closed Session

Ordinances for Introduction and Publication: None

Resolutions:

- 90-13 Chapter 159 – Clean Communities
- 91-13 Special Events Permits – Brooke Dodds
- 94-13 Opposing S-2601 Regarding County Assumption of Control of Beach Operations
- 95-13 Bill Payment
- 96-13 Supporting Coast Guard Community Designation
- 97-13 Refund of Farm Market Deposit - Kona Ice Cape May
- 98-13 Authorizing the Mayor to Sign CSIP Grant Application
- 99-13 Scheduling of Closed Session – Potential and Pending Litigation

**NON-CONSENT AGENDA:**

**ORDINANCES FOR SECOND READING AND PUBLIC HEARING:**

- 479-13 An Ordinance of the Borough of West Cape May to Amend its Zoning Ordinance under Chapter 27 of the Code (Floor Area Ratio – Green Building Practices)

Deputy Mayor Burke made a motion, seconded by Commissioner Sabo, to open a public hearing on the above ordinance. When no one wished to speak, the public portion as closed and Ordinance 479-13 was adopted on motion of Commissioner Sabo, seconded by Deputy Mayor Burke, carried on unanimous roll call vote.

- 480-13 An Ordinance Granting Renewal of Municipal Consent to Comcast of Wildwood, LLC to Construct, Connect, Operate and Maintain a Cable Television and Communications System in West Cape May Borough, NJ

Deputy Mayor Burke made a motion, seconded by Commissioner Sabo, to open a public hearing on the above ordinance. When no one wished to speak, the public portion as closed and Ordinance 479-13 was adopted on motion of Deputy Mayor Burke, seconded by Commissioner Sabo, carried on unanimous roll call vote.

**COMMISSIONERS REPORTS:**

Commissioner Sabo announced Comcast will be offering complimentary wifi around the community between Memorial Day and July 4<sup>th</sup>.

Deputy Mayor Burke had no report.

Mayor Kaithern had nothing else to report.

**PUBLIC PORTION:**

Bob Myers, 134 Stevens Street, suggested the Environmental Commission members and Planning/Zoning Board members be asked to attend the presentation being given by the State on the proposed Right to Farm amendments. He also hopes the Borough will review the proposed rules with a fine-tooth comb and make comments to the State. He further stated he supports agriculture and farmers, but didn't feel the rules were appropriate to the circumstances in West Cape May. He also wished to speak

about Willow Creek Winery. Mr. Myers is aware that right to farm protections can be removed from farms that do not comply with all the rules and regulations and he was aware of a letter from the SADC advising Barbara Wilde that weddings and other life events are specifically prohibited on her farm. He made allegations about Willow Creek Winery violating preserved farm regulations and their deed of easement restrictions by hosting a wedding a few weeks earlier. He also alleged violations of the borough noise ordinance. He stated the service of beer was at least condoned during the course of the wedding which he felt was a violation of the farming regulations as well as the ABC temporary permit held by the winery. Mr. Myers asked the Borough what they were going to do about the situation. Carol Sabo advised she was still coming up to speed on the SADC regulations and was still in the fact finding stage in terms of the history of the situation. Solicitor Corrado stated the Board would take his concerns and information and determine if they feel a violation has occurred and then take the appropriate action. Peter Burke asked for clarification on the date of the alleged wedding. Mr. Myers stated it was two weeks prior. Mr. Myers stated he was aware of a letter sent by another resident that couldn't attend and asked that it be read aloud. The letter was read aloud at the conclusion of the public portion.

Maureen Behrmann, 125 Stevens Street, stated she loves wine and the vineyard, but not a banquet hall. She's very concerned with the impact a banquet hall, that has been advertised to hold weddings of up to 600 people, would have on traffic.

Debra Crossley, 11 Pond Creek, welcomed the winery as a winery but not as a commercial type of property in a residential zone. She expressed concern about infringements on the regulations. She stated everyone must follow the rules and if not, appropriate action should be taken.

Joann Myers, 134-135 Stevens Street, was very upset that the neighbors have to come to the Borough meeting and implore the Borough to take action. She felt they have come repeatedly to ask the Board to preserve the quality of life. Ms. Myers felt the winery and wine tastings are fine, but the noise from the wedding last Saturday was contrary to the wellbeing of the Borough and she hopes something can be done to have them come into compliance.

Barbara Wilde, 160-168 Stevens Street, stated she has been unmercifully hounded by the neighbors over the last year and a half especially. She stated Mr. Myers presented false information this evening concerning her deed of easement. She also claimed the Susan Payne of the SADC visited her personally and said the letter she sent to Barbara Wilde in January of this year was incorrect. Ms. Wilde also stated her door is always open to anyone who wants to talk to her or ask her questions. Ms. Wilde also refuted the claims that the event was not as noisy as it was characterized. Lastly she stated she was at her wits end with the falsehoods being spoken and would not stand being discriminated against. Solicitor Corrado asked Ms. Wilde if she hosted a wedding last weekend. Ms. Wilde stated she did not, but felt the allegations were being made about a couple that was married the week before at the Southern Mansion. Mr. Corrado asked her if she hosted a wedding reception on May 11<sup>th</sup> and

she again said no. Ms. Wilde stated she hosted a wine pairing dinner on May 11<sup>th</sup> during which she sold thousands of dollars worth of her wine.

When no one else wished to speak, the meeting was recessed into closed session at 8:22 PM and reconvened at 8:59 PM on motion of Commissioner Sabo, seconded by Mayor Kaithern.

Mayor Kaithern announced the Board discussed the pending and potential litigation involving Willow Creek Winery.

Commissioner Sabo made a motion authorizing the Borough Solicitor to bring a complaint to the County Agricultural Development Board to determine if the recent activity that occurred at Willow Creek Winery was in violation of the deed of easement, Right to Farm Act, and preserved farm regulations. Deputy Mayor Burke seconded the motion which was carried unanimously on roll call vote.

When there was no further business the meeting was adjourned at 9:03 PM on motion of Deputy Mayor Burke, seconded by Commissioner Sabo.

Respectfully submitted,

Elaine L. Wallace, RMC  
Borough Clerk