

**MINUTES OF BOARD OF COMMISSIONERS
WORK SESSION AND REGULAR MEETING
SEPTEMBER 11, 2019**

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, Solicitor Chris Gillin-Schwartz and Engineer Ray Roberts.

ENGINEER'S REPORT

WORK SESSION

OLD BUSINESS

Protection of Borough Owned Property:

Mayor Sabo has reached out to Kerry Pflugh at the NJDEP and is expecting to have follow up communication with the Green Acres representative for the southern region. Mayor Sabo requested this item be removed from the agenda until an update is available.

NEW BUSINESS

Single Use Plastics:

Representatives of the Surfrider Foundation were present to discuss educating versus legislating the public on reducing single use plastics in West Cape May. It was mentioned that education has been taking place for years and that legislation is the best way to make changes. A Somers Point study done by Stockton University students showed that out of 172 shoppers, 60% were utilizing reusable bags, 33% were not using a bag and 7% purchased plastic bags to use. Approximately 56% of shoppers indicated that they did not want to pay the fee for a plastic bag. Enforcement of the legislation was questioned and it was mentioned that the Municipality's Code Enforcement would be responsible for enforcement but that most of the violation reports will come from consumers. Clerk Schumann questioned who retains the fees obtained for bag purchases and Surfrider responded that the fee stays with the business and cannot be transferred to the municipality. Mayor Sabo questioned whether plastic bags can be banned and Surfrider responded that a municipality can ban plastic and charge a fee for the use of paper or reusable bags. Deputy Mayor Burke stated that he believes that legislation will provide education. Mayor Sabo suggested taking a restrictive approach to ban plastic all together and spoke of the two restaurants in West Cape May which are designated as "Ocean Friendly Restaurants". She also stated that she does not believe that many West Cape May businesses offer plastic bags. Commissioner Francis suggested allowing time to educate local business before adopting any type of legislation.

Surfrider reminded the Commissioners that the overall bigger picture includes not only plastic bags, but plastic bottles and single use plastic utensils as well. It was mentioned that the European Union will be banning plastic by 2021 and believes that this type of structure would fit well into the West Cape May community.

Solicitor Gillin-Schwartz mentioned the convenience of being offered a plastic bag. He reminded the Commissioners that once an Ordinance is in place, it can be repealed or amended as needed. It was further mentioned that the public would have an opportunity to provide public comment during the process of adopting an Ordinance.

Jeff Tenner, 115 Fourth Avenue, asked how many retail businesses are in West Cape May and suggested surveying the business owners, as some may already be going in the direction to eliminate plastics. Mr. Tenner suggested requesting and educating, rather than legislating.

Mayor Sabo mentioned that she believes that this will be a discussion at an upcoming West Cape May Business Association meeting. Mayor Sabo stated that she understands the imperative nature to limit the use of plastics, especially since the recent discussion with the CCMUA.

Commissioner Francis stated that he understands the need to move forward quickly and suggested discussing further with the City of Cape May.

Hilary Pritchard, 144 Stevens Street, asked if anyone knew the status of S2776, which is the State's attempt to ban plastics. A Surfrider Foundation representative mentioned that it is not a priority and has not moved forward. Mayor Sabo suggested reaching out to local legislators for their support. Ms. Pritchard also mentioned that she rather wait for the State to pass the legislature, so that business owners do not have to provide the explanation to consumers. Commissioner Francis mentioned that there is an education opportunity when handing out paper bags.

The Surfrider Foundation mentioned that there are two restaurants in West Cape May which are designated as "Ocean Friendly Restaurants" and others may qualify if they register. The requirements of this designation include the elimination of Styrofoam, plastic bags and straws, reduce the use of single use plastics and proper recycling, as well as some additional ocean-friendly practices.

Matt Reeves, appreciates what West Cape May businesses have done this far to eliminate plastics, but has concerns with the amount of waste which comes from CVS.

Review of Ordinance 572-19:

Solicitor Gillin-Schwartz reviewed the proposed changes to Section 4 of the Borough's Code regarding licensing of tents on commercial property, which provides clarification on the size of the tent, definition of tent, time frame for permit and the cost for said permit. All Commissioners were in agreeance with the amendments to this Ordinance and scheduled introduction with a proposed adoption date of September 25th.

PUBLIC PORTION

No public comment.

The Work Session concluded at 7:51pm.

REGULAR MEETING

CONSENT AGENDA

Mayor Sabo indicated that Resolution 148-19 was requested by the County Engineer for support of the proposed and upcoming improvements to Sunset Boulevard. Mayor Sabo stated that there will be a project meeting on October 3rd from 4pm – 8pm at West Cape May Borough Hall which is open to the public for anyone seeking information on the proposed upgrades to Sunset Boulevard.

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

Minutes:

August 28, 2019 Work Session and Regular Meeting

Ordinances for Introduction and Publication:

572-19 An Ordinance Amending Section 4 of the Borough Code Regarding Tents

Resolutions:

- 145-19 Award of Bid – FY2019 Municipal Aid Project - Reconstruction of West Drive
- 146-19 Determining the Form and Other Details of \$3,830,000 General Improvement Bonds, Series 2019, of the Borough of West Cape May, in the County of Cape May, New Jersey, and Providing Their Sale
- 147-19 Providing for the Combination of Certain Issues of General Improvement Bonds, Series 2019, of the Borough of West Cape May, in the County of Cape May, New Jersey, into a Single Issue of Bonds Aggregating \$3,830,000 in Principal Amount
- 148-19 Expressing the Borough of West Cape May's Support for Cape May County's Project to Upgrade Sunset Boulevard (CR606)
- 149-19 Bill Payment

NON-CONSENT AGENDA

Ordinances for Second Reading and Public Hearing:

NONE

Resolutions:

NONE

COMMISSIONER REPORTS

Mayor Sabo mentioned the Homeless Seminar scheduled for September 12th at 7:00pm at the Seashore Community Church of the Nazarene. Another upcoming event is scheduled for October 2nd from 9:00am – 11:00am at Cape May City Hall and will be a presentation on opioid abuse.

Deputy Mayor Burke had nothing to report.

Commissioner Francis spoke of the upcoming E-Waste Recycling Event scheduled for September 21st from 9:00am-2:00pm, which is open to the community and not just West Cape May residents.

PUBLIC PORTION

Hilary Pritchard, 144 Stevens Street, asked about what the West Drive project included. Engineer Roberts indicated that it is a road reconstruction project which will smooth the roadway and include drainage improvements, no sidewalks or speed bumps to be included, curbing included at intersections. Mayor Sabo confirmed that sharrows will also be added. Clerk Schumann asked Engineer Roberts to confirm that West Drive residents will be notified of the construction timeline for this project. Engineer Roberts confirmed that notice will be provided to all West Drive residents.

Ms. Pritchard requested the Commissioners' input on any changes which they would like reviewed for the Cape Island Bike Map.

Eileen McDonald, 141 Eldredge Avenue, asked if the farm stand on Sunset Boulevard will be required to obtain a tent permit. Clerk Schumann indicated that the Ordinance is directed more towards larger tents, similar to those used for weddings, but mentioned that same will have to be reviewed by the Borough's Code Enforcement once the Ordinance is adopted.

When no one further wished to speak, the meeting was adjourned at 8:05pm on motion of Commissioner Francis, seconded by Deputy Mayor Burke.

Respectfully submitted,

Suzanne M. Schumann, RMC
Municipal Clerk