

**MINUTES OF BOARD OF COMMISSIONERS  
WORK SESSION AND REGULAR MEETING  
JUNE 10, 2020**

*Zoom Meeting – Web Conference*

*https://zoom.us*

*Meeting ID: 836-6785-5171*

*Password: 136974*

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 Sabo, Deputy Mayor Burke and Commissioner Francis answered roll call. Also in attendance: Municipal Clerk Suzanne Schumann, Solicitor Gillin-Schwartz and Engineer Ray Roberts.

**ENGINEER’S REPORT**

**WORK SESSION**

**OLD BUSINESS**

**LOSAP:**

No update at this time.

**Burgin Lane (Turning Road Over to Borough):**

No update at this time. Can remove from future agendas until update is available.

**Low Income Residents:**

No update at this time.

**COVID-19 - Coronavirus Discussion:**

Mayor Sabo stated that Borough Hall opened to the public on Monday, June 8<sup>th</sup> and precautions are being taken to keep employees and visitors safe and healthy. Commissioner Francis believes that the Borough is doing the right thing by opening slowly while following guidelines.

**Capital Improvement Projects:**

Mayor Sabo stated that the Borough is stepping towards crossing items off of the check list and mentioned that the roofing company should be starting on the roof replacements this week.

**NEW BUSINESS**

**Amending Liquor Sale Hours:**

Jack Wright, Exit Zero Filling Station, requested to be able to serve alcoholic beverages beginning at 8:00am, so that customers could enjoy a beverage with their breakfast. Mr. Wright stated that it would allow consistency with normal operating hours of the restaurant as well. Deputy Mayor stated that he has no objection to the request. Commissioner Francis asked for the reasoning as to why it was originally set for 10:00am. Mr. Wright stated that he did not request for the current hours and that it was in the Ordinance when he obtained the license. Clerk Schumann stated that

the hours were established at the origination of this Ordinance. Engineer Roberts mentioned that the impact on the overall community would be limited as it would only pertain to two businesses. Clerk Schumann stated that the City of Cape May allows the sale of alcoholic beverages at 8:00am which was changed within the last couple of years. Clerk Shcumann also mentioned that the Commissioners will have to decide whether to make the change to Exit Zero's license only, or the license held by Sunset Liquors as well, in the event that they want to open earlier than 10:00am. John Kornick, Sunset Liquors, stated that he attended this meeting in support of Exit Zero's request and that Sunset Liquors does not have current intentions of opening at 8:00am.

Commissioner Francis asked for confirmation that this would allow customers to drink outside at 8:00am and expressed concern during the current pandemic conditions. Clerk Schumann indicated that the Ordinance would take approximately six weeks to adopt and become effective, depending on when it is introduced and that by then, people may be able to eat indoors as well. Deputy Mayor reminded that the sale of beverages is connected with dining, so it would not be a bar-type setting, but rather dining with a beverage. Deputy Mayor Burke also stated that any restaurant which offers BYOB could permit consumption outside without the Ordinance revisions.

Mayor Sabo asked Solicitor Gillin-Schwartz for comments regarding the Expansion Permits through the State's Division of Alcoholic Beverage Control. Solicitor Gillin-Schwartz indicated that he believes that Exit Zero has already submitted their application and discussed what was required in order to submit the application, which is similar to the requirements of the outdoor seating ordinance. Solicitor Gillin-Schwartz stated that the last time this Ordinance was amended was to amend the hours for the liquor store to be competitive with neighboring towns.

Commissioner Francis asked if the Ordinance would be a temporary ordinance to revisit when inside seating is permitted. Mayor Sabo indicated that ordinances can be amended if the Commissioners feel as though it is not working out in the best interest for the Borough. Mayor Sabo stated that this is not just for relief from the current pandemic conditions, but as a permanent change to their business operations. Deputy Mayor Burke stated that this restaurant has outdoor seating seasonally, so this would not be a temporary request from the business. Commissioner Francis stated that he has no objections as long as the community has input on the request. Clerk Schumann stated that this is an Ordinance amendment so there would be publication in the newspaper and a public hearing. Mayor Sabo asked if the revision should be made to one or both licenses. Commissioner Francis asked for the reasoning to revise both licenses and believes the Commissioners would be driving the business. Clerk Schumann stated it would be for consistency purposes and would not require, but give an option of the business owner, to change their operating hours. The Commissioners agreed to revise both licenses and introduce the ordinance at this meeting, for public hearing and adoption on June 24<sup>th</sup>.

## **PUBLIC PORTION**

NONE

The Work Session concluded at 7:36pm.

## **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 27, 2020 - Work Session and Regular Meeting

#### Ordinances for Introduction and Publication:

583-20 Amending Section 6 of the Borough Code Regarding Alcoholic Beverage Licenses

#### Resolutions:

- 83-20 Approving Application by West Cape Liquor, LLC for COVID-19 Expansion of Premises Permit for the Sale of Alcoholic Beverages
- 84-20 Modifying Short Term Rental Restrictions Regarding Campgrounds
- 85-20 Authorizing Professional Engineering Services for 2020 Capital Improvement Projects – Reconstruction of Oak Street (Fourth Avenue to Fifth Avenue) and Reconstruction of Goldbeaten Alley (Pacific Avenue to Atlantic Avenue)
- 86-20 Rescinding Resolution 86-19 – Dedication by Rider – Celebration of Public Events
- 87-20 Amending Resolution 87-19 – Dedication by Rider - Environmental Commission
- 88-20 Amending Resolution 88-19 – Dedication by Rider – Special Events Day
- 89-20 Approval to Submit Grant Application and Execute a Grant Contract with the New Jersey Department of Transportation for the Reconstruction of Third Avenue, Phase 2
- 90-20 Bill Payment
- 91-20 Approving Catering Permit – Beach Plum Farm – Sunday BBQ

### **NON-CONSENT AGENDA**

#### Ordinances for Second Reading and Public Hearing:

NONE

#### Resolutions:

NONE

### **COMMISSIONER REPORTS**

Commissioner Francis mentioned that the Environmental Commission's E-Waste event was a success. Mr. Francis further mentioned that he was thankful for the march from Wilbraham Park to Rotary Park over the weekend.

Deputy Mayor Burke stated that the Shade Tree Commission and other Boards/Commissions have been holding their meetings via web-conference and are able to continue with regularly scheduled business. Mr. Burke thanked the members for all they do and stated that he was also happy with the success of the E-Waste event.

Mayor Sabo mentioned that she is hopeful for in-person meetings soon and spoke of the recent events and issues going on around us.

**PUBLIC PORTION**

NONE

The meeting was adjourned at 7:49pm on motion of Commissioner Francis, seconded by Deputy Mayor Burke.

Respectfully submitted,

Suzanne M. Schumann, RMC  
Municipal Clerk