

**MINUTES OF BOARD OF COMMISSIONERS
WORK SESSION AND REGULAR MEETING
JANUARY 27, 2021**

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 Frank Corrado and Engineer Ray Roberts.

CERTIFICATE OF RECOGNITION – CHIEF ANTHONY MARINO

Mayor Sabo presented Chief Marino with a Certificate of Recognition for his years of service with the Cape May Police Department and his upcoming retirement.

Chief Marino thanked the Commissioners for a good working relationship and excellent communication throughout the years. Chief Marino commented on his pleasure being the Chief of Police and his pleasurable working experiences with the Clerk and Solicitor Corrado. Chief Marino thanked everyone for the ongoing support.

WORK SESSION

OLD BUSINESS

COVID-19 - Coronavirus Discussion:

Mayor Sabo mentioned the availability of vaccines but the frustrations with not being able to make an appointment. Mayor Sabo hopes for an increase in vaccine availability in the upcoming weeks. Mayor Sabo stated that she continues to monitor the information provided by the County and the State.

Commissioner Francis stated that he has registered to receive the vaccine but has not been successful in scheduling an appointment. Commissioner Francis reminded everyone to wear a mask, continue to social distance and take one step at a time.

Deputy Mayor Burke mentioned that his 90-year-old mother was recently able to receive her first vaccine. Deputy Mayor Burke mentioned wearing double masks as an added precaution against the virus.

Flooding Concerns at 601/603 Sunset Boulevard:

Engineer Roberts stated that Remington & Vernick Engineers has had informal discussions with the NJDEP and was directed to complete and submit a pre-application for review by the NJDEP, which would result in a conference to determine the next step in this process to remedy the flooding concerns in this area. Engineer Roberts stated that Remington & Vernick Engineers has submitted a proposal to include survey and pre-application services for consideration by the Commissioners.

Lynn Dudinsky, 601 Sunset Boulevard, questioned whether there is a wetlands area behind 603 Sunset Boulevard and whether there was an option for a drainage pool. Engineer Roberts stated that although the maps do not show wetlands in this area, DEP review will be required to confirm same before the Borough moves forward. Mr. Roberts mentioned the possibility of being able to drain the water to 101 Bayshore Road, which is a privately owned property, but has DEP restrictions – again, would require DEP approval and notice to the property owner of this possible alternative solution. Mr. Dudinsky questioned the timeline for the project, as he is concerned with the ongoing flooding and restricted access to his backyard and shed. Engineer Roberts stated that a several month process is expected, as there are multiple agencies and a process which has to be followed through the NJDEP in order to move forward.

Amendments to Shade Tree Ordinance:

Solicitor Corrado stated that other than a few minor changes, the Ordinances are ready for introduction. Mr. Corrado stated that he will discuss the additional changes with the Shade Tree and will have them ready for introduction at the next meeting. Mr. Corrado also mentioned that a “stop work order” is not a violation and would be considered a notice to a potential violation, which could also be considered a “strike” in reference to the terms in the ordinance.

NEW BUSINESS

FY2021 NJDOT Municipal Aid Project – Reconstruction of Third Avenue, Phase 2 (Atlantic Avenue to Columbia Avenue):

Engineer Roberts mentioned the grant which the Borough received to move forward with this project and stated the proposal for engineering services is scheduled to be considered for approval on the agenda.

PUBLIC PORTION

NONE

The Work Session concluded at 7:40pm.

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:

January 6, 2021 – Reorganization Meeting

Ordinances for Introduction and Publication:

NONE

Resolutions:

- 37-21 Appointing Planning/Zoning Board Engineer
Remington & Vernick Engineers
- 38-21 Appointing Planning/Zoning Board Solicitor
Richard M. King, Jr., Esquire
- 39-21 Authorizing Award of Contract for Rehabilitation Work for 421 4th Avenue
through Small Cities Program
- 40-21 Amending Change Order No. 1 – FY2020 Capital Improvement Program –
Reconstruction of Oak Street and Goldbeaten Alley (Pacific Avenue to Atlantic
Avenue)
- 41-21 Authorizing Change Order No. 3 – FY2020 NJDOT Municipal Aid Project –
Reconstruction of Third Avenue (Broadway to Pacific Avenue)
- 42-21 Amending Professional Engineering Services Contract for FY2020 Municipal Aid
Project – Reconstruction of Third Avenue, Sanitary Sewer Manhole Replacement,
Installation of In-Line Check Valves on Existing Inlets
- 43-21 Authorizing Professional Engineering Services – Remington & Vernick Engineers -
FY2021 NJDOT Municipal Aid Project – Reconstruction of Third Avenue, Phase 2
(Atlantic Avenue to Columbia Avenue)
- 44-21 Release of Unexpended Escrow Fees – William J. Tyson
- 45-21 Closed Session (Potential Litigation)
- 46-21 Authorizing Professional Engineering Services – Remington & Vernick Engineers -
NJDEP Pre-Application, Bayshore Storm Drainage (Sunset Boulevard to
McCullough Alley)
- 47-21 Renewal of Campground License – Depot Travel Park
- 48-21 Bill Payment

NON-CONSENT AGENDA

Ordinances for Second Reading and Public Hearing:

NONE

Resolutions:

NONE

COMMISSIONER REPORTS

Commissioner Francis reminded everyone to stay vigilant and continue to wear masks, social distance and wash hands.

Deputy Mayor Burke mentioned the January Blood Drive fell one pint short of the goal of 34 pints collected. The next American Red Cross Blood Drive has been scheduled for March 11, 2021 from 12pm until 5pm at the West Cape May Fire Hall.

Mayor Sabo wished Chief Marino well in his retirement and mentioned his job well done and the pleasure working with him during his tenure of Police Chief.

PUBLIC PORTION

Eli Nelson, 106 Second Avenue, appeared with his wife, Elizabeth Judge, to discuss their concerns about noise from outdoor music at Exit Zero Filling Station. The property owners stated that they have owned the property for 20 years, using it on a part-time basis and have recently been unable to enjoy their property, both indoors and outside, due to the outdoor music being played at Exit Zero Filling Station. Mr. Nelson and Ms. Judge suggested the musicians not to use amplifiers which may reduce the traveling sound to neighboring properties. The property owners stated that they have reached out to the Cape May Police Department and "Officer Scott" stated that the noise is something which should be addressed by Borough Commission, as the Cape May Police Department does not have a certified office or decibel reading equipment. Mayor Sabo stated that outdoor music is not prohibited under the Borough's Code and noise complaints are directed to the Cape May Police Department. Solicitor Corrado mentioned that the County Health Department also has the ability to regulate noise concerns. Mr. Corrado, speaking from previous experience as a Municipal Prosecutor, stated that the best situation would be for the neighbors to resolve the concerns amongst themselves, rather than a citation being issued and the matter appearing in court. Mayor Sabo stated that she will have a conversation with Jack Wright at Exit Zero Filling Station to try and remedy the concerns. Bill Oetinger, 315 Third Avenue, stated that he can also hear the noise from his house.

Tom Myers, 304 Second Avenue, commended the Commissioners for the improvements to Goldbeaten Alley.

Public Portion was closed at 8:12pm when no one further wished to speak.

The meeting entered into Closed Session at 8:15pm.

The meeting returned to an Open Meeting at 8:24pm upon motion by Commissioner Francis, seconded by Deputy Mayor Burke.

The meeting was adjourned at 8:25pm on motion of Deputy Mayor Burke, seconded by Commissioner Francis.

Respectfully submitted,

Suzanne M. Schumann, RMC
Municipal Clerk