

**MINUTES OF BOARD OF COMMISSIONERS
WORK SESSION AND REGULAR MEETING
MARCH 24, 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 Jim Oris.

WORK SESSION
OLD BUSINESS

COVID-19 - Coronavirus Discussion:

Mayor Sabo stated that Borough employees continue to be vigilant in daily practices and reminded the public that hand sanitizer and masks are available in the Borough Hall lobby. Mayor Sabo directs any questions relative to the vaccine to the County and State websites and hopes to see more vaccination availability in the near future. Mayor Sabo reminded everyone to wash their hands, wear masks and vaccinate if suitable.

Legalization of Marijuana:

Mayor Sabo stated that she hopes to maintain the rural nature and support the growth of marijuana, as it is a farming product. Mayor Sabo mentioned that she is not sure if manufacturing will be appropriate in West Cape May as there are no industrial areas to support same, which would coincide with wholesale and distribution. Solicitor Corrado reviewed the six categories and stated that the Commissioners need to decide the specifics of what they wish to allow and the regulations setting forth each category which they are allowing, such as number of facilities and operating hours. Mayor Sabo stated that there are no restrictions on the limit of businesses, other than liquor sales which are regulated by the State ABC. Commissioner Francis questioned whether the growing and manufacturing of cannabis would be similar to that of a winery, where the process could be completed on site. Mayor Sabo stated that a manufacturing facility could be considered if the set up was similar to that of a winery where the building and property was large enough to complete the entire process. Solicitor Corrado mentioned the Cannabis Control Commission formation and Mayor Sabo stated that she hopes to have more information available for the April meeting.

Cape May City Water Bill:

Mayor Sabo stated that the Borough received an excessive water bill in January and a bill which is one-third the normal amount for February. Mayor Sabo stated that an investigation is taking place, including a calibration of the water meters. Ms. Sabo indicated that it is believed that the water leak issues which have been happening over the last day may be a result of the investigation surrounding the water meters. Ms. Sabo indicated that the Borough is awaiting more facts regarding the matter.

NEW BUSINESS

Third Avenue Open Space Park – Renaming to Pollinator Park:

Mayor Sabo received a request from the Borough's Environmental Commission to rename the Third Avenue Open Space Park to "Pollinator Park". Ms. Sabo stated that the area has plantings which may attract pollinators. Commissioner Francis indicated that the Environmental Commission is seeking a grant for pollination space. Solicitor Corrado suggested the formal renaming of the area be approved by Resolution at the next meeting.

211 Second Avenue – Shade Tree Commission Appeal:

Marie Quenzer, owner of 211 Second Avenue, appeared before the Board of Commissioners to appeal a decision from the Shade Tree Commission relative to a request to remove a tree in front of her house. Ms. Quenzer stated that they recently completed work at their property and there is a tree which she would like to remove and replace with two trees in the back of their property. Ms. Quenzer stated that the tree is in a bad location on their property and is in between wires and also mentioned that the tree is a nuisance tree and is unattractive. Ms. Quenzer stated that her reference to a nuisance tree comes from her research of Silver Maple trees on the internet. Ms. Quenzer shared her love for trees and mentioned that her home in Langhorne has many trees. Deputy Mayor Burke questioned the number of trees on her property in West Cape May, Ms. Quenzer responded that this is the only tree on the property. Deputy Mayor Burke reviewed the assessment prepared by the Borough's Arborist which resulted in question as to whether there is a driveway or stone parking area in the vicinity of the tree. Joanne Quenzer, 213 Second Avenue, joined Marie Quenzer in this discussion. M. Quenzer stated that according to the Borough's website, this type of tree has no environmental benefit to the Borough. Deputy Mayor Burke spoke of the hundred-year history of Silver Maple trees in West Cape May. J. Quenzer offered replacement options to this tree and their willingness to be flexible with the replacement tree. J. Quenzer spoke of concerns of the tree being close to the sidewalk and edge of the property with the lines running through it.

Mayor Sabo stated that the tree is a healthy specimen which requires pruning and attention. M. Quenzer asked what makes the determination of the approval of the tree removal. Mayor Sabo referenced the Borough Arborist's assessment, which includes risk factors. Deputy Mayor Burke stated that the Shade Tree Commission relies on the assessment of the professionals. Deputy Mayor questioned whether the property owners have an assessment of another Arborist which contradicts the Borough Arborist's report, M. Quenzer stated that she does not have same.

Solicitor Corrado asked if anyone from the public wished to speak on behalf of the matter and no one from the public wished to speak. Commissioner Francis questioned whether Atlantic City Electric would be concerned of the wires between the tree. Deputy Mayor Burke stated that Atlantic City Electric would get involved if the tree was in the right-of-way and affected their lines. M. Quenzer stated that she contacted Atlantic City Electric and spoke to a Customer Service Representative who confirmed that ACE only does work within the right-

of-way. Mayor Sabo questioned whether the tree has been pruned or maintained recently and M. Quenzer advised that the tree was pruned and it was a very costly service.

Solicitor Corrado reviewed the appeal procedure and indicated that it is not the Borough Commission's responsibility to hear the case and make a new determination, but to decide whether the Shade Tree Commission make a determination based on the facts of the application. Solicitor Corrado also stated that once a decision is made, it will be memorialized by Resolution during the Regular Meeting. This Resolution would be referenced should the property owners wish to take this matter to Court to further appeal the matter.

Mayor Sabo mentioned the importance of the Shade Tree Commission with the ongoing construction of properties in West Cape May which required many trees to be taken down and replaced. Mayor Sabo recommended the property owners plant more trees on the property if they wish to do so and offered the help of the Shade Tree Commission with the decision of what to plant and where to plant.

Mayor Sabo stated that she does not oppose the Shade Tree Commission's decision, Deputy Mayor Burke agreed with Mayor Sabo, Commissioner Francis also agreed with the Shade Tree Commission's decision.

Amending Zoning Code – Section 27.6 – Setback Line Definition:

Solicitor Corrado stated that there is a revision needed to this Ordinance as a housekeeping matter to move an exception from the definition section to the design standard section. Solicitor Corrado stated that he will prepare an amending Ordinance for the next meeting so that it is reading-friendly for the public.

Synthetic Turf Lawn Surface:

Mayor Sabo stated that she recently learned that "AstroTurf" is being used as lawn surface in the Borough and would like to take action to exclude "AstroTurf" or synthetic turf to be allowed as a lawn surface in West Cape May. Mayor Sabo stated that although the surface is permeable, there is a negative impact to the environment from the material with no wildlife benefit. Mayor Sabo stated that she does not wish to encourage the use of such product. Commissioner Francis stated that he agrees with Mayor Sabo and is concerned with the environmental aspect of the product. Solicitor Corrado stated that he will prepare an Ordinance for the next meeting.

PUBLIC PORTION

Linda Riccio, 722 Maple Avenue, stated that she never received notice about the construction taking place at 724 Maple Avenue. Mayor Sabo indicated that unless a variance was required, then public notice is not required to neighboring property owners. Solicitor Corrado confirmed that for a conforming single-family home, a variance and notice would not be required.

Ken Lamb, 129 Stimpson Lane, mentioned the legalization of marihuana will provide opportunity for jobs in the area and asked if West Cape May would be open to forming a cooperative. Mayor Sabo inquired for additional information and stated that this type of agreement would have to be reviewed from a legal perspective. Mr. Lamb also mentioned a Silver Maple tree across the street from his house with opossums living in it. Mr. Lamb questioned the roadwork on Stimpson Lane and Mayor Sabo responded that the work taking place is emergency repairs to water lines which are leaking.

The Work Session concluded at 8:28pm.

REGULAR MEETING
CONSENT AGENDA

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

Minutes:

- March 10, 2021 – Board of Health
- March 10, 2021 – Special Meeting (Budget Discussion)
- March 10, 2021 – Work Session and Regular Meeting

Ordinances for Introduction and Publication:

- 595-21 An Ordinance Regarding the Issuance of Rental Licenses in the Borough of West Cape May and Providing for Revocation, Suspension, or Posting of a Bond in Certain Circumstances
- 596-21 An Ordinance Amending the Borough of West Cape May's Salary Ordinance

Resolutions:

- 59-21 Authorizing Approval of Change Order #2 – FY2020 NJDOT Municipal Aid Program – Reconstruction of Third Avenue (Broadway to Pacific Avenue)
- 60-21 Amending Resolution #41-21 – Authorizing Approval of Change Order #3 - FY2020 NJDOT Municipal Aid Program – Reconstruction of Third Avenue (Broadway to Pacific Avenue)
- 61-21 Authorizing Membership in a Mutual Aid and Assistance Agreement with Other County Participating Units
- 62-21 Approving Catering Permit – Chamberlain Hospitality Group, Inc.
- 63-21 Bill Payment
- 64-21 Affirming Decision of Shade Tree Commission Prohibit Removal of Tree at 211 Second Avenue in West Cape May

NON-CONSENT AGENDA

Ordinances for Second Reading and Public Hearing:

594-21 An Ordinance Amending Section 27-4 of the Borough Zoning Code to Permit Multiple Commercial Uses in Certain Circumstances

Solicitor Corrado stated that this Ordinance is amended to remove the words “all appropriate” to make the language clear that site plan approval is required for multiple commercial uses.

Mayor Sabo opened the public hearing. When no one wished to speak, the public hearing was closed and Commissioner Francis made a motion, seconded by Deputy Mayor Burke, to adopt Ordinance 594-21. The motion was carried unanimously on roll call vote.

Resolutions:

NONE

COMMISSIONER REPORTS

Commissioner Francis had nothing to report.

Deputy Mayor Burke mentioned two upcoming events: Shade Tree Commission’s Arbor Day Tree Giveaway in May and the American Red Cross Blood Drive on April 12th from 12pm-5pm at the West Cape May Fire Hall. Mr. Burke commended the Borough on receiving the Tree City USA designation for the 23rd year.

Mayor Sabo mentioned the passing of resident Lee O’Connor. Ms. Sabo also mentioned several upcoming events in West Cape May, including the Community Yard Sale on May 15th, Bulk Trash Day on May 19th, E-Waste Disposal and Shred Day on May 22nd, Backyard BBQ (Parade Fundraiser) on June 19th, first Farmers’ Market on June 29th. Mayor Sabo also mentioned that the Borough has not yet introduced the budget as it is still a work in process, but hopes to introduce same on April 12th.

PUBLIC PORTION

Ken Lamb, 129 Stimpson Lane, spoke of the excess traffic on Stimpson Lane. Mayor Sabo mentioned the ongoing conversations with the County Engineer’s Office who has determined that a reduction of speed limit on Stimpson Lane is not warranted.

When no one further wished to speak, the meeting was adjourned at 8:44pm on motion of Deputy Mayor Burke, seconded by Commissioner Francis.

Respectfully submitted,

Suzanne M. Schumann
Municipal Clerk