

**MINUTES OF BOARD OF COMMISSIONERS  
WORK SESSION AND REGULAR MEETING  
May 12, 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: Acting Municipal Clerk Theresa Enteadó, Deputy Municipal Clerk Erin Seer, Solicitor Frank Corrado, Engineers Ray Roberts and Dylan Skinner and Police Chief Dekon Fashaw.

**ENGINEER'S REPORT:**

**WORK SESSION**

**OLD BUSINESS**

**COVID-19 - Coronavirus Discussion:**

Mayor Sabo shared the news of a vaccine clinic scheduled to take place on Monday, May 24<sup>th</sup>, at the Wildwood Complete Care. She said Moderna and Johnson & Johnson vaccines will be made available. Ms. Sabo is hopeful that with the executive orders changing, more businesses will be able to safely open with higher indoor and outdoor capacity limits. She said the Borough will continue to follow safe procedures inside and outside of the building and urges others to continue to be safe as well.

Commissioner Francis spoke about the Pfizer vaccine and how this has recently been made available to teenagers from twelve to fourteen years of age. He would like to see more teenagers getting the vaccine, and he urges everyone to continue to wash their hands, social distance, and wear a mask so the numbers continue to decrease.

**Legalization of Marijuana:**

Solicitor Corrado told the commissioners that he heard back from the General Counsel at the League of Municipalities about some questions he had. LOM Counsel confirmed that a facility could have multiple licenses for growing, manufacturing and retail purposes. He also explained that cultivating marijuana requires growing the product in an indoor facility, like a warehouse, not in an open field. Solicitor Corrado advised the Board this will trigger the need for zoning regulations regarding said warehouse facilities.

Mayor Sabo asked for clarity wondering if an amendment to the current zoning would suffice for the cultivation warehouses. Solicitor Corrado said he would need to review the current code and see if certain farming language could just be adjusted. He is still processing much of the new information he received.

Solicitor Corrado suggested the commissioners review the two sample ordinances that the LOM Counsel provided, one from Bayonne, New Jersey and the other from Hackettstown, New Jersey. They detail the licensing of marijuana. Solicitor Corrado will also review the documents further and will provide a detailed ordinance template for the next meeting. He would like the template to be reviewed and edited at the next meeting, so it can be introduced in early June and on schedule for adoption by end of June, early July. He also provided a website, NJpublicnotices.com, that provides access to ordinances from other municipalities.

Commissioner Francis noted some surprising statistics. Deputy Mayor Burke clarified the fact that the legalization has already happened and the Borough is just looking at how to move forward with this legalization. Mayor Sabo echoed Mr. Burke, saying the legalization is outside of a local municipalities purview and added that it was approved in this Borough by two thirds of the voters.

Ordinance No. 600-21 Amending Section 27-27 to Prohibit the Installation of Artificial Turf:  
The WCM Planning-Zoning Board has determined this ordinance is consistent with the master plan and this Ordinance will be up for second reading at the May 26<sup>th</sup> meeting.

Third Avenue Open Space Park – Renaming to Pollinator Park:

Solicitor Corrado provided resolution no. 91-21, on the agenda tonight, which would approve a leasing and management agreement between the Borough and the County approving the re-naming of the park.

## **NEW BUSINESS**

FY2022 NJDOT Trust Fund Municipal Aid Program:

Engineer Ray Roberts said the State announced it will be receiving applications for the 2022 DOT State Aid Program. Applications are to be submitted by June 25<sup>th</sup>. The committee is putting together the five (5) year capital improvement program, Second Avenue between Broadway and Pacific Avenue should be considered. He hopes the Commissioners will agree and he will move forward by direction of the Mayor. Mayor Sabo agreed to Second Avenue being the first order of business for street improvement per the Borough Engineer's recommendation. Solicitor Corrado will prepare a Resolution for the next meeting.

## **PUBLIC PORTION**

NONE

When no one expressed a desire to speak the public portion was closed.

The Work Session concluded at 7:27pm.

## **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:

April 28, 2021 – Work Session and Regular Meeting

Ordinances for Introduction and Publication:

NONE

Resolutions:

- 84-21 Approve Catering Permit – Chamberlain Hospitality Group – Sunday Memorial Day BBQ at Beach Plum Farm
- 85-21 Appoint New Hire – Erin Seer
- 86-21 Appoint New Hire – Rhiannon Worthington
- 87-21 Appoint PZB Secretary – Tricia Oliver
- 88-21 Appoint Alternate Fund Commissioner – JIF
- 89-21 Appoint Municipal Safety Coordinator – JIF
- 90-21 Appoint Contacts for EPL Services – JIF
- 91-21 Authorizing Leasing and Management Agreement With the County of Cape May for Open Space Property - Pollinator Park
- 92-21 Authorizing Amendment to West Cape May, Cape May Interlocal Services Agreement for Provision and Allocation of Water
- 93-21 Proclaiming the Borough of WCM and WCM Board of Education Joint Playground Improvements Project
- 94-21 Bill Payment

**NON-CONSENT AGENDA**

Ordinances for Second Reading and Public Hearing:

- 597-21 Ordinance Amending the West Cape May Zoning Code to Clarify the Definition of “Setback Line”

*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 597-21. The motion was carried unanimously on roll call vote*

- 599-21 An Ordinance Amending the Borough of West Cape May’s Salary Ordinance  
*Mayor Sabo opened the public hearing. When no one wished to speak, the public hearing was closed and Deputy Mayor Burke made a motion, seconded by Commissioner Francis, to adopt Ordinance 599-21. The motion was carried unanimously on roll call vote*

- 601-21 An Ordinance to Exceed the Municipal Budget Appropriation Limits and to Establish a Cap Bank for CY2021 (N.J.S.A. 40A:4-45.14)

*Mayor Sabo opened the public hearing. When no one wished to speak, the public hearing was closed and Deputy Mayor Burke made a motion, seconded by Commissioner Francis, to adopt Ordinance 601-21. The motion was carried unanimously on roll call vote*

Resolutions:

NONE

**COMMISSIONER REPORTS**

Commissioner Francis said the Environmental Commission was agreeable to creating a pamphlet on water conservation, to be ready possibly by this summer. Mayor Sabo suggested use of social media and the Borough website as well.

Commissioner Francis wondered if water usage and electric usage would be an issue regarding marijuana cultivation. Deputy Mayor Burke said the business would be responsible for paying for utilities, not the Borough.

Commissioner Francis reminded the public of the upcoming E-Waste and Shred day on May 22<sup>nd</sup> in the Borough Hall parking lot between 9am to 2pm.

Deputy Mayor Burke said the Shade Tree Commission's May 6<sup>th</sup> sapling giveaway was a success, and so was the Arbor Day celebration. He also mentioned the 15 Japanese Cherry trees from Atlantic City Electric which were all planted throughout the Borough. He also reminded everyone about the Blood Drive on May 13, 2021 at the West Cape May Volunteer Fire Hall. Deputy Mayor Burke also shared the water main flushing schedule June 7<sup>th</sup> for Myrtle Avenue to Central Avenue – East of Broadway and June 8<sup>th</sup> - 10<sup>th</sup> for West of Broadway. Mr. Burke also mentioned the request to the County to have the intersection at Sunset, S Broadway, Broadway & West Perry, patched up well enough to be easily traveled, hopefully before this season.

Mayor Sabo reminded the public of the Borough wide yard sale on May 15<sup>th</sup> and the Bulk Trash pickup on May 19<sup>th</sup>.

**PUBLIC PORTION**

NONE

When no one further wished to speak, the meeting was adjourned at 7:52pm on motion of Commissioner Francis, seconded by Deputy Mayor Burke.

Respectfully submitted,

Theresa Enteadó  
Acting Municipal Clerk