

**MINUTES OF BOARD OF COMMISSIONERS
WORK SESSION AND REGULAR MEETING
May 26, 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 Entead, Solicitor Frank Corrado, and Engineer Ray Roberts.

WORK SESSION

OLD BUSINESS

COVID-19 - Coronavirus Discussion:

Mayor Sabo mentioned the indoor mask mandate has been lifted as well as the limitations for indoor dining. She said she spoke to most employees and they expressed that they feel safe behind the office windows. She asked for the commissioners' thoughts on allowing no masks in the municipal building. Deputy Mayor Burke and Commissioner Francis both expressed concerns about non-vaccinated people not wearing masks. It was agreed that masks should continue to be required in order to enter the Municipal Building, and the requirement can be re-visited at the next meeting. Solicitor Corrado confirmed it is legally within their rights to do so.

Legalization of Marijuana:

Solicitor Corrado asked that the commissioners review the draft ordinance that he provided and provide any comments or questions to him at the next meeting. He noted that some sections with blanks need to be addressed by them. He said the goal is to have an updated ordinance for the June 9th meeting for them to consider for adoption. Commissioner Burke mentioned that the State doesn't expect to have guidelines released until mid-August. Solicitor Corrado confirmed this.

NEW BUSINESS

Green Acres:

Commissioner Burke said the Borough owns thirteen (13) lots on Second Avenue between Morrison and Bayshore Roads. They abut a large parcel owned by the State, which he believes to be part of the Higbee National Wildlife Refuge. He said it is an area where there is a lot of open land. He would like to consider giving the Borough owned lots to the State as Green Acres, or a legacy of land. He feels it is land that can not be built on anyway and it would just expand what the State already owns anyway. He also feels it best to protect this area, considering the flooding and stormwater concerns currently facing the Borough.

Mayor Sabo asked how this would be coordinated. Deputy Mayor Burke said it would be donated and described an application he had from the Green Acres Program. Solicitor Corrado advised the Commissioners that he should review the program and the form before any action takes place. Commissioner Burke agreed and expressed his desire to move forward.

TWA Application:

Engineer Ray Roberts reviewed an application that was sent from the applicant's engineer, which included a two-sheet design proposing to extend the sewer service line on Goldbeaten Alley between

West Drive and Bayshore Road. The applicant owns lot ten which is about four hundred feet from West Drive. The line will pass by five other lots before it reaches lot ten. Additionally, there are also ten remaining lots from where the sewer line will end until Bayshore Road. Mr. Roberts said lot ten has a two-hundred-foot frontage in the R-4 Zone, where minimum frontage is one hundred feet, so subdivision is likely. Mr. Roberts said the Commissioners have administrative authority on the sewer system within the Borough. He said the BOC has allowed TWA applications, in the past, to extend the sewer permitted it is in the sewer service area, which this proposal is. He said the costs related to the proposal are all the responsibility of the applicant and not the Borough. He said the Commissioners have to decide if they want this application to proceed and if yes, he would notify the applicant.

The Commissioners expressed their concerns about the lasting impact and fallout from the last TWA for McCullough Alley. Dave Carrick, the Borough's Water/Sewer Manager, suggested that they consider the issues from McCullough Alley and apply conditions if they plan to approve this current application. Mr. Roberts said they should definitely consider how the surface will be finished. Mr. Roberts explained that he will be looking at the extension from West Drive all the way to Bayshore and evaluating any possible construction issues and/or drainage issues. Mr. Roberts also explained that this sewer would drain to the West Drive pump station, and the applicant would have to provide an estimate of sewage going there, should everyone tie into the line. The Borough can then determine if the pump station will be adequate and if not, the applicant can be made to upgrade the pump station as a condition of approval.

Commissioner Francis asked if a sewer line for this area was considered by the Borough before. Mr. Roberts reminded him that it was a consideration but the commissioners agreed, other issues of much higher priority, such as the existing infrastructure, must be repaired first.

Commissioner Burke doesn't want to say no if allowed before, as long as the applicant can be held to certain conditions. Mayor Sabo wanted to be sure to get proper inspection, performance, and maintenance escrow and/or bonds as applicable.

It was eventually agreed that Mr. Roberts will contact the applicant with requirements in order to continue the application process.

PUBLIC PORTION

Jack Killeen of 316 Broadway, shared a brief history of his military and law enforcement experience as well as his ties to the community. He expressed his strong concern about adverse impacts that the allowance of distributors and retailers of marijuana could have on the small, family community of West Cape May. His main objection is to retail sales, in his opinion the trouble would not be worth the money. His other concern is the increased use of marijuana in underaged teens.

Mayor Sabo said her career has been spent working with children and families at risk, including substance abuse. As a social worker with a Masters' Degree, she is very aware of the impact of drugs and alcohol on families. She believes this issue is more about adult sensible use and noted that she is happy to discuss the issue, and to share concerns and knowledge. Mayor Sabo wished to acknowledge the fact that this will be adult use and highly regulated by the State.

Commissioner Francis mentioned statistics from Colorado, two years after the legalization there, statistics showed that the use of marijuana by teens aged 12 – 17 dropped seventeen percent. He also said data showed the death rate from opioids decreased after the legalization of marijuana.

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

The Work Session concluded at 8:29pm.

REGULAR MEETING

2021 MUNICIPAL BUDGET

Resolution No. 95-21

Read by title only and open public hearing on 2021 municipal budget.

Resolution No. 96-21

Adopt 2021 Municipal Budget

The floor was opened to the public. When no one expressed a desire to speak, Solicitor Corrado announced that, because the Division of Local Government Services has not yet approved the WCM budget, due to the large amounts of late submissions, both the public hearing and the adoption of the budget should be tabled.

On motion of Mayor Sabo, seconded by Deputy Mayor Burke, both aforementioned budget resolutions were tabled to the June 9, 2021 meeting, carried unanimously on roll call vote.

CONSENT AGENDA

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

Minutes:

May 12, 2021 – Work Session and Regular Meeting

Ordinances for Introduction and Publication:

602-21 An Ordinance Amending Chapter 22 of the West Cape May Code Regarding Stormwater Control

Resolutions:

- 97-21 Authorizing Remington & Vernick Engineers to Submit an Application to the FY 2022 NJDOT State Aid Program
- 98-21 Annual Renewal of Liquor License – Exit Zero/West Cape Liquor LLC
- 99-21 Appointing Membership to WCM VFC – Robert W. Elwell
- 100-21 Annual Renewal of Liquor License – 106 Sunset LLC
- 101-21 Emergency Temporary Budget

102-21 Emergency Temporary Budget – Water/Sewer
103-21 Bill Payment

NON-CONSENT AGENDA

Ordinances for Second Reading and Public Hearing:

600-21 Ordinance Amending Section 27-27 of the West Cape May Zoning Code to
 Prohibit the Installation of Artificial Turf

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 600-21. The motion was carried unanimously on roll call vote

Resolutions:

NONE

COMMISSIONER REPORTS

Commissioner Francis said the Environmental Commission had a very successful E-Waste recycling event on the 22nd. He also attended a meeting about wind farming. Experts discussed the plan, as well as concerns for the sea life and the effect on local fisheries. He believes the proposal is for 27 windmills. In his opinion, this is just the beginning of the conversations to be had, he suspects more discussions and comment periods will be available. He also briefly discussed infrastructure grants that may be available to municipalities.

Deputy Mayor Burke said he and John attended the grand opening of Pedego of Cape May and wished the new store success. He said the Shade Tree Commission presentation about the WCM tree inventory was very informative. The link to the inventory is on the Borough website. He also said the intersection at Sunset, Broadway, and Perry has been repaired and the Contractor the County used did an excellent job.

Mayor Sabo reminded everyone of the Strawberry Festival on June 6th in the Borough Back Yard Park and said to save the date for the first Farmers Market of the year on June 29th.

PUBLIC PORTION

NONE

When no one further wished to speak, the meeting was adjourned at 8:50pm on motion of Commissioner Francis, seconded by Deputy Mayor Burke.

Respectfully submitted,

Theresa Enteadó
Acting Municipal Clerk