

**MINUTES OF BOARD OF COMMISSIONERS
WORK SESSION AND REGULAR MEETING
June 9, 2021**

The Work Session of the Board of Commissioners of the Borough of West Cape May was called to order by Mayor Sabo at 7:03pm. 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, Engineer Ray Roberts and the Borough's Finance Professionals.

ENGINEER'S REPORT:

WORK SESSION
OLD BUSINESS

COVID-19 - Coronavirus Discussion:

Mayor Sabo revisited the mask mandate for indoor facilities, more specifically the Borough building. She asked for the Commissioners' thoughts on changing the Borough's policy to coincide with that of the CDC. Deputy Mayor Burke and Commissioner Francis both concurred to allow those who are fully vaccinated to decide whether or not they wish to wear masks based on their comfort level and to further ask those that are not vaccinated to continue to wear masks when in the building. They indicated they will continue to re-visit as needed. Solicitor Corrado confirmed it is legally within their rights to do so. Deputy Mayor Burke noted that we will be continuing to maintain the appropriate social distance when in the building.

Legalization of Marijuana:

Solicitor Corrado discussed the ordinance he had prepared with the prospect to formally introduce for adoption at the next commissioners meeting. He advised that the Ordinance covers both the cultivation and retail aspects of marijuana when concerning West Cape May. Solicitor Corrado asked the Commissioners to review Lower Township's proposed ordinance and give their input on the conditional uses concerning the retailing and distribution aspects and indicate whether they wish to incorporate any in the Borough's Ordinance. Commissioner Francis, asked if the Licenses would be up for bid. Solicitor Corrado indicated that he cannot answer that until he sees what the State indicates on regulating allocation. As of right now, there is no limitation to the amount of licensing allowed within Municipalities. All provisions in the ordinance are subject to the State.

Deputy Mayor Burke mentioned what the video monitoring is for the growing and manufacturing for security purposes and whether or not the Borough may want to consider having video monitoring for retail purposes. He further questioned the details within location guidelines when concerning school buildings. Solicitor Corrado advised that Section 8 of the Ordinance details such restrictions.

Green Acres:

Solicitor Corrado revisited what was discussed at the last meeting concerning the Borough's ability to donate land to the DEP rather than seek compensation for the property. He indicated that he spoke with the DEP and was advised that the Borough can donate the property, but the DEP will still need to review and approve the donation.

Deputy Mayor Burke noted the property consists of 13 lots that abuts the Higbee National Wildlife Refuge. Solicitor Corrado offered to prepare a resolution for the Commissioners to vote on for whether they wish to approve the application. Mayor Sabo indicated that they will continue to discuss the matter and will defer and revisit at the next meeting.

TWA Application:

Engineer Ray Roberts indicated that Solicitor Corrado reviewed a draft letter to the Applicant concerning the TWA application and that the letter was amended accordingly. He advised that the letter to the applicant advised them of all the responsibilities the applicant would need to handle should they wish to continue with the TWA application in front of this board, and indicated they would be responsible for the application fees and costs for improvements as indicated by the board. Mayor Sabo noted that such fees would also include those relating to the possibility of updating the pump station. Engineer Roberts advised they would need to provide us with further information to see if there are any improvements needed for the application, which would take into consideration any future development.

NEW BUSINESS

Formation of Mount Laurel Subcommittee:

Solicitor Corrado advised that he has been communicating with Erik Nolan, the Borough's COAH counsel, and that the Borough is currently in compliance with its COAH obligations. He indicated that there are upcoming obligations for Round three that the Borough needs to comply with by 2025, and he concurred with Nolan's suggestion that the Borough form a COAH subcommittee to address those obligations.

Deputy Mayor Burke noted that in 2025 we will have to meet our obligations and that it is not by choice. Solicitor mentioned that the Borough will be on the right track for compliance if decided by the end of this summer or fall.

PUBLIC PORTION

Andrea Muller of 105 West Grant Street, noted her opposition to the potential Cannabis ordinance. She expressed her concern that Cannabis is considered a schedule 1 substance with potential for abuse. She claimed no community nearby was considering allowing manufacturing and retail of Cannabis, expressing her concern that it will cause people to flock to this area. She noted studies involving Cannabis and believes those types of businesses will have a bad impact on the local community.

Gary Paudussis of 139 N. Broadway expressed his feelings on how he wishes for the operations to be controlled if the Cannabis Ordinance is passed. He expressed his desire to have the operations owned and operated by local people, and for the proceeds to be given back to the community.

Jack Killeen of 316 Broadway, wanted to express his opposition and his support to the others who oppose.

Ken Lamb of 129 Stimpson, expressed his approval of the Cannabis Ordinance, noting the high number of States that have passed the use of Recreational Cannabis. He noted that different studies show different views on the topic. He indicated his belief that there is no harm in it. He then transitioned

into asking about the TWA that was previously and Engineer Ray Roberts further explained in detail the TWA and the location of the property concerning the application. Mr. Lamb then asked more about the Mount Laurel Subcommittee that was discussed, to which Solicitor Corrado further explained the COAH process, and advised that the Borough's obligations to the State are ongoing and divided into what they call rounds. He further indicated that the Borough has met the requirements for rounds one and two and are currently in round three which needs to be met by 2025.

David La Puma of 419 Third Avenue, gave praise to the Commissioners regarding the Cannabis Ordinance. He expressed his appreciation to the Borough on their attempt to take a positive stance on this matter, rather than just being reactionary. He appreciates that the Borough is taking into consideration the overwhelming approval that the votes had reflected during the 2020 poll question and commends the Commissioners for having an open mind.

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

The Work Session concluded at 7:55pm.

REGULAR MEETING

2021 MUNICIPAL BUDGET

Resolution No. 104-21

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

On motion of Deputy Mayor Burke, seconded by Commissioner Francis, the following Resolution No. 104-21 was unanimously approved on roll call vote. One of the Borough's financial expert, Doris Hartman, Deputy CFO, gave a brief detail of the budget being discussed. The floor was opened to the public. When no one expressed a desire to speak, Mayor Sabo closed the discussion.

Resolution No. 105-21

Adopt 2021 Municipal Budget

On motion of Commissioner Francis, seconded by Deputy Mayor Burke, the following Resolution No. 105-21 was unanimously approved on roll call vote.

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 26, 2021 – Work Session and Regular Meeting

Ordinances for Introduction and Publication:

NONE

Resolutions:

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| 106-21 | Authorizing the Execution of a Contract Renewing Membership in the Atlantic County Municipal Joint Insurance Fund |
| 107-21 | Insertion of Special Item of Revenue Pursuant to N.J.S.A. 40A: 4-87, Chapter 159 |
| 108-21 | Bill Payment |

NON-CONSENT AGENDA

Ordinances for Second Reading and Public Hearing:

NONE

Resolutions:

NONE

COMMISSIONER REPORTS

Commissioner Francis explained how the E-Waste recycling event disposed of four tons of waste. He announced that they plan to have another later this year.

Deputy Mayor Burke discussed the tree installation, noting that several have already been planted, and that they plan to plant even more. Fifteen Red Cherry trees donated by Atlantic City Electric were planted, and another 15 trees from the shade tree commission are still being planted.

Deputy Mayor Burke announced there is a Blood drive on July 8, 2021 which is being run by the Borough and will be held at the Fire Hall, from 12 noon to 5pm.

Mayor Sabo further noted the success of the Strawberry festival this past weekend, adding that the vendors she spoke with were all very happy with the turn out. She advised of the upcoming Farmer's Market scheduled to begin on June 29th. She continued to note that the West Cape May's Annual Christmas Parade fundraisers are beginning early this year; with a family friendly movie night being held in the Borough's backyard park on July 7, 2021, and a corn hole tournament and fish fry being held on August 7, 2021.

Deputy Mayor Burke also noted that not all of the events held here are Borough events, and that others are allowed and do rent out the space.

PUBLIC PORTION

Mayor Sabo opened for public portion.

Rich Kauffeld of 101 South Bayshore Road explained he is in the process of pursuing Wetlands restoration for his property. He has four acres that he is currently working with the NJ Audubon and the US Fish and Wildlife and wants to discuss with the Borough to make sure his plans coincide with those of the Borough. Commissioner Francis commended Mr. Kauffeld for this plan and invited him to attend the Environmental Commission meeting on July 7, 2021 at 6:30pm to discuss the matter further.

Mayor Sabo asked how far along he was in this project. Mr. Kauffeld advised he signed a land owner agreement with the US Fish & Wild life and they will be assisting him with his submission to the DEP. Mayor Sabo mentioned that he should also speak with the Shade Tree committee about this project as well. Mr. Kauffeld mentioned the application currently submitted to the Borough for another property, 106 Sunset, may coincide with his own property. Ray indicated that they are still waiting to hear from the DEP regarding a hearing date for that application. Mr. Kauffeld asked if he could see those proposals to make sure his plans do not interfere.

Ken Lamb of 129 Stimpson, expressed his concern for the traffic on his street from the Strawberry festival. Mayor Sabo noted that there are a lot of people on the island currently and that it is difficult to control traffic because of that. Solicitor Corrado, mentioned the possibility of having a police officer stationed on Broadway on a busy summer day to see the traffic situation on that road. Mayor Sabo did note they do have the flashing lights set up on Broadway to deter speeding for drivers entering West Cape May.

Allen Fennimore of 304 First Avenue expressed his concern for the safety on his street indicating that he sees drivers speeding and not adhering to the traffic signs specifically the stop sign on First Avenue. He also made note of an over grown bush on the corner for Grant and First which makes it different to see around it. Commissioner Francis noted that we could potentially have an officer on First Avenue to observe the street and make sure drivers are stopping at that stop sign. Mayor Sabo advised that she has taken notes from today's discussion and will bring them up to the Chief of Police.

Commissioner Francis wanted to address those who spoke during the first public portion noting that he wished they had stayed until the end of the meeting so that they could hear what the commissioners had to say. He indicated that the commissioners are always listening to what the people are saying and are open to all the public concern. He addressed his concern with the statistics that were previously noted by Muller, indicating that those statistics were dealing with Major cities and that West Cape May is not a major city. Commissioner Francis expressed his appreciation to those who came here and spoke out against it and that he believes that there is a lot of fear behind this topic because of the unknown but that they are listening to the public and taking into consideration all of their concerns. Deputy Mayor Burke also addressed the concern people had in the belief that West Cape May was going to be the only Municipality in Cape May County to pass an ordinance allowing the retail and manufacturing of cannabis, making note of the recent ordinance introduced by Lower Township.

Deputy Mayor Burke also addressed the expressed concern relating to potential break-ins to both manufacturing and retail facilities, noting that manufacturing of cannabis requires an indoor facility of at least five acres, which already limits who will be able to manufacture the product and further noting that those facilities will also need to be secured and have security. Mayor Sabo noted Security will be a lot tighter to get into a dispensary than it is for a liquor store, requiring ID to enter the building, not just at the register. She indicated that this Ordinance is about having a safe and sensible use for adults and that they need to take into consideration that two-thirds of West Cape May's voters showed approval towards cannabis.

When no one further wished to speak, the meeting was adjourned at 8:35pm on motion of Commissioner Francis, seconded by Deputy Mayor Burke.

Respectfully submitted,

Erin Seer
Deputy Municipal Clerk