

**WORK SESSION AND REGULAR MEETING
BOARD OF COMMISSIONERS
AGENDA – MAY 11, 2022 || 7:00pm || 732 Broadway, WCM Municipal Building**

1. CALL TO ORDER || SUNSHINE STATEMENT

This meeting is called pursuant to the provisions of the Open Public Meetings Law. Notice of this meeting was sent to the Cape May Star and Wave and the Atlantic City Press, posted on the bulletin board in the Municipal Building, and has remained continuously posted as the required notice under the Statute. In addition, a copy of this Notice is and has been available to the public, and is on file in the Office of the Municipal Clerk.

2. FLAG SALUTE

3. ROLL CALL

| | Present | Absent |
|------------------------|---------|--------|
| Mayor Sabo | _____ | _____ |
| Deputy Mayor Burke | _____ | _____ |
| Commissioner Kurkowski | _____ | _____ |

4. ENGINEER REPORT

5. WORK SESSION

A. OLD BUSINESS

1. Covid-19

B. NEW BUSINESS

C. PUBLIC PORTION

6. REGULAR MEETING

A. CONSENT AGENDA

1. MINUTES

April 27, 2022 – Work Session and Regular Meeting

2. ORDINANCES FOR INTRODUCTION & PUBLICATION

None

3. RESOLUTIONS

- 78-22 Accepting Resignation of Emergency Management Coordinator – Paul Mulligan
- 79-22 Appointing Emergency Management Coordinator – Gregory Basile
- 80-22 Appointing Deputy Emergency Management Coordinators – Anthony Simon and William Isaac
- 81-22 Authorizing Change Order #2 – Reconstruction of Oak Avenue and Goldbeaten Alley
- 82-22 Insertion of Special Item of Revenue – Chapter 159 - SRTS
- 83-22 Approving Bill Payment

B. NON-CONSENT AGENDA

1. ORDINANCES FOR SECOND READING & PUBLIC HEARING:

None

2. RESOLUTIONS:

None

C. COMMISSIONER REPORTS

D. PUBLIC PORTION

E. ADJOURNMENT



**BOROUGH OF WEST CAPE MAY
May 11, 2022**

**1. Safe Routes to Schools (SRTS) Borough of West Cape May Elementary School
Pedestrian Improvement Project**

- Borough has been awarded a Safe Routes to Schools grant in the amount of \$252,000.00
- Eligibility determination was granted on 1/15/2021, by NJDOT
- Project is currently in the advertisement phase; Bids will be opened on May 24, 2022
- Schedule:
 - Advertise for Bids: April 27, May 4, and May 11, 2022
 - Open Bids: May 24, 2022
 - Recommend Award to NJDOT: May 25, 2022
 - NJDOT Review of Bids: May 25 – June 8, 2022
 - Project Award: June 15, 2022
 - Preconstruction Meeting/Notice to Proceed: June 30, 2022
 - Contract Completion: August 31, 2022

2. FY2020 Municipal Aid Program (Third Avenue – Sunset Blvd.)

- RVE closing out project w/ NJDOT
- In line valve on Little Myrtle failed. Contractor has replaced valve

3. FY2021 Municipal Aid Program (Third Avenue – Phase 2)

- Borough selected Third Avenue Phase 2 (Atlantic Avenue to Columbia Avenue)
- NJDOT has offered a grant in the amount of \$185,000.00
- Project has been awarded to South State, Inc. in the amount of \$213,539.73
- RVE submitted Initial Payment Voucher on 5/4/2022
- 95% of punch list completed

4. Oak Avenue and Goldbeaten Alley

- Received Maintenance Bond
- Closeout documents submitted to Borough on 5/5/2022
- Job to be closed out once final pay cert and change order are processed

5. McCullough Alley Drainage

- NJDEP issued Permit 03/23/2022 with expiration date 03/22/2027
- RVE has submitted a proposal contract to the Borough for Engineering Design, Bidding and Construction Services

6. FY2022 Municipal Aid Program (Second Avenue – Broadway to Pacific Avenue)

- Borough was awarded \$185,000.00 grant
- RVE has submitted a proposal contract to the Borough for Engineering Design, Bidding and Construction Services

7. NJDCA – Local Recreational Improvement Grant

- Application submitted May 21, 2021.
- Grant offer for \$75,000.00 has been received.
- RVE has coordinated with Board of Education & continues to develop scope of work to match the BOE budget.

8. I-Bank – Small System Lead Remediation

- RVE/Borough submitting an application for a 100% principal forgiveness loan
- The project will include the replacement of designated water services and the associated surface improvements
- RVE/Borough has submitted the required Environmental Planning Document.
- Pre-planning I-Bank meeting held November 17 at 1:00 p.m. with Borough representatives
- RVE to develop a scope of work and opinions of probable construction cost and forward to IBank and verify eligible costs.
- IBank has determined scope of eligible construction items which includes the proposed services from the water main to the meter box, pavement repair over the trenches and the service from the meter box to the building's exterior wall and trench repair.
- RVE to submit final plans and specifications to complete application
- RVE has submitted a proposal contract to the Borough for Engineering Design, Bidding and Construction Services

9. Watershed Master Plan

- The "draft" Watershed Master Plan, prepared by Stockton University Coastal Research Center, dated August 24, 2021, has been received and is under review by the appropriate Borough departments/commissions.
- Mr. Belasco set up a coordination meeting with the adjacent municipalities to review report recommendations impacting adjoining municipalities.
- Mr. Belasco to set up follow up meeting with the Nature Conservancy, City of Cape May, Borough of Cape May Point and Borough of West Cape May.

10. FY2023 Municipal Aid Program Application

- NJDOT has announced the application deadline for FY2023 Municipal Aid funding
- RVE has submitted a proposal contract to the Borough for Engineering Services to submit an application for Fifth Avenue (State Street to Bayshore Road)

**MINUTES OF BOARD OF COMMISSIONERS
WORK SESSION AND REGULAR MEETING
April 27, 2022**

The Work Session of the Board of Commissioners of the Borough of West Cape May was called to order by Deputy Mayor Burke at 7:03 p.m. The Open Public Meetings Statement was read by Deputy Mayor Burke. Deputy Mayor Burke and Commissioner Kurkowski answered roll call; Mayor Sabo was absent for medical reasons. Also in attendance: Acting Municipal Clerk Theresa Entead, Deputy Municipal Clerk Erin Seer, Solicitor Frank Corrado, Engineers Raymond Roberts and Anthony Chadwell, and associate Lia Domico.

OLD BUSINESS

Covid-19:

Deputy Mayor Burke noted a slight rise in Cape May Counties covid cases, but remains hopeful that it will not impact our day-to-day activities

HPC - Historic District

Deputy Mayor Burke explained that the district is to be extended north along Broadway and include the house at 300 Sixth Avenue as a historic site outside of the consolidated district, upon the request of the home owners.

Solicitor Corrado, noted the Ordinance was on the agenda for introduction and will be published in the paper. He advised that the Ordinance will then go before the Planning Board for review, and that the Commissioners won't have a hearing on the Ordinance for about a month. He further indicated that a notice will be sent to all of the properties within the district that will be affected.

Sunset Beach Sportsmen's Club

Deputy Mayor Burke introduced the topic for discussion.

Solicitor Corrado suggested that no action take place on this topic tonight because of Mayor Sabo's absence and that the discussion be deferred until all Commissioners are in attendance.

Christopher Gillin-Schwartz, Esquire, legal representative for Sunset Beach Sportsmen's Club gave a brief explanation on what they are requesting of the Borough and of the other neighboring municipalities on Cape Island.

Commissioners Burke and Kurkowski agreed to postpone discussion of the matter until Mayor Sabo returns.

NEW BUSINESS

NONE

Certificate of Recognition:

Raymond M. Roberts, Borough Engineer Retirement

Deputy Mayor Burke read the Certificate of Recognition in full, honoring and appreciating the dedication of Raymond M. Roberts, Borough Engineer, for over 15 years of service to the Borough.

Mr. Roberts thanked the Commission and expressed that his years of service had been very rewarding and that the Borough stands out as a place he will love to always be near.

PUBLIC PORTION

Deputy Mayor Burke opened the meeting for Public Portion. When no one expressed a desire to speak, the Work Session was concluded at 7:22pm.

REGULAR MEETING

CONSENT AGENDA

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

Minutes:

April 13, 2022 – Work Session and Regular Meeting

Ordinances for Introduction and Publication:

613-22 An Ordinance Amending Section 27-19 Of The Borough Of West Cape May Zoning Code Pertaining To Historic Preservation

Resolutions:

- 75-22 Authorizing Special Event Permit To Cape May County Indivisible For The Purpose Of Hosting Meetings
- 76-22 Re-Appointing Acting Municipal Clerk Theresa Enteado
- 77-22 Approving Bill Payment

NON-CONSENT AGENDA

Ordinances:

None

Resolutions:

NONE

COMMISSIONER REPORTS

Commissioner Kurkowski indicated he had no news to report.

Deputy Mayor Burke noted that the Shade Tree Commission will be celebrating Arbor Day on April 29th with the students of West Cape May Elementary, and on May 3rd, 4th & 5th they will be hosting a regional sapling giveaway and providing free tree saplings at the Borough Hall.

He went on to announce that all are welcome to also attend the free Community Shred Day that will take place Saturday, May 7th, from 9am – 12pm in the Borough Parking Lot.

Deputy Mayor Burke further noted that during the first day of adult cannabis use, there were 12 cannabis dispensaries that opened to retail sales, and \$1.9 million in sales from that day alone. Solicitor Corrado noted, that currently the closest retail cannabis location is in Egg Harbor Township.

Deputy Mayor Burke finished his report by reminding the residents of the Cape May Community Food closet non-profit organization that serves Cape May, Cape May Point, West Cape May and Lower Township, by distributing groceries to low income households and encouraging those who can to volunteer and/or donate.

PUBLIC PORTION

Paula Rosenzweig, 415 Second Avenue, indicated she represented 19 people on her street and requested sewer service for Second Avenue.

Paige Cunningham, 134 Third Avenue, had questions regarding the water rates and requested the Commission look into potentially creating a lower tier.

Janet Payne, 202 Atlantic Avenue, had concerns regarding the water rates and asked for there to be a lower tier for those households who use less than 7,000 gallons of water.

Fam Kaithern, 207 Stevens Street, requested the water rates be looked over and commended the Commissioners for their attention to the speakers.

When no one further expressed a desire to speak, Deputy Mayor Burke closed the public portion and the meeting was adjourned at 7:48 p.m., on motion of Commissioner Kurkowski, seconded by Deputy Mayor Burke.

Respectfully submitted,

Erin Seer
Deputy Municipal Clerk

BOROUGH OF WEST CAPE MAY
COUNTY OF CAPE MAY
STATE OF NEW JERSEY

RESOLUTION #78-22

ACCEPTING THE RESIGNATION OF
EMERGENCY MANAGEMENT COORDINATOR
Paul Mulligan

NOW, THEREFORE, BE IT RESOLVED, the Board of Commissioners of the Borough of West Cape May hereby accepts with regret the resignation submitted by Paul Mulligan for the position of Emergency Management Coordinator. This resignation is effective June 1, 2022.

Carol E. Sabo, Mayor

Peter C. Burke, Deputy Mayor

Daniel M. Kurkowski, Commissioner

Theresa Enteadó
Acting Municipal Clerk

Adopted: May 11, 2021

cc: Finance
Personnel File
Paul Mulligan
CMC OEM

| | Aye | Nay | Abstain | Absent |
|-----------|-----|-----|---------|--------|
| Sabo | | | | |
| Burke | | | | |
| Kurkowski | | | | |

I hereby certify that the foregoing is a true copy of a Resolution duly passed and adopted by a majority of full membership of the Board of Commissioners of the Borough of West Cape May, County of Cape May, New Jersey, at a meeting held on May 11, 2021.

Acting Municipal Clerk

BOROUGH OF WEST CAPE MAY
COUNTY OF CAPE MAY
STATE OF NEW JERSEY

RESOLUTION #79-22

APPOINTING EMERGENCY MANAGEMENT COORDINATOR
Gregory Basile

WHEREAS, the Board of Commissioners wishes to appoint Gregory M. Basile, as the Emergency Management Coordinator, for a term of three years, effective June 1, 2022 and expiring on December 31, 2024.

NOW THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Borough of West Cape May, the governing body thereof, that Gregory M. Basile is hereby appointed as Emergency Management Coordinator for the Borough of West Cape May.

Carol E. Sabo, Mayor

Peter C. Burke, Deputy Mayor

Daniel M. Kurkowski, Commissioner

Theresa Enteado
Acting Municipal Clerk

Adopted: May 11, 2021

cc: Finance
Personnel File
Greg Basile
CMC OEM

| | Aye | Nay | Abstain | Absent |
|-----------|-----|-----|---------|--------|
| Sabo | | | | |
| Burke | | | | |
| Kurkowski | | | | |

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Acting Municipal Clerk

BOROUGH OF WEST CAPE MAY
COUNTY OF CAPE MAY
STATE OF NEW JERSEY

RESOLUTION #80-22

APPOINTING DEPUTY EMERGENCY MANAGEMENT COORDINATORS
Anthony Simon & William Isaac

WHEREAS, the Board of Commissioners wishes to appoint both Anthony Simon and William Isaac, as Deputy Emergency Management Coordinators, for a term of three years, effective June 1, 2022 and expiring on December 31, 2024.

NOW THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Borough of West Cape May, the governing body thereof, that Anthony Simon and William Isaac are hereby appointed as Deputy Emergency Management Coordinators for the Borough of West Cape May.

Carol E. Sabo, Mayor

Peter C. Burke, Deputy Mayor

Daniel M. Kurkowski, Commissioner

Theresa Enteado
Acting Municipal Clerk

Adopted: May 11, 2021

cc: Finance
Personnel Files
CMC OEM

| | Aye | Nay | Abstain | Absent |
|-----------|-----|-----|---------|--------|
| Sabo | | | | |
| Burke | | | | |
| Kurkowski | | | | |

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Acting Municipal Clerk

**BOROUGH OF WEST CAPE MAY
COUNTY OF CAPE MAY
STATE OF NEW JERSEY**

RESOLUTION #81-22

**AUTHORIZING CHANGE ORDER #2-FINAL
FY2020 CAPITAL IMPROVEMENTS
RECONSTRUCTION OF OAK AVENUE (from Fourth Ave. to Fifth Ave.)
RECONSTRUCTION OF GOLDBEATEN ALLEY (from Pacific Ave. to Atlantic Ave.)**

WHEREAS, the Borough of West Cape May is currently under contract with Think Pavers Hardscaping LLC for the FY2020 Capital Improvements Project, Reconstruction of Oak Avenue (Fourth to Fifth Avenue) and Reconstruction of Goldbeaten Alley (Pacific to Atlantic Avenue); and

WHEREAS, it is the recommendation of Borough Engineer, Remington & Vernick Engineers, to authorize Change Order No. 2 - for a final as-built quantity adjustment, which would result in a decrease of Sixty-One Thousand Four Hundred Forty Dollars and Eighteen Cents (\$61,440.18), to the previous contract amount of \$478,537.63; for an amended final amount of \$417,097.45

NOW, THEREFORE, BE IT RESOLVED, this 11th day of May, 2022, that the Board of Commissioners of the Borough of West Cape May, County of Cape May, State of New Jersey, hereby authorizes Change Order No. 2 as submitted by the Borough Engineer, and attached herewith, decreasing the contract with Think Pavers hardscaping LLC, in the amount of \$61,440.18 for a new amended contract price of \$417,097.45.

Carol E. Sabo, Mayor

Peter C. Burke, Deputy Mayor

Daniel M. Kurkowski, Commissioner

Theresa Enteadó
Acting Municipal Clerk

Adopted: May 11, 2022

cc: Engineer
Finance
Project File

| | Aye | Nay | Abstain | Absent |
|-----------|-----|-----|---------|--------|
| Sabo | | | | |
| Burke | | | | |
| Kurkowski | | | | |

I, Frank Donato, Chief Financial Officer, hereby certify that the funds required to authorize this Resolution are available and will be charged to the following account C-0-55-385-201.

Frank Donato, CFO

I hereby certify that the foregoing is a true copy of a Resolution duly passed and adopted by a majority of full membership of the Board of Commissioners of the Borough of West Cape May, County of Cape May, New Jersey, at a meeting held on May 11, 2022.

Acting Municipal Clerk

BOROUGH OF WEST CAPE MAY
COUNTY OF CAPE MAY
STATE OF NEW JERSEY

RESOLUTION # 82-22

INSERTION OF SPECIAL ITEM OF REVENUE PURSUANT
TO N.J.S.A 40A:4-87 CHAPTER 159

WHEREAS, N.J.S.A. 40A: 4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

WHEREAS, said Director may also approve the insertion of an item of appropriation for equal amount; and

NOW, THEREFORE, BE IT RESOLVED that the Borough of West Cape May, County of Cape May hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2022 in the sum of \$246,570.00 which item is now available as a revenue from the Federal Highway Administration and the State Department of Transportation.

BE IT FURTHER RESOLVED that a like sum of \$246,570.00 be and the same is hereby appropriated under the caption of:

General Appropriations - Public and Private Programs Offset by Revenues -
SRTS West Cape May Elementary School Pedestrian Safety Improvements- Fifth
& Moore Streets and Columbia Avenue - \$246,570.00

BE IT FURTHER RESOLVED that a copy of this resolution be certified and submitted electronically to the Director of Local Government Services for approval; and

Carol E. Sabo, Mayor

Peter C. Burke, Deputy Mayor

Daniel M. Kurkowski, Commissioner

Theresa Enteadó
Acting Municipal Clerk

| | Aye | Nay | Abstain | Absent |
|-----------|-----|-----|---------|--------|
| Sabo | | | | |
| Burke | | | | |
| Kurkowski | | | | |

Adopted: May 11, 2022

cc: Finance
File

I hereby certify that the foregoing is a true copy of a Resolution duly passed and adopted by a majority of full membership of the Board of Commissioners of the Borough of West Cape May, County of Cape May, New Jersey, at a meeting held on May 11, 2022.

Acting Municipal Clerk