

**WORK SESSION AND REGULAR MEETING**  
**BOARD OF COMMISSIONERS**  
**AGENDA – June 8, 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	_____	_____

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**4. ENGINEER REPORT**

**5. WORK SESSION**

**A. OLD BUSINESS**

1. Covid-19

**B. NEW BUSINESS**

**C. PUBLIC PORTION**

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**6. REGULAR MEETING**

**A. CONSENT AGENDA**

**1. MINUTES**

May 25, 2022 – Work Session and Regular Meeting

**2. ORDINANCES FOR INTRODUCTION & PUBLICATION**

614-22 An Ordinance Amending the Borough of West Cape May's Salary Ordinance (#360-06)

**3. RESOLUTIONS**

- 95-22 Authorizing Lower Cape Alliance Submission of Application for DMHAS Youth Leadership Grant – 2023
- 96-22 A Resolution in Support of Budget Cap Relief
- 97-22 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**

**June 8, 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
- Bids were opened on May 24, 2022; Submitted bids are being reviewed by the NJDOT for concurrence of award
- 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 15, 2022
  - Project Award: June 22, 2022
  - Preconstruction Meeting/Notice to Proceed: July 6, 2022
  - Contract Completion: September 6, 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)**

- RVE submitted Initial Payment Voucher on 5/4/2022
- Punch list has been completed
- RVE closing out project with Borough and NJDOT

**4. McCullough Alley & Bayshore Drainage**

- NJDEP issued Permit 03/23/2022 with expiration date 03/22/2027
- RVE working on final design
- Project to be bid in fall 2022

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

- Borough was awarded \$185,000.00 grant
- RVE scheduling survey and preparing design schedule
- Project to be bid in summer 2022 for fall 2022 construction

#### **6. NJDCA – Local Recreational Improvement Grant**

- Application submitted May 21, 2021
- Grant offer for \$75,000.00 has been received.
- BOE has passed a resolution for Borough to handle construction services
- Final scope to be determined by BOE

#### **7. I-Bank – Small System Lead Remediation – Stimpson Lane**

- 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 working on final plans and specifications to complete application
- Final submission to be made by June 24, 2022

#### **8. 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.

#### **9. FY2023 Municipal Aid Program Application**

- NJDOT has announced the application deadline for FY2023 Municipal Aid funding
- RVE working on application for Fifth Avenue (State Street to Bayshore Road)
- Application to be submitted in SAGE by June 24, 2022

**MINUTES OF BOARD OF COMMISSIONERS  
WORK SESSION AND REGULAR MEETING  
May 25, 2022**

The Work Session of the Board of Commissioners of the Borough of West Cape May was called to order by Mayor Sabo at 7:00 p.m. The Open Public Meetings Statement was read by Mayor Sabo who then led those present in the flag salute. Mayor Sabo and Deputy Mayor Burke answered roll call; Commissioner Kurkowski was absent. Also in attendance: Acting Municipal Clerk Theresa Entead, Deputy Municipal Clerk Erin Seer, Solicitor Frank Corrado and associates Erika Lezama-Simonson and Oliver Barry, and Engineer Anthony Chadwell and associate Lia Domico.

**OLD BUSINESS**

Covid-19:

Mayor Sabo noted that there was a rise in Covid-19 cases in the County and encouraged all to get vaccinated and to continue to wash hands and maintain social distance. She noted that with the summer season approaching she wants to make sure everyone can continue to do what they enjoy.

Sunset Beach Sportsmen's Club

Mayor Sabo advised that the attorney representing the club was not in attendance at the meeting and that the Commissioners will be removing the item of business from the agenda until the Club's attorney is available.

**NEW BUSINESS**

Borough Engineer Proposals

Anthony Chadwell, Borough Engineer, explained each of the proposals. Solicitor Corrado advised that those items were listed on the Non-Consent agenda as Resolutions 90-22 through 93-22.

Budget Cap Relief – Resolution of Support

Mayor Sabo explained that the MEL asked the Borough to increase the Budget cap from 2% to 2.5% in order to address any increase liabilities. Solicitor Corrado explained that the resolution would express the Borough's support for a legislative increase in the budget cap. He added that the MEL had distributed this proposal to all municipalities in NJ.

Deputy Mayor Burke explained to those present what the MEL represented.

**PUBLIC PORTION**

Mayor Sabo opened the meeting for Public Portion.

Suzie Janssens, 822 Broadway, asked for more clarity on the 2.5% potential cap through MEL and what those funds could potentially be used for. Solicitor Corrado responded.

When no one else expressed a desire to speak, the Work Session was concluded at 7:14pm.

**REGULAR MEETING**

**CONSENT AGENDA**

On motion of Deputy Mayor Burke, seconded by Mayor Sabo, Resolution Nos. 86-22 and 88-22 were removed from the Consent Agenda and the Consent Agenda was unanimously approved on roll call vote by the Commissioners present.

**Proclamation**

Wilbraham Park – 100 Year Anniversary

Mayor Sabo read the proclamation in full and advised that she will also be reading the proclamation on June 18<sup>th</sup> at the celebration.

**Minutes:**

May 11, 2022 – Work Session and Regular Meeting

**Ordinances for Introduction and Publication:**

NONE

**Resolutions:**

- 84-22 Annual Renewal of Liquor License for 2022-2023 Year – West Cape Liquors LLC
- 85-22 Annual Renewal of Liquor License for 2022-2023 Year – 106 Sunset LLC
- 87-22 Refund of Water/Sewer Utility Overpayment – 111 Columbia Avenue, Block 42, Lot 7
- 89-22 Approving Bill Payment

**NON-CONSENT AGENDA**

**Resolutions:**

90-22 Approving Contract for Engineering and Construction-Related Activities for Bayshore Road Stormwater Drainage

Mayor Sabo made a motion, seconded by Deputy Mayor Burke, to adopt Resolution No. 90-22. The motion was carried unanimously on roll call vote by the Commissioners present.

91-22 Approving Contract for Engineering and Construction-Related Activities for the Reconstruction of Second Avenue

Mayor Sabo made a motion, seconded by Deputy Mayor Burke, to adopt Resolution No. 91-22. The motion was carried unanimously on roll call vote by the Commissioners present.

92-22 Approving Contract for Engineering and Construction-Related Activities for Stimpson Lane Lead Remediation

Mayor Sabo made a motion, seconded by Deputy Mayor Burke, to adopt Resolution No. 92-22. The motion was carried unanimously on roll call vote by the Commissioners present.

93-22 Approving Contract for Preparation and Submission of Application to New Jersey Department of Transportation for FY2023 State Aid Grant

Mayor Sabo made a motion, seconded by Deputy Mayor Burke, to adopt Resolution No. 93-22. The motion was carried unanimously on roll call vote by the Commissioners present.

Ordinances:

613-22 An Ordinance Amending Section 27-19 of the West Cape May Code Pertaining to Historic Preservation

Mayor Sabo opened the public hearing.

Tom Douglass, 706 Broadway, had questions concerning the reason his property was included in the extension and what deemed his property a historic structure.

Suzie Janssens, 822 Broadway, expressed her concerns regarding her property and her neighboring property being included in the extension and what that would entail for the homeowners if they wished to make any changes to the property in the future.

West Cape May Historic Preservation Commission Chairman Jim Barnes and member Elan Zingman-Leith addressed the concerns of Mr. Douglass and Ms. Janssens. Mr. Barnes additionally explained why the Commission wanted to extend the district north on Broadway.

Linda Barr, 322 Fourth Avenue, was pleased that the Commission is moving forward with the extension and expressed her desire to have the district be extended even farther throughout the Borough.

When no one further expressed a desire to speak, the public hearing was closed and Deputy Mayor Burke made a motion, seconded by Mayor Sabo, to adopt Ordinance No. 613-22. The motion was carried unanimously on roll call vote of the Commissioners present.

Resolution:

94-22 Setting Forth Reasons for Designating Certain Historic Sites in the Borough of West Cape May  
Mayor Sabo made a motion, seconded by Deputy Mayor Burke, to adopt Resolution No. 94-22. The motion was carried unanimously on roll call vote by the Commissioners present.

**COMMISSIONER REPORTS**

Deputy Mayor Burke noted that the Wilbraham Park 100-year anniversary will be on June 18<sup>th</sup>. He further noted that the Shade Tree Commission just completed their spring tree planting on the properties of those residents who had requested them.

Lastly, he announced that on Thursday, July 7<sup>th</sup> from 12pm to 5pm, the Borough of West Cape May will be hosting the American Red Cross Blood Drive at Borough Hall.

Mayor Sabo announced that the Strawberry festival is on June 4<sup>th</sup> in the Borough's Backyard Park. She went on to announce the Memorial Day event hosted by the City of Cape May was to be held at the Soldiers and Sailors Park at on Monday at 11:00am.

**PUBLIC PORTION**

Mayor Sabo opened the meeting for public portion.

Tom Halligan, 640 West Drive, expressed his concern regarding tour buses coming down his street and requested that the corresponding signage be moved to a more visible location for the drivers.

Police Captain John Bobick addressed the residents' concerns regarding the buses on West Drive.

Patrick McCann, 427 Second Avenue, spoke on behalf of the residents of Second Avenue and requested sewer be added to Second Avenue.

Judy Smith, 408 Third Avenue, and Jane Robinson, 438 Third Avenue, expressed their environmental concerns involving the use of pesticides and other chemicals being used on properties in the Borough.

Janet Payne, 202 Atlantic Avenue, asked about the water rates and if there have been any changes.

Pam Kaithern, 207 Stevens Street, expressed her desire to have zoning laws re-evaluated. She further expressed her concern with speeding on West Drive and Stevens Street.

When no one further expressed a desire to speak, Mayor Sabo closed the public portion.

The meeting was adjourned at 9:19 p.m., on motion of Deputy Mayor Burke, seconded by Mayor Sabo.

Respectfully submitted,

Erin Seer  
Deputy Municipal Clerk



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

ORDINANCE NO. 614-22

AN ORDINANCE AMENDING THE BOROUGH OF WEST CAPE MAY'S  
SALARY ORDINANCE (#360-06)

WHEREAS, the Borough adopted Ordinance 360-06 establishing a schedule of salaries and wages for all employment positions in the Borough of West Cape May;

WHEREAS, the purpose of this Ordinance is to amend Ordinance No. 360-06 to change several salary ranges to reflect actual conditions within the Borough.

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of the Borough of West Cape May as follows:

1. The averments of the preamble are incorporated herein by reference.
2. Ordinance 360-06 of the revised general ordinances of the Borough of West Cape May is hereby amended as follows (inserted language is underlined, deleted language is ~~stricken through~~):

Code Enforcement Officer	\$1,500.00	TO	<del>\$10,000.00</del> <u>\$45,000.00</u>
Deputy Interlocal Court Administrator	<del>min. wage</del> \$1,500.00	TO	<del>\$25.00 per hour</del> <u>\$45,000.00</u>
Deputy Tax Collector (F/T)	\$25,000.00	TO	<del>\$40,000.00</del> <u>\$45,000.00</u>
Finance Assistant	\$25,000.00	TO	<del>\$60,000.00</del> <u>\$65,000.00</u>
Public Works Employee	\$17,500.00	TO	<del>\$45,000.00</del> <u>\$50,000.00</u>
Zoning Officer	\$3,000.00	TO	<del>\$45,000.00</del> <u>\$50,000.00</u>

3. All ordinances or parts of ordinances of the Borough of West Cape May, heretofore adopted, which are inconsistent with any of the terms and provisions of this Ordinance are hereby repealed to the extent of such inconsistency.
4. This Ordinance shall become effective 20 days after final passage as provided by law.

\_\_\_\_\_  
Carol E. Sabo, Mayor

\_\_\_\_\_  
Peter. C. Burke, Deputy Mayor

\_\_\_\_\_  
Daniel M. Kurkowski, Commissioner

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Theresa Enteado  
Acting Municipal Clerk

**Introduced:** June 8, 2022

**First Publication:** June 15, 2022

**Second Reading and Adoption:** June 22, 2022

**Final Publication:** June 29, 2022

**Effective Date:** July 12, 2022

I hereby certify that the foregoing is a true copy of an Ordinance 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 June 22, 2022.

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Acting Municipal Clerk

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

**RESOLUTION #95-22  
AUTHORIZING LOWER CAPE ALLIANCE SUBMISSION OF APPLICATION  
DMHAS YOUTH LEADERSHIP GRANT - 2023**

**WHEREAS**, the Governor's Council on Alcoholism and Drug Abuse (GCADA) established the Municipal Alliances for the Prevention of Alcoholism and Drug Abuse in 1989 to educate and engage residents, local government and law enforcement officials, schools, nonprofit organizations, the faith community, parents, youth and other allies in efforts to prevent alcoholism and drug abuse in communities throughout New Jersey. In coordination with GCADA, the New Jersey Department of Human Services/Division on Mental Health and Addiction Services (DMHAS) has awarded a Youth Leadership Grant to the GCADA Municipal Alliance Program.

**WHEREAS**, The Borough Commission of the Borough of West Cape May, County of Cape May, State of New Jersey recognizes that the abuse of alcohol and drugs is a serious problem in our society amongst persons of all ages; and therefore, has an established Municipal Alliance Committee; and,

**WHEREAS**, the Borough Commission further recognizes that it is incumbent upon not only public officials but upon the entire community to take action to prevent such abuses in our community; and,

**WHEREAS**, the Borough Commission has applied for DMHAS Youth Leadership funding through the Governor's Council on Alcoholism and Drug Abuse through the County of Cape May;

**NOW, THEREFORE, BE IT RESOLVED** by the Borough of West Cape May, County of Cape May, State of New Jersey hereby recognizes the following:

1. The Borough Board of Commissioners does hereby authorize submission of an application for DMHAS Grant funding for the Lower Cape Municipal Alliance for Year One Grant Term 7/1/22 – 3/14/23 in the amount of:  
DMHAS Grant Funding    \$ 5042.45
2. The Borough Commission acknowledges the terms and conditions for administering the Municipal Alliance grant, including the administrative compliance and audit requirements.

Carol E. Sabo, Mayor

Peter C. Burke, Deputy Mayor

Daniel M. Kurkowski, Commissioner

Theresa Enteado  
Acting Municipal Clerk

Adopted: June 8, 2022

cc: Township of Lower  
Finance

	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 June 8, 2022.

Acting Municipal Clerk

**STRATEGIC PLAN FOR FUNDING MUNICIPAL ALLIANCES**

Grant Year: FY 2023      Alliance Tier 3

APPLICANT MUNICIPALITY/IES: Lower Township, West Cape May, Cape May, Cape May Point	COUNTY: Cape May
ALLIANCE NAME: Lower Cape Municipal Alliance	ALLIANCE WEBSITE:
ALLIANCE STREET ADDRESS: 2600 Bayshore Road TOWN: Villas      STATE: NJ      ZIP: 08251	
TELEPHONE: (609 ) 886-2005 x134	FAX: (609) 886-9489
ALLIANCE CHAIRPERSON: Carolann McDonald STREET ADDRESS: 1040 Idaho Avenue TOWN: Cape May      STATE: NJ      ZIP: 08204 EMAIL: reds1040@verizon.net	ALLIANCE COORDINATOR: Colleen Crippen STREET ADDRESS: 2600 Bayshore Road. TOWN: Villas      STATE: NJ      ZIP: 08251 EMAIL: ccrippen@townshipoflower.org
DATE OF RESOLUTION AUTHORIZING THE STRATEGIC PLAN (MM/DD/YYYY):	

A) Alliance DEDR Allocation	\$ 26,215.00
B) Cash Match (must be 25% of DEDR Allocation)	\$ 6,553.75
C) In-Kind Match (must be 75% of the DEDR Allocation)	\$ 19,661.25
<b>TOTAL ALLIANCE BUDGET (add A+ B+C)</b>	<b>\$ 52,430.00</b>

West Cape May	Carol E. Sabo, Mayor	
*MUNICIPALITY	NAME/MAYOR/Head of Governing Body	SIGNATURE
West Cape May	Peter C. Burke, Deputy Mayor	
*MUNICIPALITY	NAME/TITLE OF GOVERNING BODY REPRESENTATIVE	SIGNATURE
West Cape May	Daniel M. Kurkowski	
*MUNICIPALITY	NAME/TITLE OF GOVERNING BODY REPRESENTATIVE	SIGNATURE
Alliance Chairperson	SIGNATURE	DATE

**\* If a municipality is part of a consortium, a signature and resolution is required from all participating municipalities entering into the agreement. Signatures hereby accept all components of this grant including membership terms, Statement of Assurances and Fiscal Requirements.**

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

**RESOLUTION #96-22**

**A RESOLUTION IN SUPPORT OF BUDGET CAP RELIEF**

**WHEREAS**, pursuant to N.J.S.A. 40A:4-45 et al., a municipality is required to limit any increase in its levy to 2.0% and any increase in appropriations to 2 1/2% or the cost-of-living adjustment, whatever is less, over the prior year's final appropriations subject to certain exceptions; and

**WHEREAS**, all local public entities have incurred an estimated \$50 million in COVID related worker's compensation claims and it is anticipated that these costs will continue to increase as a result of long-term COVID cases; and

**WHEREAS**, a 2021 New Jersey Department of Labor decision regarding workers compensation funding has generated increased costs to municipalities by over 10% in order to cover claims that were previously funded by the State pension system; and

**WHEREAS**, a recent amendment to the sexual molestation statute of limitations will increase total liability costs by an estimated amount of 6%; and

**WHEREAS**, the frequency of weather-related catastrophic claims and corresponding impacts are anticipated to increase property insurance costs by over 10% per year; and

**WHEREAS**, cyber-liability events throughout the country have resulted in doubling premium costs in 2022 and such costs are expected to accelerate at a pace far greater than the rate of inflation; and

**WHEREAS**, these increasing costs, regulations, policy decisions and environmental impacts are occurring when many other items and costs in municipal budgets are also increasing at an inflationary rate.

**NOW, THEREFORE BE IT RESOLVED**, by the Governing Body of the Borough of West Cape May that N.J.S.A. 40A:4-45 should be amended by the state Legislature to provide that appropriations in the first three years after the effective date of any such amendment for liability insurance, worker's compensation insurance, cyber-insurance, and property insurance be exempt from the appropriation CAP and the levy CAP.

**BE IT FURTHER RESOLVED**, that a copy of this resolution shall be sent to the New Jersey Legislative representatives 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

	Aye	Nay	Abstain	Absent
Sabo				
Burke				
Kurkowski				

Adopted: June 8, 2022

cc: Finance  
JIF  
Solicitor  
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 June 8, 2022.

\_\_\_\_\_  
Acting Municipal Clerk

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

RESOLUTION #97-22

REFUND OF PROPERTY TAX OVERPAYMENT  
6 CONGRESS STREET, BLOCK 31, LOT 7

BE IT RESOLVED, this 8th day of June, 2022, by the Board of Commissioners of the Borough of West Cape May, governing body of the Borough of West Cape May, County of Cape May, State of New Jersey, that the refund of property tax overpayment in the amount of \$5,339.48 to Stacey & Charles Wiswall, 504 Joshua Way, Kennett Square, PA, be and is hereby approved.

\_\_\_\_\_  
Carol E. Sabo, Mayor

\_\_\_\_\_  
Peter C. Burke, Deputy Mayor

\_\_\_\_\_  
Daniel M. Kurkowski, Commissioner

\_\_\_\_\_  
Theresa Enteadó  
Acting Municipal Clerk

Adopted: June 8, 2022

	Aye	Nay	Abstain	Absent
Sabo				
Burke				
Kurkowski				

cc: Finance  
Tax Collector

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 June 8, 2022.

\_\_\_\_\_  
Acting Municipal Clerk