

**MINUTES OF BOARD OF COMMISSIONERS  
WORK SESSION AND REGULAR MEETING  
DECEMBER 28, 2016**

The Work Session of the Board of Commissioners of the Borough of West Cape May was called to order by Mayor Kaithern at 7:00pm. The Open Public Meetings Statement was read by Mayor Kaithern who then led those present in the flag salute. Mayor Pamela Kaithern, Deputy Mayor Peter Burke, and Commissioner Carol Sabo answered roll call. Also in attendance: Municipal Clerk Suzanne Stocker and Acting Solicitor Chris Gillin-Schwartz, Esquire.

**WORK SESSION**

**OLD BUSINESS:**

NFIP Community Rating System:

A meeting with the NJDEP is in the process of being scheduled and will hopefully be scheduled during a Board of Commissioners meeting so that all governing body members can be present.

Property Maintenance Regulations/Borough Code Amendments:

Governing Body and Solicitor Gillin-Schwartz reviewed the draft ordinance for property maintenance. The Governing Body agreed on changes to be made to the "Public Nuisance Conditions" section of the Ordinance. Solicitor Gillin-Schwartz will make the requested changes and the Ordinance will be introduced at the January 4<sup>th</sup> meeting.

Chapter 14 of the Borough Code relative to "Trailers and Trailer Camps" was reviewed. It was agreed that no changes should be made at this time.

The Governing Body agreed to repeal the pornography Ordinance (Chapter 3, Section 4).

Estate of Smith – Betty Robbins Memorial – Donation of a Bandstand:

Nothing new to report.

Review of Properties with Municipal Liens:

Acting Solicitor Gillin-Schwartz indicated that a resolution is scheduled for approval during the regular portion of the meeting. Additional language was included in the resolution to include "not to exceed \$150" for any properties which may incur additional time and fees during the title searches.

HPC – Certified Local Government Designation:

Nothing new to report.

**NEW BUSINESS:**

Verizon Wireless Proposal:

Acting Solicitor Gillin-Schwartz reviewed the information provided by the New Jersey League of Municipalities regarding proposals which municipalities are receiving relative to Verizon Wireless proposals. Mr. Gillin-Schwartz also discussed his conversation with the Solicitor of Lower Township and is awaiting a call back from the Solicitor of Ocean City. It was mentioned that the Borough has 150 days to

respond to Verizon after the Borough receives their initial notification, which was in November.

2017 Meeting Dates and Times:

The Governing Body agreed to hold the second meeting in January and the second meeting in February at 4:00pm to handle potential business which may require an earlier start time. All other meeting times will remain at 7:00pm. Meetings will continue to be held on the Second and Fourth Wednesday of the month, with the exception of any conflicting holidays.

Satellite Television Dishes or Antennas:

Clerk Stocker was asked to provide a copy of Ordinance 130-88 and provide to the Mayor and Commissioners

Hostile Work Environment Training:

The Governing Body agreed that this training would be beneficial to the employees of the Borough. Clerk Stocker will follow up with Armando Riccio, Esquire, regarding the costs of the training. Mayor Kaithern suggested asking other municipalities to join in on the training and split the cost.

Fair Labor Standards Act:

Acting Solicitor Gillin-Schwartz provided the Governing Body with the differences between exempt and non-exempt employees. He further indicated that in the event that the Borough would like to provide comp time, overtime, etc. to exempt employees, there would have to be an Ordinance adopted relative to same. The Governing Body agreed to discuss this further at a later date.

**REVIEW OF REGULAR MEETING:** Mayor Kaithern reviewed the Consent Agenda and Non-Consent agenda items.

**CONSENT AGENDA:** On motion of Deputy Mayor Burke, seconded by Commissioner Sabo, the following Consent Agenda was unanimously approved on roll call vote.

Minutes: December 14, 2016 Work Session and Regular Meeting

Ordinances for Introduction and Publication: **NONE**

Resolutions:

- 178-16 Authorizing the Borough of West Cape May to Enter into an Agreement with Celco Partnership d/b/a Verizon Wireless
- 179-16 Application for FY2018 Drug Enforcement and Demand Reduction (DEDR) Grant Funds
- 180-16 Authorizing Change Order #1 – FY2010 USDA Rural Development – Towable Emergency Generator
- 181-16 Authorizing Appropriation Transfers During the Last Two Months of the Fiscal Year
- 182-16 Expressing the Borough of West Cape Mays' Support of Cape May County's Project to Improve Broadway (CR626) from Myrtle Avenue to Stimpson Lane
- 183-16 Authorizing Professional Services Agreement with Remington and Vernick Engineers for FY2017 NJDOT Trust Fund Municipal Aid

- Program – Leaming Avenue from Park Boulevard to the Borough of West Cape May/City of Cape May Municipal Boundary “State Aid” Application
- 184-16 Appointment to West Cape May Volunteer Fire Company – Charles Keister
  - 185-16 Appointment to West Cape May Volunteer Fire Company – Gerald McCaffrey
  - 186-16 Amending the Employee Policy and Procedures Manual of the Borough of West Cape May
  - 187-16 Designation of Public Agency Compliance Officer
  - 188-16 Bill Payment

**NON-CONSENT AGENDA:**

**ORDINANCES FOR SECOND READING AND PUBLIC HEARING:**

- 515-16 An Ordinance Amending Sections 30-1 and 30-2 of the Borough Code Concerning the Application for Removal of Trees and Shrubs on Public and Private Property in the Borough of West Cape May

Mayor Kaithern opened the public hearing. When no one wished to speak, the public hearing was closed and Commissioner Sabo made a motion, seconded by Deputy Mayor Burke, to adopt Ordinance 515-16. The motion was carried unanimously on roll call vote.

**COMMISSIONER REPORTS:**

Commissioner Sabo wished everyone a Happy New Year.

Deputy Mayor Burke mentioned the upcoming blood drive on January 26<sup>th</sup> from 12pm-5pm.

Mayor Kaithern had nothing to report.

**PUBLIC PORTION:**

John Schmidt from Gloucester, New Jersey questioned Brock Russell’s employment with the Borough and when it started. Mayor Kaithern indicated that Mr. Russell is appointed as the Planning Zoning Board Attorney for the Borough and has been here for several years.

Mr. Schmidt further questioned the format of the Borough’s meeting and agenda and believed it was considered to be two separate meetings, although there is only one public comment portion. Acting Solicitor Gillin-Schwartz indicated that there is one meeting and one set of minutes. Acting Solicitor Gillin-Schwartz indicated the Borough provides the requisite notice of time, place, and matters to be discussed in advance of each meeting in accordance with the Open Public Meetings Act and opportunity for public comment is provided at the conclusion of the regular portion which is shown on the proposed agenda. Solicitor Gillin-Schwartz indicated that the Borough had the discretion to add an agenda item for public comment at the conclusion of the work session.

When no one wished to speak and there being no further business, the meeting was adjourned at 8:54pm on motion of Commissioner Sabo, seconded by Deputy Mayor Burke.

Respectfully submitted,

Suzanne M. Stocker, RMC  
Municipal Clerk