

**MINUTES OF BOARD OF COMMISSIONERS
WORK SESSION AND REGULAR MEETING
OCTOBER 10, 2018**

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 Carol Sabo, Deputy Mayor Burke and Commissioner Francis answered roll call. Also in attendance: Municipal Clerk Suzanne Schumann, Deputy Clerk Theresa Enteado, Engineer Ray Roberts, Solicitor Chris Gillin-Schwartz and Chief Tony Marino.

PRESENTATION BY WCM AFRICAN AMERICAN HISTORICAL SOCIETY

ENGINEER'S REPORT

WORK SESSION

OLD BUSINESS:

NFIP Community Rating System:

Mayor Sabo indicated that second notices have been sent out to negative-rated property owners offering assistance by the Borough's Community Rating System Coordinator, Lou Belasco.

Protection of Borough Owned Property:

Mayor Sabo asked Tax Assessor Lou Belasco to provide a list of properties owned by the Borough, County and State. Once this list is obtained and reviewed, the Borough can take steps to move forward with preserving properties.

Short Term Rental Taxes:

Solicitor Gillin-Schwartz followed up on the conversation from the previous meeting and confirmed that the tax is paid directly to the State. In the event that the Borough adopt an Ordinance to keep a portion of the fee, the State would then disburse same. Deputy Mayor Burke asked if there were restrictions on what the revenue could be used for and Solicitor Gillin-Schwartz indicated that the Borough would not be in a jurisdiction with restrictions. Deputy Mayor Burke stated that he would like to see some of the funds be kept in the Borough and further indicated that there has been a delay in this law. Commissioner Francis agreed that it is something that the Borough should look into.

Regulations on Trailers and Dumpsters:

Solicitor Gillin-Schwartz reviewed the proposed changes to the Borough's Code regarding storage of trailers and dumpsters. Some minor changes were suggested for conformity. Solicitor Gillin-Schwartz will revise Ordinances for introduction at the next meeting.

Deputy Mayor Burke questioned parking vehicles on the street and whether there were restrictions on where vehicles can be parked. Deputy Mayor Burke indicated that he received two inquiries about vehicles being parked in front of homes. Chief Marino indicated that as long as the vehicles are registered and insured, they are permitted to park in any legal parking space.

Zoning Permits for Maintenance:

Solicitor Gillin-Schwartz reviewed the proposed Ordinance to require zoning permits and fees for roofing, siding and similar work. This request previously came from the Zoning Official. This Ordinance will be introduced at the next meeting.

Lock Boxes:

Mayor Sabo stated that Fire Chief McPherson requested the Borough to establish a requirement for rental properties to install lock boxes for access to properties in emergent situations. Solicitor Gillin-Schwartz provided a sample Ordinance which is similar to that in place in the City of Cape May. This Ordinance will be introduced at the next meeting.

Ordinance 553-18:

Mayor Sabo indicated that there was a spirited discussion at the Planning Zoning Board meeting on October 9, 2018 which resulted in a 5-4 vote in opposition of this Ordinance being in compliance with the Borough's Master Plan. Mayor Sabo stated that she would like to table this Ordinance and review it further in the future.

NEW BUSINESS:

NONE

PUBLIC PORTION:

Chief Marino spoke of the traffic study which was done using the radar sign over the weekend and the plan to reverse the sign for the upcoming weekend. Chief Marino also indicated that the site line at Leaming Avenue and Elmira is now visible, as the overgrown bush has been trimmed.

Jim Labrusciano, 127 Myrtle Avenue, asked for clarification on the short term rental taxes and Engineer Roberts agreed that the City of Cape May charged a 7% sales tax and a 7% occupancy tax. Deputy Mayor Burke indicated that the Borough has no interest in imposing additional taxes, just retaining some of the tax if possible.

Mr. Labrusciano questioned the lock box ordinance and indicated that his property has a door code for entrance. Solicitor Gillin-Schwartz indicated that this is for vacation rental properties only.

Mr. Labrusciano asked for confirmation that vehicles can be parked in any legal parking space, so long as they are insured and registered. This information was confirmed.

Mr. Labrusciano asked if the porta-potty at Wilbraham Park is being removed. Mayor Sabo indicated that this porta-potty was placed by the West Cape May Business Association. Chief Marino confirmed that there were no issues with the porta-potty this season.

The Work Session concluded at 8:24pm.

REGULAR MEETING

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

Minutes:

September 26, 2018 – Work Session and Regular Meeting

Ordinances for Introduction and Publication:

553-18 ****TABLED**** An Ordinance Amending Section 7 of the Borough Code Regarding Side Yard Bulk Regulations (reintroduced)

Resolutions:

171-18 Authorize Special Event Permits to Cape May New Jersey State Film Festival
172-18 Appointing a Municipal Housing Liaison and Trust Fund Reporter

- 173-18 Approval to Submit a Grant Application and Execute a Grant Contract with the NJDOT for the Reconstruction of West Drive Project
- 174-18 Closed Session – Potential Litigation, Ordinance 547-18
- 175-18 Raffle License – Coalition Against Rape and Abuse, Inc.
- 176-18 Bill Payment

NON-CONSENT AGENDA

Ordinances for Second Reading and Public Hearing:

- 548-18 An Ordinance Replacing Chapter XXVIII, Section 28-1 of the West Cape May Borough Code, which will be entitled “Affordable Housing Ordinance”, to Address the Requirements of the Fair Housing Act and the Uniform Housing Affordability Controls (UHAC) regarding Compliance with the Borough’s Affordable Housing Obligations

Mayor Sabo opened the public hearing. When no one wished to speak, the public hearing was closed and Commissioner Francis made a motion, seconded by Deputy Mayor Burke, to adopt Ordinance 548-18. The motion was carried unanimously on roll call vote.

- 549-18 An Ordinance Adding Section 27-37.3 to Chapter XXVII (Zoning) of the West Cape May Borough Code, which will be entitled “Affordable Housing Mandatory Set-Aside”

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 549-18. The motion was carried unanimously on roll call vote.

- 550-18 An Ordinance Updating Chapter XXVII, Section 37.1 of the Borough’s Code to Update the Borough’s Accessory Apartment Program

Mayor Sabo opened the public hearing. When no one wished to speak, the public hearing was closed and Commissioner Francis made a motion, seconded by Deputy Mayor Burke, to adopt Ordinance 550-18. The motion was carried unanimously on roll call vote.

- 551-18 An Ordinance Amending Chapter XXVII “Zoning” to Allow for the Creation of Affordable Housing in the Borough’s C-1, C-2 and C-3 Zones

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 551-18. The motion was carried unanimously on roll call vote.

- 554-18 An Ordinance Amending Section 10 of the Borough Code Regarding the Requirements for Demolition

Mayor Sabo opened the public hearing. When no one wished to speak, the public hearing was closed and Commissioner Francis made a motion, seconded by Deputy Mayor Burke, to adopt Ordinance 551-18. The motion was carried unanimously on roll call vote.

Resolutions:

NONE

COMMISSIONER REPORTS

Commissioner Francis had nothing to report.

Deputy Mayor Burke had nothing to report.

Mayor Sabo mentioned National Fire Prevention Week and stated that the West Cape May Volunteer Fire Company has free smoke detectors available to residents. Mayor Sabo also mentioned the success of the Lima Bean Festival.

PUBLIC PORTION

When no one wished to speak, public portion was closed and the meeting went into Closed Session at 8:30pm. Closed Session adjourned and Open Meeting resumed at 9:00pm on motion by Deputy Mayor Burke, seconded by Commissioner Francis.

Solicitor Gillin-Schwartz discussed the petition received to repeal Ordinance 547-18 and the costs of a special election, should same be needed. Solicitor Gillin-Schwartz indicated the intent of the Board of Commissioners to repeal Ordinance 547-18 and explained the process to repeal this Ordinance must be done via Ordinance. Solicitor Gillin-Schwartz stated that as a good faith gesture, the Board of Commissioners could approve a Resolution with the intent to repeal Ordinance 547-18 and suggested that the Petition Committee file a letter with the Borough Clerk to withdraw the petition, since it will become void once the Ordinance to Repeal is adopted.

On motion by Commissioner Francis, seconded by Deputy Mayor Burke, the Board of Commissioners approved **Resolution 177-18 "INTENT TO REPEAL ORDINANCE 547-18"**.

Respectfully submitted,

Suzanne M. Schumann, RMC
Municipal Clerk