

**MINUTES OF BOARD OF COMMISSIONERS
WORK SESSION AND REGULAR MEETING
NOVEMBER 28, 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, Engineer Ray Roberts and Solicitor Chris Gillin-Schwartz.

WORK SESSION

OLD BUSINESS:

NFIP Community Rating System:

Nothing new to report.

Protection of Borough Owned Property:

Nothing new to report.

Request for 750 Park Boulevard; Block 21, Lot 42:

Solicitor Gillin-Schwartz spoke to a representative from the JIF who indicated that this is a low risk area and indicated that the area is subject to the Tort Claims Act which holds the Borough to a higher liability standard. Mayor Sabo asked if the Borough's Tax Assessor provided any financial benefit. Solicitor Gillin-Schwartz indicated that there would be an increase in tax revenue but no great financial benefit for the Borough. Solicitor Gillin-Schwartz indicated that this area is a current asset to the Borough as a right of way and would be a discretionary choice by the Commissioners whether or not to vacate.

Commissioner Francis discussed research he did on the neighboring property which dated back to 1882. Commissioner Francis also indicated that he believes that the positives and negatives equal out and would rather see the application be made before the Borough's Planning Zoning Board, as he does not see any compelling reason to vacate this portion of the street.

Mayor Sabo agreed that there does not seem to be any compelling reason to vacate at this time.

Deputy Mayor Burke agreed with both Mayor Sabo and Commissioner Francis. Deputy Mayor Burke stated that in the event that this request did move forward, it should be opened to other residents on the street as well.

Jeffrey Barnes, Esquire, on behalf of Mr. and Mrs. Fischer, stated that he believes there is a flaw in the Tax Assessor's report, as the taxes on a new property would be approximately \$9,000, multiplied by three new properties would be approximately \$27,000. Mayor Sabo indicated that some items are more valuable than dollars.

Jeffrey Barnes, Esquire, spoke of the 4,400sqft which he didn't believe to be much of an "asset" to the Borough. Mayor Sabo indicated that every little bit of open space helps. Commissioner Francis indicated that this open space can help with runoff, flood prevention and water quality.

Jeffrey Barnes, Esquire, indicated that the applicants would still require relief by the Board of Commissioners, even after applying to the Planning Zoning Board, pursuant to Engineer Robert's report from a previous application. Engineer Roberts indicated that his report gave the suggestion to speak with the Board of Commissioners regarding right of way access. Applicant could now apply to Planning Zoning Board with the decision made by the Commissioners.

Jeffrey Barnes, Esquire, indicated that the applicants would be willing to cover all financial liabilities for the vacation.

Barbara Fischer, 750 Park Boulevard, spoke of her love and compassion for her property over the last 23 years, including caring for the additional 25' of property. Ms. Fischer expressed her need for a larger house for her family and a smaller yard to maintain. Ms. Fischer expressed her sadness and disappointment in the Borough's decision. Mayor Sabo reminded Ms. Fischer that she is not precluded from submitting an application to the Borough's Planning Zoning Board. Ms. Fischer indicated that she is aware of how a certain Board Member feels about her plan and believes the decision of the Planning Zoning Board will be biased.

Solicitor Gillin-Schwartz stated that the Board of Commissioners can only consider the request for street vacation and cannot act on an application for a subdivision.

Stephen Fischer, 750 Park Boulevard, spoke of the Burgin subdivision which was approved.

Kevin O'Neill, 747 Maple Avenue, spoke of his family home which was once a rancher before his family required bigger space. Mr. O'Neill expressed safety concerns with three more driveways being added to park Boulevard and agrees with the Commissioners that it is not always about the tax revenue.

Environmental Resource Inventory:

Clerk Schumann asked Solicitor Gillin-Schwartz if there was any action which the Board of Commissioners needed to take, as the Environmental Resource Inventory was approved by the Borough's Planning Zoning Board. Solicitor Gillin-Schwartz believed that all actions have been taken and will confirm.

NEW BUSINESS:

Environmental Commission Request – Green Chip Recycling:

Janet Payne from the Borough's Environmental Commission spoke about a proposal received from a company to come in during a one-day event in the spring for residents to recycle e-waste such as computers. Part of the proposal provides for compensation based on weight for certain items which can be collected during this event. Solicitor Gillin-Schwartz suggested some additional language to cover the Borough for legal purposes. Ms. Payne will request the proposal be revised and will provide a revised proposal to the Clerk once available.

Request for Street Vacation – Morrison Avenue:

Marcello Mogavero spoke of a property which he purchased on Morrison Avenue to build a single family home on. The current approvals for the lot, which include DEP approvals, would require taking down a very large Oak tree in order to install septic to the property. Mr. Mogavero expressed interested in saving said tree and requested moving the septic over into a portion of Third Avenue which would require a street vacation in order to do so.

Street Opening Hardship Request – 1 Willow Avenue:

Marcello Mogavero requested a street opening request for Willow Avenue so that he could connect a new home to natural gas, as the home was designed and appliances purchased for natural gas connection. The street was paved in 2014 and is under moratorium until September 30, 2019. Engineer Roberts indicated that the Borough can grant a hardship if they wish and the repair would be required to be milled and repaved. The Board of Commissioners agreed to grant this request. Clerk Schumann indicated that a Resolution for this approval will be on the agenda for the December 5th meeting.

PUBLIC PORTION:

Kevin O’Neill, 747 Maple Avenue, asked the Commissioners to confirm that Mr. Cicchitti’s request for a street vacation was denied. Deputy Mayor Burke confirmed. Mr. O’Neill questioned Mr. Cicchitti’s intentions, assuming the request would have been for safety concerns, which was denied by the Commissioners. Deputy Mayor Burke spoke of parking pilings that were placed on the property which raised concerns.

Mr. O’Neill spoke of another request several years ago on Central Avenue for purposes of beautification which was a steadfast denial by the Commissioners. This information is another request for a street vacation which was denied by the Commissioners.

Jeffrey Barnes, Esquire and William Sweeney, Land Surveyor, on behalf of Mr. and Mrs. Fischer, spoke of the history of this area, including the designated railroad and continuation of Central Avenue which was never vacated. Mr. Barnes confirmed that Mr. and Mrs. Fischer are willing to pay all costs associated with this request.

The Work Session concluded at 7:32pm.

REGULAR MEETING

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

Minutes:

November 7, 2018 – Work Session and Regular Meeting
November 7, 2018 – Closed Session

Ordinances for Introduction and Publication:

NONE

Resolutions:

- 188-18 Authorize Special Event Permits – Cape May New Jersey State Film Festival
- 189-18 Release of Unexpended Escrow Fees – Susan McGrail
- 190-18 Authorizing Appropriation Transfers During the Last Two Months of the Fiscal Year (Water Sewer Budget)
- 191-18 Amending Resolution 185-18 - Authorizing Appropriation Transfers During the Last Two Months of the Fiscal Year (Municipal Budget)
- 192-18 Extending the Date for Issuance or Denial to the Highest Qualified Bid for One New Plenary Retail Consumption License for the Sale of Alcoholic Beverages in the Borough of West Cape May and the Terms of Issuance
- 193-18 Amending the Employee Policy and Procedures Manual of the Borough of West Cape May
- 194-18 Closed Session (Contractual Matters – Reconstruction of Leaming Avenue)
- 195-18 Bill Payment

NON-CONSENT AGENDA

Ordinances for Second Reading and Public Hearing:

NONE

Resolutions:

NONE

COMMISSIONER REPORTS

Commissioner Francis mentioned the Veterans Day Ceremony at WCM Elementary on November 12th at 9:00am.

Deputy Mayor Burke indicated that the Shade Tree Commission is almost done with their fall tree planning.

Mayor Sabo attended the WCM Community Christmas Parade fundraiser at Fin's earlier this evening and thanked the business and personnel who have helped with this event. Mayor Sabo encouraged contributions and donations as this event is not funded by taxpayer dollars. The next fundraiser is on November 18th which is Chris Shriver's dinner at the Fire Hall, followed by Barry's Grand Ole Opry at Borough Hall. Mayor Sabo also mentioned the Veterans Day Ceremony on November 11th at 11:00am on Columbia Avenue in Cape May.

Deputy Mayor Burke spoke about the talented performers and the great transformation of the Court Room.

PUBLIC PORTION

Kevin O'Neill, 747 Maple Avenue, asked for information on the Veterans Day Ceremony at the school and information about donations for the Christmas Parade.

Lou Riccio, 722 Maple Avenue, asked if there is a deadline for the 750 Park Boulevard request. Solicitor Gillin-Schwartz indicated that the Borough is seeking the additional information quickly, but is under no specific timeline to respond to the request.

When no one further wished to speak, public portion was closed and the meeting went into Closed Session at 7:43pm.

Closed Session adjourned and Open Meeting resumed at 7:56pm. No formal actions were taken, no members of the public were present for comments; the meeting was adjourned at 7:57pm on motion by Deputy Mayor Burke, seconded by Commissioner Francis.

Respectfully submitted,

Suzanne M. Schumann, RMC
Municipal Clerk