

**MINUTES OF BOARD OF COMMISSIONERS
WORK SESSION AND REGULAR MEETING
JULY 24, 2019**

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 and Solicitor Chris Gillin-Schwartz.

WORK SESSION

OLD BUSINESS

Protection of Borough Owned Property:

Nothing new to report.

Disposal of Bulky Plastic and Shredded Paper:

Mayor Sabo discussed the correspondence received from the Cape May County Municipal Utilities Authority relative to upcoming changes to the County's Recycling Program. Solicitor Gillin-Schwartz reviewed a proposed Resolution to oppose the changes and suggested that West Cape May take a leadership approach rather than just an opposition. Mayor Sabo indicated that she would like to see the Borough and County take a lead to expand recycling rather than reducing the types of material to be recycled. Mayor Sabo questioned if whether shredded paper is no longer about to be recycled as it is disposed in plastic bags and suggested the use of grant funds or clean communities funding to purchase recyclable boxes to discard shredded paper in. Commissioner Francis asked if the Borough could have a discussion with the CMC MUA relative to the upcoming changes and Mayor Sabo indicated that she will be reaching out to discuss same. Deputy Mayor Burke asked if reasoning was provided for the changes and Clerk Schumann indicated that no reasoning was given and no additional information is available on the MUA's website. Mayor Sabo suggested continuing this discussion after there has been opportunity to discuss further with the County.

NEW BUSINESS:

Police Regulations – Disturbing the Peace:

Solicitor Gillin-Schwartz discussed proposed revisions to the Police Regulations Ordinance regarding Disturbing the Peace and the difference between a 2C charge and a charge for a Borough Code Violation. Mayor Sabo indicated that this request came from the Borough's Municipal Court Prosecutor to be used as a form of leverage when working a plea bargain for Municipal Court cases. Deputy Mayor Burke questioned if other towns have a similar Ordinance in place and Solicitor Gillin-Schwartz explained almost all other municipalities have a plea bargaining device in place. Solicitor Gillin-Schwartz reviewed comments received by Chief Marino who referenced Cape May's Ordinance which is more detailed. Mayor Sabo believes that there is an element of subjectability and is vague but understands

the request from the Municipal Prosecutor. Solicitor Gillin-Schwartz stated that it is legally enforceable with standards and can be a standalone enforceable charge and is at the discretion of Code Enforcement and/or the Police to enforce. Commissioner Francis asked if the Borough has a nuisance code and also asked the number of times that a disturbing the peace ordinance has been used in municipalities. Solicitor Gillin-Schwartz indicated that the Borough has a noise ordinance and a property maintenance code and stated that Ordinances for disturbing the peace are frequently used. Deputy Mayor Burke spoke of instances where the situation may be an annoyance on purpose. Commissioner Francis asked if warnings would be issued prior to violations being issued. Clerk Schumann asked Solicitor Gillin-Schwartz to confirm that fines from Borough Code violations are kept in the Borough while fines from 2C Violations are distributed to the State. Solicitor Gillin-Schwartz mentioned that there may be some issued but it is a practical approach and is confident in the enforcement options. Solicitor Gillin-Schwartz will amend the Ordinance as discussed for introduction on August 14th. Mayor Sabo stated that she intends to have a further conversation with the Municipal Prosecutor relative to the use of this Ordinance.

Solid Waste Regulations:

Solicitor Gillin-Schwartz stated that the Borough's Solid Waste Ordinance is out of date with some revisions which need to be made. Solicitor Gillin-Schwartz reviewed the proposed changes which were agreed upon by the Commissioners. It was suggested that the Ordinance wait to be introduced until after further conversations with the CMC MUA regarding the upcoming changes to their recycling program.

Resident Concerns - 296 S. Broadway:

Solicitor Gillin-Schwartz reviewed correspondence received by Mr. and Mrs. Martin regarding a parking space in front of their home. Engineer Roberts visited the property and indicated that parking spaces cannot be within 25' from the curblin intersection of the two streets and that appears that the parking space in question is beyond 25' from the intersection. Therefore, the parking space is a legal space. Mr. Roberts further stated that this particular intersection does not present a dangerous situation and that the issues here would be speed along Broadway and attentiveness of drivers and cyclists. Solicitor Gillin-Schwartz reviewed the proposed response to the Martin's on behalf of the Borough and the Commissioners agreed on the response which will be sent out by Solicitor Gillin-Schwartz's office.

PUBLIC PORTION:

No public comment.

The Work Session concluded at 7:38pm.

REGULAR MEETING
CONSENT AGENDA

Upon reviewing the Consent Agenda, Mayor Sabo discussed the details of Ordinance 563-19 which will provide for various street improvements and the roof replacement to Borough Hall.

In regards to Resolution 132-19, Mayor Sabo stated that the tax rate is decreasing from 1.265 in 2018 to 1.254 in 2019. Mayor Sabo credited the Borough's Finance Department for their good fiscal work.

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

Minutes:

July 10, 2019 Work Session and Regular Meeting

July 10, 2019 Closed Session

Ordinances for Introduction and Publication:

569-19 Bond Ordinance Providing for Various Capital Improvements in and by the Borough of West Cape May, in the County of Cape May, New Jersey, Appropriating \$1,381,920 Therefor and Authorizing the Issuance of \$1,325,424 Bonds or Notes of the Borough to Finance Part of the Cost Thereof

Resolutions:

129-19 Final Release of Performance Bond for Block 32, Lot 3, West Sunset Retail LLC (Bashaw/Wright)

130-19 Reappointment of Municipal Clerk with Tenure, Suzanne Schumann

131-19 Approving Catering Permits – Chamberlain Hospitality Group, Inc.

132-19 Extending Grace Period for Interest Payment on Tax Bills

133-19 Bill Payment

NON-CONSENT AGENDA

Ordinances for Second Reading and Public Hearing:

NONE

Resolutions:

NONE

COMMISSIONER REPORTS

Commissioner Francis had nothing to report.

Deputy Mayor Burke mentioned the upcoming American Red Cross Blood Drive is scheduled for July 25, 2019 from 12pm-5pm at Borough Hall.

Mayor Sabo reminded everyone of the Farmers' Market held every Tuesday afternoon throughout the summer. Mayor Sabo also mentioned that there will be a Fish Fry and Beer Garden hosted by the West Cape May Volunteer Fire Company on August 10th from 11:00am – 7:00pm with live music. Proceeds of the benefit go to the Community Christmas Parade. Mayor Sabo thanked Clerk Schumann for her worked and stated that it is a pleasure to have great staff working at Borough Hall.

PUBLIC PORTION

NONE

The meeting was adjourned at 7:45pm on motion of Deputy Mayor Burke, seconded by Commissioner Francis.

Respectfully submitted,

Suzanne M. Schumann, RMC
Municipal Clerk