

**MINUTES OF BOARD OF COMMISSIONERS  
REORGANIZATION MEETING  
JANUARY 4, 2023**

The Reorganization Meeting 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 Commissioner Crawford answered roll call. Also in attendance: Municipal Clerk Theresa Entead, Deputy Clerk Erin Seer, Engineer Anthony Chadwell, Solicitor Frank Corrado, and associate Erika Lezama.

**WORK SESSION**

**OLD BUSINESS**

Swimming Pools:

Mayor Sabo said the ordinance should be ready to introduce soon.

Pesticides and Chemicals – Possible Limitations

Mayor Sabo said she hopes to meet with individuals in charge of government services at NJ Audubon to discuss pesticide use. She said the commission will continue to research, review, and discuss the topic in order to make the most informed decisions regarding the use of pesticides in West Cape May.

**NEW BUSINESS**

None

**PUBLIC PORTION**

At this time, Mayor Sabo officially opened the meeting for Public Portion. When no one expressed a desire to speak, the Work Session was concluded at 7:05pm.

**REGULAR MEETING**

**CONSENT AGENDA**

Mayor Sabo opened the regular meeting. On motion of Commissioner Crawford, seconded by Mayor Sabo, the following Consent Agenda was unanimously approved on roll call vote.

Minutes:

December 21, 2022 – Work Session and Regular Meeting

December 21, 2022 – Closed Session

Ordinances for Introduction and Publication:

None

Resolutions:

- 01-23 Temporary Budget
- 02-23 Temporary Budget – Water/Sewer
- 03-23 Cash Management Plan
- 04-23 Setting the Date, Time and Place of Board of Commissioners Meetings
- 05-23 Holidays
- 06-23 Designation of Departments for Borough Commissioners
- 07-23 Official Depositories and Signatures
- 08-23 Fixing Rate of Interest on Taxes
- 09-23 Authorizing Tax Assessor to File Regular Appeals on Behalf of the Borough
- 10-23 Designation of Officials for JIF and MEL Fund
- 11-23 Designation of Official Newspapers
- 12-23 Establishing Change Funds
- 13-23 Deferred School Tax Levy for Lower Cape May Regional School
- 14-23 Deferred School Tax Levy for West Cape May Elementary School
- 15-23 Appointment of Deputy Municipal Clerk
- 16-23 Appointment of Municipal Housing Liaison and Trust Fund Reporter
- 17-23 Appointment of Class III Member of PZB
- 18-23 Renewal of Trailer Park License – Broadway Trailer Park
- 19-23 Renewal of Trailer Park License – Westwood Mobile Estates
- 20-23 Reaffirming the Borough Civil Rights Policy
- 21-23 Appointing Animal Control Services
- 22-23 Appointing Auditor
- 23-23 Appointing Bond Counsel
- 24-23 Appointing Borough Solicitor
- 25-23 Appointing COAH Administrative Agent
- 26-23 Appointing COAH Counsel
- 27-23 Appointing COAH Planner
- 28-23 Appointing Municipal Prosecutor
- 29-23 Appointing Public Defender
- 30-23 Appointing Municipal Engineer
- 31-23 Renewal of Campground License – Depot Travel Park, Inc.
- 32-23 Appointing Public Information Officer

**NON-CONSENT AGENDA**

Ordinances:

None

Resolutions:

None

**COMMISSIONER REPORTS**

Commissioner Crawford had nothing new to report.

Mayor Sabo welcomed the new year and extended a big thank you to the Borough's first responders, regarding a life-saving call that was well coordinated handled heroically.

## **PUBLIC PORTION**

Mayor Sabo opened the meeting for public portion.

Ellen McDevitt, 219 Third Avenue, said she is one of five residents of West Cape May who circulated a petition against the wording of an ordinance allowing for the sale of recreational cannabis in West Cape May. She said the Borough has rejected their petition and all five members of the committee of petitioners have been served with a summons to Superior Court. Ms. McDevitt said the Borough was suing the committee of petitioners and expressed her concern over the wording of the summons.

Solicitor Corrado responded by saying the wording of the summons is standard and required to be in every summons. He said the lawsuit is not against the petitioners; the suit asks the Court for a declaratory judgement that the rejection of the petition, which was based on the wording of the proposed amendment being misleading and therefore legally insufficient as a matter of law, was the right decision. Solicitor Corrado said the filing of the lawsuit was an attempt by the Borough to ensure there is adequate clarity and transparency in the rejection of the petition.

Ms. McDevitt wanted the Commissioners to understand the negative effect of being served a summons for those unfamiliar with the process. She asked why the rejection of the petition, by the municipal clerk, wasn't sufficient and said the five petitioners have had to hire an attorney.

Gerard Alloco, 318 Third Avenue, said he believes the state statute allows for another option, other than the petition process, where the municipality will allow for a special vote so that the residents of West Cape May can participate in this decision. Mr. Alloco feels the rejection letter wording that the petition was fatally misleading, implies that the petitioners lied and he finds that offensive. He also said a former commissioner advised him that a special vote was an option for the residents. He would like the residents to have the opportunity to vote on the matter and to move on and enjoy the community.

Linda Barr, 322 Fourth Avenue, expressed her concern and disappointment in the rejection of the petition. She is offended by the rejection of the petition and the implication that the petitioners were misleading to their fellow residents.

Pam Kaithern, 207 Stevens Street, asked about the meeting packets. Clerk Enteadó explained that packets for this meeting were not provided on the Borough's website.

When no one else expressed a desire to speak, Mayor Sabo closed the public portion. The meeting was adjourned at 7:28pm on motion of Commissioner Crawford, seconded by Mayor Sabo.

Respectfully submitted,

Theresa Enteadó  
Municipal Clerk