

**MINUTES OF BOARD OF COMMISSIONERS  
SPECIAL MEETING**

**April 24, 2023**

The Special Meeting of the Board of Commissioners of the Borough of West Cape May was called to order by Mayor Sabo at 6:00 p.m. The Open Public Meetings Statement was read by Mayor Sabo, who then led those present in the flag salute. Mayor Sabo, Deputy Mayor Crawford, and Commissioner Dick answered roll call. Also in attendance: Municipal Clerk Theresa Entead, Deputy Clerk Erin Seer, Solicitor Frank Corrado and associate Erika Lezama, Tax Assessor Lou Belasco, W/S Supervisor David Carrick, W/S Assistant Bill Isaac, CFO Frank Donato, Finance Assistant/Purchasing Agent Lauren Vitelli, Borough Engineer Anthony Chadwell and his associate Lia Domico.

**SANITARY SEWER INSTALLATION-ASSESSMENT DISCUSSION (Sewer Second Avenue)**

Mayor Sabo started the meeting with a brief history. She explained that on March 13, 2022, Paula Rosenzweig attended the Board of Commissioners meeting and spoke on behalf of property owners on the 400 block of Second Avenue. Ms. Rosenzweig requested that sewer installation be made available to the property owners on Second Avenue.

Engineer Chadwell explained that although this discussion has been referenced as the Second Avenue sewer expansion, because of the initial request from the residents on the 400 block of Second Avenue, no sewer mains would run along Second Avenue. He said most of the lines would run along Goldbeaten Alley and McCullough Alley, then from Columbia running through gravity down to Morrison Avenue, with installation of a main on Morrison that will run via gravity northward to the existing pump station located on Fourth Avenue. Engineer Chadwell said this pump station on Fourth Avenue was constructed decades ago with some extra capacity for a project like this. He said after surveying, it was determined that the sewage could make it from Columbia to Morrison and then to the pump station. He also determined there would be sufficient capacity to handle the new in-flow from the 68 properties that would be included. Engineer Chadwell said the project is feasible and the lines would run along all Borough right-of-way, with the exception of one piece at the intersection of Third and Morrison, which could be addressed with a utility easement or something similar.

Mayor Sabo asked Water/Supervisor David Carrick to explain how this project went from around 20 residents on Second Avenue to 68 property owners.

Mr. Carrick said it wouldn't make sense to only sewer one block of Second Avenue, given the difficulty due to the existing manholes currently in place and the location of the pump station. He said it only makes sense to connect to both sides of the road or alley, not just one side.

Mayor Sabo wanted to make it clear that no decision has been made yet and the commission is still reviewing all the information.

Mayor Sabo said she, and other employees, met with a representative from the County Health Department in December 2022. The representative said there were no health or safety concerns regarding the existing septic systems on the 400 block of Second Avenue. She said there were maintenance and repair requests only, and no reports of failing systems. Mayor Sabo said she reached out to the County a week ago for an update and was advised there were no changes.

Mayor Sabo said after much consideration and discussion the request seemed to be localized to a certain area, therefore the process for a local assessment was researched. Borough CFO Frank Donato said he discussed the matter with Borough Bond Counsel, the Borough professionals who specialize in this type of assessment and financing. He said this would be a dedicated assessment that would pertain to only the homes that would benefit from this improvement project. Mr. Donato said the Borough would apply for a USDA grant loan combination that is usually a 70/30 split with 30% being the grant portion. He said the final cost would be determined upon completion of the project and that final cost would be divided equally among affected property owners and amortized over a 20-year schedule. He said these assessments would be in the form of a quarterly bill that would be paid over 20 years. Mr. Donato said other outside funding sources would be researched.

Solicitor Corrado noted that the assessment could not be calculated until the project was complete and a final cost was calculated.

Mayor Sabo said a reexamination of the Borough Master Plan was completed in 2015 and she read from the section regarding Infrastructure, which states "Since 2005, inadequate sewer and water infrastructure has ceased to be a problem for West Cape May in terms of the limitations it places on land development. The sewer system was improved, but the provision of water and sewers throughout the entire Borough is no longer desirable because it would encourage sprawl-type development. It was determined that upgrades to the infrastructure network would continue to take place in order to service existing development, but the expansion of the infrastructure was undesirable. The USDA has approved the Borough's request for replacement of a portion of the Myrtle Street sanitary sewer and rehabilitation of the Broadway pump station."

Solicitor Corrado asked if there was a cost estimate. Engineer Chadwell said the cost is approximately \$1.6 million.

## **PUBLIC PORTION**

At this time, Mayor Sabo officially opened the meeting for Public Portion.

Solicitor Corrado first stated, for the record, that all written comments that have been submitted to the Board of Commissioners will be considered and incorporated into the record of this hearing.

Emilie Randolph, 437 Sunset Boulevard, said she was told that there would never be an option for sewer at her property. In October 2022 she paid approximately \$50,000 to upgrade her septic system and she wants to make sure that she will not be part of the assessment. Solicitor

Corrado said if there is an assessment and if the property is an affected property there is no way to opt out of the assessment. Ms. Randolph expressed her strong opposition to being included in an assessment.

John Pickering, 413 Sunset Boulevard, asked the engineer if there were concerns about the access to the new sewer system. Engineer Chadwell said there is no issue with running the line to the rear rather than the front.

George Rovnyak, 435 Second Avenue, spoke in opposition to the sewer assessment. He said he has owned his home since 2009, and he replaced the existing home and the existing septic system. He also said that because he followed all the rules and regulations he was restricted as to the size of the home that he could build. He is strongly opposed to being included in the assessment. Mr. Rovnyak expressed his opinion that the property owners that require frequent septic maintenance are those who have built large additions, and those who rent their properties. Mr. Rovnyak asked what the timeline would be if the Borough moved forward with the assessment. He was told approximately two years. Mr. Rovnyak asked if all property owners included in the assessment would be charged an equal amount, and he was told they would. He was also told that the cost couldn't be calculated until the project is finished.

Michele Recla, 434 Second Avenue, asked when the sewer plant was built, was the bond assessed to the non-sewer residents in the Borough. She was told the Borough does not have a sewer plant. She then asked about the USDA grant. She was told an application was not completed yet, because a decision hasn't been made. Ms. Recla asked about requirements of the USDA grant. CFO Frank Donato said if the ordinance to create the assessment passes, it would apply to everyone. She wanted to know if the Borough would consider a grace period to connect and if hook-up fees could be waived or reduced. She also asked if vacant lots would be assessed. She was advised that a lot without a principal structure would still be assessed, if the Borough decided to move forward with an assessment ordinance.

John Francis, 314 Sixth Avenue, said he understands the opposition from those who have recently paid to have their current septic systems replaced, however he would like to see sewer on Second Avenue. He would like the commissioners to do a feasibility study for the entire Borough. He believes the rising sea levels will make all septic systems fail eventually.

Jane Robinson, 438 Third, asked how the properties on the 400 block of Second Avenue turned into 68 properties. She wanted to know what other structural options could be considered. Water/Sewer Supervisor David Carrick said the decision was made because of how the sewer installation would have to run in that area. He said the sewer lines would pass those houses on the other side of the road as well and it wouldn't make sense not to include them. Ms. Robinson is strongly opposed to the sewer installation because of overdevelopment. She believes this would benefit developers and not the community at large. She is very concerned it would set the stage for un-foreseen development issues.

Clayre Cardi, 405 Second Avenue, said many people have already paid for new septic systems because septic systems fail at some point, they don't last forever. She believes she and other

property owners in the area are the only property owners in West Cape May without the ability to tie into sewer. She said they have no other option. Ms. Cardi expressed her opinion that most people are not opposed to the installation of the sewer lines, they are opposed to being assessed to pay for it. She does not believe it is fair to assess the property owners and she believes other options should be considered.

Leon Zhudzinski, 409-411 Second Avenue, asked if the feasibility study included running sewer along Goldbeaten Alley. Engineer Chadwell confirmed that it did include Goldbeaten Alley. Mr. Zhudzinski said he can see sewer everywhere around him and that those sewer installations were done in phases throughout the 25 years that he has owned his property, and not through assessment ordinances. He expressed his strong opposition to, and his disbelief that, the Borough would consider requiring the residents on Second Avenue to pay for the installation through an assessment.

John Tahan, 412 Second Avenue, said he believes that a septic system that requires frequent repair is a failing system. He said he spoke to Heather Carr, a representative from the Department of Health, who said there are several malfunctioning, failing septic systems on Second Avenue. David Carrick said he met with Heather Carr and she said there are no health or safety concerns regarding the septic systems in that area. Mr. Tahan said that he has no other option due to the size of his lot.

Avrum Rosenzweig, 415 Second Avenue, believes that the difference of opinion regarding the failing septic systems could be because there may not be a problem today, but it will be an issue in the future. Mr. Rosenzweig asked for clarity regarding the assessment. He said he remembered a discussion about a board or commission being appointed and the properties would be assessed individually. Tax Assessor Lou Belasco said a local assessment board could assess individually, based upon the increase to market value. Solicitor Corrado said a local assessment board does not currently exist and one would have to be created. He said the other option is for the commission to decide and if the commission will make the decision, the statute says the assessment must be proportionate to the benefit of each property.

Paula Rosenzweig, 415 Second Avenue, said she completed an application for open public records for sewer installations from 1990 to 2020 for Third Avenue, Second Avenue, and Stevens Street. She said the records produced showed that grants were applied and the Borough paid portions as well. The records did not reflect an assessment or assessments of any kind.

Fred Fellmeth, 437 Third, thanked the Commissioners for the special open meeting. He said if the assessment were distributed equally among 68 properties, and the total cost was \$1.6 million, it would be roughly \$28,000 per property. He wondered how proportionate equal distribution could be given no two homes are the same. He asked about the cost to reroute the sewer lines from the front to the rear. Engineer Chadwell said extending it to all 68 properties without running it through the alleys would increase the cost significantly because the alley allows service to both sides. Mr. Fellmeth said his concern was regarding the home-owners expense. He said his rear yard and the alley are generally under two to three feet of water.

Engineer Chadwell said the line would run at the front of his property along Third Avenue. Mr. Fellmeth said he is not opposed to public sewer, but he does believe that the concerns, expressed by his neighbor Jane Robinson, must be taken into consideration.

Claudine Homolash, 426 Second Avenue, said her lot is very small. She requested sewer in the past and was denied. She went through the approval process for septic however she has not started construction. She is interested in having sewer, not because she can change the size of her home, but because it would impact the placement on the lot, so she could better utilize the space and have somewhat of a yard. She said she would need to build a retaining wall around her property and install a drainage system to run underneath the property. It is her opinion that the drain fields are insufficient for the size of the lots. She favors sewer installation and believes it would be benefit the neighborhood. In her opinion, most people are in support of the sewer installation but not in support of the assessment.

Martin Santry, 298 Sixth Avenue, wondered why the Borough would entertain this request if there were no septic failures. He also expressed his belief that the sewer installation would go against the master plan. He also mentioned wetlands and eminent domain.

Edith McMahon, 310 Pacific Avenue, asked if you could object to the assessment. She was told there is a process to do so.

Rose Marie Brino, 420 Second Avenue, wanted to say that most people on Second Avenue cannot wait two years, and she wanted to express the urgency of the matter.

John Gordon, 427 Sunset, asked what the quarterly bill will be for sewer. He was told it is \$165.00 per quarter. He asked about the master plan reexamination dates. He was told the reexamination of the master plan happens every 10 years.

Gergory Shannahan, 405 Sunset Boulevard, thanked the commission for organizing the meeting. He said his septic system is 30 years old and he is in favor of the option for sewer. He believes the property owners who have recently paid for new septic systems should be given some monetary consideration. Mr. Shannahan does not think an assessment should be considered if it was never done before and mentioned Ms. Rosenzweig's earlier comments.

Commissioner Dick wanted to clarify some points regarding the projects that Ms. Rosenzweig discussed. He said on the first project she mentioned, the Borough expanded sewer to Stevens Street and there was a \$49,000 grant and a minimal \$5,500 Borough payment. He said the other project was to replace the existing sewer, not a new installation project, and there was a \$600,000 USDA grant and the Borough bonded for \$1 million. Commissioner Dick said those projects are too different for a side-by-side comparison to the proposed project being discussed now.

Robert Bembry, 416 Second Avenue, said he owns a small lot and he does not rent his home. He said he very recently experienced septic issues and had to request repairs. He asked who

helped pay for the \$1 million cost that Commissioner Dick described. Mayor Sabo said it was paid for through the sewer utility.

John Pickering, 413 Sunset Boulevard, shared his experience with his property in Florida and thinks this will be a lengthy process.

Clayre Cardi, 405 Second Avenue, said there are two issues at hand, sewer installation and a local assessment. She would like to know if people are opposed to the sewer installation or if they are opposed to the special assessment being placed on the homeowners.

Leon Zhudzinski, 409-411 Second Avenue, said many of his neighbors are opposed to the assessment.

George Rovnyak, 435 Second Avenue, asked if the sewer installation would be extended to Fifth and he was told no, because that is outside the sewer service area.

When no one else expressed a desire to speak, the meeting was adjourned at 8:04pm on motion of Deputy Mayor Crawford, seconded by Commissioner Dick.

Respectfully submitted,

Theresa Enteadó  
Municipal Clerk