

MAY 14, 2020
REGULAR MEETING MINUTES

The Regular Meeting of the Board of Commissioners of the Borough of Cape May Point was called to order by Mayor Moffat at 6:00 PM. The Open Public Meetings Statement was read by the Mayor who then led those present in the flag salute. Mayor Moffatt, Commissioner Mullock and Commissioner vanHeeswyk answered roll call. Also in attendance: Clerk Elaine Wallace, Solicitor Brock Russell and labor counsel Mike Watson. This meeting was held via teleconference under local operational guidance from the NJDCA , pursuant to P.L. 2020, c.11.

COMMISSIONERS' REPORTS:

Commissioner Mullock reported the Borough has a supply of n95 masks after giving them to employees and local doctors, EMTs and hospitals. The road project on Ocean/Pavilion/Central has been completed, with only two low areas at West Lake/Central and Oxford/Pavilion still needing to be addressed. All drainage work and the first paving have been finished on the Brainard/Pearl/Yale road project; with final paving coming up in the next few weeks. The Yale Avenue watermain and reconstruction project is scheduled for this fall. The Borough has already been awarded a \$165,000 grant and is applying for another \$165,000 grant for this project. The Borough is also going to apply for a grant to resurface E. Lake Drive. The Lake Lily project is mostly completed and was a great community effort. Mr. Mullock thanked everyone who participated from employees, to the Environmental Commission to the Friends of Lake Lily and beyond. The invasive plant removal project is ongoing around the lake. At the Environmental Commission meeting, there was discussion about putting an osprey nesting area on the island. Public Works has been working on the beach entrances, including the Coral Avenue handicapped ramp.

Commissioner vanHeeswyk commented on the resolution approving the Municipal Public Access Plan. She announced that the Borough's anticipated share of this year's beach replenishment is \$72,150, which is really low compared to other years because instead of pumping sand onto the beach, they will be back passing it from the meadow.

Mayor Moffatt thanked Jeff Sowers for working hard on beach signage. Dr. Moffatt also stated long-term rental are permitted now, but short-term rentals can't begin until June 5th. The pre-season beach tag discount is being extended through June 19th, with beaches opening June 20th. Any questions can be addressed to Chris Garrison. The governor is opening beaches for sunbathing and sitting on May 22nd. If anyone sees a violation they should not get involved, rather they should report it to the Beach Patrol Chief, Beach Tag Director, or the Administrator. There is still a complete ban on special events, but things are changing daily.

APPROVAL OF MINUTES:

April 9, 2020 Regular Meeting

April 28, 2020 Work Session

Motions: vanHeeswyk, Moffatt

Roll call: all in favor

ORDINANCES FOR INTRODUCTION/PUBLICATION:

04-2020 An Ordinance Amending Chapter 146 Water and Sewer Utility to Increase Sewer Rates

Motions: Mullock, vanHeeswyk

Roll call: all in favor

05-2020 Ordinance Appropriating \$15,000 from the Capital Improvement Fund

Motions: Mullock, vanHeeswyk

Roll call: all in favor

RESOLUTIONS:

62-20 Authorizing the Municipal Tax Collector to Prepare and Mail Estimated Tax Bills in Accordance with P.L. 1994, c.72

Motions: vanHeeswyk, Moffatt

Roll call: all in favor

63-20 Approving the Borough of Cape May Point Municipal Public Access Plan (MPAP)

Motions: vanHeeswyk, Moffatt

Roll call: all in favor

64-20 Authorizing Purchase of 2017 Case IH Farmall 120C Tractor from Farm-Rite, Inc.

Motions: Mullock, vanHeeswyk

Roll call: all in favor

65-20 Adopting an Information Technology Practices Policy and Minimum Security Response Plan for Cybersecurity Incidents

Motions: vanHeeswyk, Moffatt

Roll call: all in favor

66-20 Acknowledging Closure of Certain Developer's Escrow Accounts and Authorizing Refunds as Recommended by the Planning Board

Motions: vanHeeswyk, Moffatt

Roll call: all in favor

67-20 Approval of Bill List

Motions: Moffatt, vanHeeswyk

Roll call: all in favor

68-20 Authorizing Executive/Closed Session in Accordance with the Provisions of the Open Public Meetings Act, Specifically N.J.S.A. 10:4-12(b) – Attorney/Client Privilege and Personnel: Business Administrator

Motions: Mullock, vanHeeswyk

Roll call: all in favor

ORDINANCES FOR SECOND READING AND PUBLIC HEARING: None

PUBLIC PORTION:

Connie Campanella asked who the lead is on the cyber security policy and practices. Clerk Wallace and the IT Consultant will be handling it. Ms. Campanella also asked if the Borough keeps any PII, to which the clerk responded no. She also confirmed that any concerns on the beach should be addressed to the Beach Patrol Chief, the Beach Tag Director of the Administrator and they will handle them. Ms. Campanella found the Municipal Public Access Plan well put together, but expressed concern that the population figure quoted in it was 291, when the Clerk gave her the most recent estimate of 226. She wondered if there a way to get a hard number. Commissioner vanHeeswyk explained the census figure was 291, and was unusually high because there was a big push made in 2010 to get people to register from the Point. Mid-decade the County comes up with an estimate but the next firm number won't be had until after the 2020 census. She suggested the Taxpayers Association put out a question to it's members of how many are permanent residents. Lastly, she complimented the commissioners and staff for their work during the unsettling times of COVID-19. She felt the responsiveness of the Clerk and Administrator has been extraordinary. And she commended the commissioner on keeping the community safe, informed, and moving forward.

Jeff Sowers asked if there was any update on the speed table project on Cape Avenue. Mayor Moffatt reported he hasn't been able to follow up with the County.

Linda Gianni reported the sound quality of the call was not good, only when the public was speaking was it clear.

Sandy Allison asked if the Alexander Avenue beach entrance fence could be done this year and have an improved railing installed. Commissioner Mullock reported the split rail fencing has been purchased and it will be installed by the time the beaches open for the season. She also asked if something could be done about the incline of the entrance, stating the presence of a handicapped space makes it seem like the entrance is handicapped accessible. Bill Gibson explained Alexander is not an accessible beach entrance, the incline was addressed last year, and is, in fact, one of the most gradual in town.

When no one else wished to speak, the meeting was recessed into closed session at 6:32 p.m. on motion of Mayor Moffatt, seconded by Commissioner Mullock. The meeting was reconvened at 6:52 p.m. on motion of Commissioner Mullock, seconded by Commissioner vanHeeswyk.

Solicitor Russell announced the discussion during closed session was about the Borough administrator, minutes were kept and will be released when the need for confidentiality no longer exists, but that the minutes will be subject to redaction based on attorney-client privilege and personnel protections.

Solicitor Russell provided a resolution to the Borough Clerk, which was read by title and voted upon as follows:

69-20 A Resolution Removing the Borough Administrator Pursuant to N.J.S.A. 40A:9-137 and Temporarily Assigning Administrative Duties to Borough Personnel

Motions: Mullock, vanHeeswyk

Roll call: Mullock & vanHeeswyk in favor; Moffatt opposed

Commissioner Mullock made a motion to appoint Ed Grant, who previously served as administrator, but Solicitor Russell advised the appointment could not be made until certain professional service documents have been on file for 10 days.

There being no further business, the meeting was adjourned at 6:59 p.m. on motion of Commissioner Mullock, seconded by Commissioner vanHeeswyk.

Respectfully submitted,

Accepted:

Elaine L. Wallace, RMC, CMR
Municipal Clerk

Commissioner Mullock

Commissioner vanHeeswyk

Mayor Moffatt