

AUGUST 13, 2020
REGULAR MEETING MINUTES

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

COMMISSIONERS' REPORTS/DISCUSSION:

Request to remove tree in right-of-way: Commissioner Mullock suggested, and the other Commissioners agreed, to forward the request to the Environmental Commission for review and recommendation.

Commissioner Mullock commented on the situation at the corner of Oxford and East Lake, stating it is the worst work site ever in the Borough. In addition to it being visually disruptive, they are dumping mud/algae/water into Lake Lily. The Commissioners will be going into closed session to discuss the matter and how to handle it. As the Commissioner of public lands, he told them to turn off the dewatering system and had Public Works put sandbags around the storm drain to keep them from dumping into it. There are a lot of eyes on the site from the Borough, the County and the State. The Environmental Commission discussed the matter and the chair took video showing the water flowing into the lake from the property. Mr. Mullock also felt high groundwater makes swimming pools a problem. Lastly, he spoke on the recent storm and what a great job Public Works did cleaning up after it. The equipment purchased over time has been essential in getting the Borough in shape after an event. Cape May Point did not experience the flooding that other towns did. He felt this speaks to the flood mitigation work the Borough has done over the last 5-6 years.

Commissioner vanHeeswyk agreed with the concerns over the property at Oxford/East Lake. She has been working on it for several weeks to try to put a stop to the problems. She called in the NJDEP, County Health Department and Mosquito Commission to inspect the site for violations. In addition, while she had the NJDEP representative here, she had him and Bruce Graham conference call with each other about the site and what can be enforced there. Subsequently, the Borough Engineer and Borough Solicitor have been working together on the matter, particularly with regard to the borough's stormwater ordinance. The matter will be discussed further in closed session. Mrs. vanHeeswyk mentioned she had asked the planning board to look into pools several years ago, but no recommendations were made. She felt pools should not be permitted and asked the Borough Solicitor to draft an ordinance for consideration at the next meeting. And if not banning them, then regulating them to minimize their impact. Lastly, she commended Public Works

on the great job they did after the storm. The NJDEP was here the day before and the day after the storm to measure the beaches and calculate loses.

Mayor Moffatt reported he was asked if the Borough could extend lifeguard coverage on the beaches after Labor Day. Unfortunately, that is not feasible for several reasons including not having enough guards after August 17th. Dr. Moffatt was also asked if the Borough would open the Circle to kids playing soccer. Commissioner Mullock was in favor of not extending the beach season, but was in favor of allowing kids to play in the circle. Commissioner vanHeeswyk concurred.

ADMINISTRATOR'S REPORT: Mr. Grant reported he is working on a contract for grant consulting services. He is also reviewing recently released FEMA grants. He is still waiting for a response to his request for an extension to Sustainable Jersey. The traffic calming is progressing, with surveying being done earlier in the day. Related to the traffic calming, the electronic speed sign on Lighthouse will be moved into the island once it is completed. Lastly, as part of the ongoing JIF renewal, he will be submitting fixed asset and workers comp verification by August 31st.

PUBLIC QUESTIONS ON AGENDA ITEMS: None

APPROVAL OF MINUTES:

June 11, 2020 Regular Meeting

June 23, 2020 Work Session

July 9, 2020 Regular Meeting

ORDINANCES FOR INTRODUCTION/PUBLICATION: None

RESOLUTIONS:

92-20 Authorizing Special Event Permit – Greenawalt

Motions: vanHeeswyk, Moffatt

Roll call: all in favor

93-20 Authorizing Special Event Permit – Cape May Point Taxpayers Association

Motions: vanHeeswyk, Moffatt

Roll call: all in favor

94-20 Authorizing the Application for and the Execution of a Subcontract for the Municipal Alliance Program

Motions: vanHeeswyk, Moffatt

Roll call: all in favor

95-20 Authorizing the Participation of the Borough of Cape May Point in the South Jersey Power Co-Operative Contract with Constellation NewEnergy, Inc. for Retail Electric Supply Services

Motions: vanHeeswyk, Moffatt

Roll call: all in favor

- 96-20 Approval of Bill List
Motions: vanHeeswyk, Moffatt
Roll call: all in favor
- 97-20 Authorizing Executive/Closed Session in Accordance with the Provision of the Open Public Meetings Act, Specifically N.J.S.A. 10:4-12(b) – Contract Negotiations re: St. Mary’s by the Sea; Attorney/Client Privilege & Potential Litigation Block 34, Lot 17
Motions: Mullock, Moffatt
Roll call: all in favor

ORDINANCES FOR SECOND READING AND PUBLIC HEARING:

- 07-2020 Amending Chapter 105, “Land Use Procedures”, Article 1 “Planning Board”, Section 8 “Powers and Duties” of the Code of the Borough of Cape May Point

Motion to Open Public Hearing: vanHeeswyk, Moffatt
Roll call: all in favor

When no one wished to speak, the public hearing was closed.

Motion to adopt: vanHeeswyk, Mullock
Roll call: all in favor

- 08-2020 Ordinance Appropriating \$6,000 from the Capital Improvement Fund

Motion to Open Public Hearing: vanHeeswyk, Moffatt
Roll call: all in favor

When no one wished to speak, the public hearing was closed.

Motion to adopt: vanHeeswyk, Moffatt
Roll call: all in favor

PUBLIC PORTION:

Catherine Busch advised she sent an email to the commissioners with information collected by the Environmental Commission three years ago, at the request of the Planning Board. The email included an ordinance from Avalon regulating pools.

Kevin Casey stated Chapter 76 of the code is clear on work site cleanliness standards, but it hasn’t been enforced well enough. The sandbags being used aren’t adequate silt control on the site, the code requires silt fences or silt socks. He asserted the Borough has the power to enforce the standards, but so far that enforcement has been ineffectual.

Tom Maye suggested the Borough should address disposal of the ground water, rather than prohibiting swimming pools. In his experience, that has worked.

Sandy Allison thanked the Mayor and his team for the nice signage at the beach entrances and the one at Alexander identifying the area that is the State Park. She was worried opening the circle to children playing would bring in children from outside the Borough and she wondered who would be running the games. Ms. Allison was also very upset about the situation with the construction site near the

lake, stating it was a crime to have been allowed to go on so long. Commissioner vanHeeswyk agreed, but stated the NJDEP representative did not see anything that warranted concern from an environmental standpoint.

Connie Campanella was aware of a lot of enforcement activities against that property and wondered how the construction office approved it in the first place. She was glad the Commissioners are taking it up tonight. Ms. Campanella then asked when the Borough would resume in person meetings since she is aware that other towns have resumed them and she feels the current technology isn't working well. Commissioner vanHeeswyk stated she is not comfortable with meeting in-person at this time. As to the question about construction, permits are given according to UCC regulations unless there is an ordinance prohibiting something in the plan. Lastly, Ms. Campanella thanked the Commissioners for approving the special event permit for the Taxpayers Association annual meeting. The by-laws require at least 20 members, plus the board members, and the Firehouse couldn't accommodate that many people under the COVID-19 restrictions.

Steve Coyle, 310 Oxford, reported the construction on the site across the street from him began in July 2019. He was told by the zoning officer this July that the problems on the site were a matter for code enforcement, not zoning. Mr. Coyle hoped that the lengthy discussion tonight will result in getting things done.

When no one else wished to speak, the meeting was recessed into closed session at 7:00 pm and reconvened at 8:00 pm on motion of Commissioner vanHeeswyk, seconded by Mayor Moffatt.

There being no further business, the meeting was adjourned at 8:02 pm on motion of Mayor Moffatt, seconded by Commissioner vanHeeswyk.

Respectfully submitted,

Accepted:

Elaine L. Wallace, RMC, CMR
Municipal Clerk

Commissioner Mullock

Commissioner vanHeeswyk

Mayor Moffatt