

**SEPTEMBER 22, 2020  
WORK SESSION MINUTES**

The Work Session of the Board of Commissioners of the Borough of Cape May Point was called to order by the Borough Clerk at 12:00 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' DISCUSSION (NEW BUSINESS/OLD BUSINESS)**

Extension of Shared Services Agreement for Emergency Equipment: The Board of Commissioners agreed to extend the agreement with the County for use of emergency equipment.

Green Purchasing Policy: This is part of the Sustainable Jersey program and will garner points toward certification. The Environmental Commission reviewed and recommends adoption. The Commissioners were in favor of adopting the policy. The Borough Administrator will review all purchase orders and determine if there are any opportunities for green purchases.

Public Works/Emergency Management/Public Shelter Building: Commissioner Mullock explained his desire to look into building a new public works facility at the current location that would also serve as an emergency management center, emergency shelter, and a place where firehouse equipment could be moved in the event of flooding. He feels it is necessary to build the building to withstand a category 5 storm for the protection of first responders, staff, the public, and equipment. The Borough has set aside \$450,000 for the project so far and that figure will be \$600,000 in 2021. He estimated such a building would cost \$4 million. He would like to apply for grants that could cover 75% of the cost. He asked his fellow Commissioners to support applications to FEMA, which are due in November. Mr. Mullock made a motion, seconded by Mayor Moffatt, to authorize the Borough to work with grant consultant Jim Rutala to start the application process. The motion was unanimously approved on roll call vote.

Consideration of Ordinance Regulating Pools: Solicitor Brock Russell explained the Commissioners could introduce ordinances – one to make pools a prohibited use and one to regulate existing pools – at the next regular meeting. The one making pools a prohibited use would have to go before the Planning Board for a master plan consistency review before the ordinance could be adopted. Mr. Russell was provided with samples from Avalon, Beach Haven, and Alpine Borough and will use them as a base. The governing body asked the Planning Board to consider a draft ordinance and the same samples provided to the Solicitor and to make recommendations on pools and whether to ban and/or regulate. The Planning Board agreed the Borough should ban swimming pools,

specifically noting high water table, close proximity of properties to one another, small size of the lots, and the impairment of water quality, noise, and quality of life issues that are attendant with having pools in this community. That board also recommended adding regulations for existing pools or any that might be built/ permitted prior to an ordinance being adopted prohibiting them. Lastly, they thought a definition of pool needs to be established. The Commissioners asked the Borough Solicitor to prepare an ordinance for possible introduction at the next regular meeting.

Commissioner vanHeeswyk reported the CRS Coordinator recently sent letters about a virtual meeting on October 21<sup>st</sup> at 6 pm during which property owners can get advice and information from insurance, construction and flood specialists. She also reported she has spoken to Glen Golden of NJDEP about the upcoming beach replenishment. Although the bid has not yet been awarded, all the bids were below the estimate. In addition, the work is expected to be done with back passing resulting in an even lower Borough expense. Next, she reported the NJDEP has finally approved the Borough's Municipal Public Access Plan (MPAP). This is great news because the Borough could not get its permit to perform beach maintenance without having an approved MPAP. Lastly, she reported the Borough has again qualified for a Class 6 discount through the National Flood Insurance Program. This results in property owners being entitled to a 20% discount on their flood insurance premiums.

Mayor Moffatt reminded everyone of the importance of completing the 2020 census. He also announced he has found a Cape May Point resident who is willing to assist the Code Enforcement Officer. Having someone who lives in town will help with enforcement.

### **ADMINISTRATOR'S REPORT**

Code Enforcement: The Borough will be establishing more proactive practices to better enforce local regulations. A first step is hiring a resident to assist the code enforcement officer, which should improve the process. Mr. Grant cautioned everyone that code enforcement only issues summonses. Fines can only be assessed by the municipal court judge. Sometimes there is frustration when fines aren't given to offenders. The best way to correct that is to build stronger cases, and that is where the Borough is headed.

Sustainable Jersey: Mr. Grant and another green team member met with a representative from the state, which provided good information and ideas. This year's recertification will be successful, but will also lead to additional funding and grants. Mr. Grant congratulated the Green Team on their level of involvement.

Grant Consultant: The administrator met with the grant consultant to review the Borough's background, data and capital projects so he could become familiar with the Borough's needs and be ready to react when he sees a grant opportunity that would work for the Borough. He identified a grant opportunity through FEMA to

cover architectural and engineering costs associated with designing a new multi-purpose emergency services facility at the current public works site. In addition, he identified a way to get a free, updated energy audit. The last one was done in 2011 and Mr. Rutala was able to provide the Borough with a copy. Mr. Grant clarified that Mr. Rutala would only be used on large capital projects where his expertise will be valuable. Smaller grants will be handled in-house. Commissioner vanHeeswyk reported the hazard mitigation plan that she is currently working on has a section about emergency services, systems and protection of essential facilities. By being specific with these things in the hazard mitigation plan, it greatly increases the Borough's chances of obtaining FEMA funds

Mr. Grant also announced he is working to get a Borough account at Tractor Supply Company in Rio Grande. This will allow public works to purchase pumps and supplies when needed rather than having to purchase them from farther away and store them in case of emergency.

**PUBLIC QUESTIONS ON AGENDA ITEMS ONLY:** None

**RESOLUTIONS:**

- 109-20 Accepting Completion of Contract and Issuing Final Payment Certificate #7 for Ocean Pavilion & Central Avenues Drainage and Road Project  
*Motions: Mullock, Moffatt*  
*Roll call: all in favor*
- 110-20 Authorizing a Shared Services Agreement with the Cape May County Municipal Utilities Authority for Solid Waste Disposal and Recycling Services  
*Motions: Mullock, Moffatt*  
*Roll call: all in favor*
- 111-20 Resolution of Support for Sustainable Purchasing Policy  
*Motions: Moffatt, vanHeeswyk*  
*Roll call: all in favor*
- 112-20 Authorizing special Event permit – Dolaway & Ebner  
*Motions: Moffatt, vanHeeswyk*  
*Roll call: all in favor*
- 113-20 Approval of Bill List  
*Motions: vanHeeswyk, Mullock*  
*Roll call: all in favor*

**PUBLIC PORTION:**

Jeff Schrader, 302 Coral Avenue, expressed concern over the haste with which the Borough has moved from a situation with poor worksite management to a proposed ban on swimming pools. He would like to see the Borough preserve property owners existing rights and enhance their ability to enjoy their property. He felt proposed ordinances would run contrary to those goals. Mr. Schrader asked the exact number of pools in the community. No one had that figure readily available.

He then asked how many residences are in the Borough. Commissioner vanHeeswyk said the number was around 623. Mr. Schrader calculated that if there are 6 pools in town, then only 1% of properties have pools. He asked if there have been problems at a site of a pool other than the one on Oxford that has been the subject of much discussion. Mrs. vanHeeswyk asserted there have been problems with dewatering in the past and was the reason the Borough had the Planning Board begin looking into the matter in 2017. Commissioner Mullock stated the matter has also been discussed by the Environmental Commission and the commissioners since then. He explained that while there may be few pools, the proliferation has been a concern. Mr. Schrader asked what constituted proliferation. Mr. Mullock asserted the pools have been installed in the last 5-7 years and numerous applications have been filed recently. Mrs. vanHeeswyk agreed that this has not been a kneejerk reaction. There has been a concern over pools and the necessity for dewatering when the water table is as high as 1-5' below the surface. The matter has been discussed by this board and the Planning Board. Mr. Schrader asked what information was provided during the Planning Board meeting. He was advised the letter read earlier by the clerk was correspondence from the Planning Board attorney but he could read about the meeting once the minutes are available. Mr. Schrader thanked the Board for allowing his comments, which he submitted with respect.

When no one else wished to speak, the meeting was adjourned at 1:05 pm on motion of Commissioner Mullock, seconded by Commissioner vanHeeswyk.

Respectfully submitted,

Accepted:

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Elaine L. Wallace, RMC, CMR  
Municipal Clerk

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Commissioner Mullock

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Commissioner vanHeeswyk

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Mayor Moffatt