

In compliance with COVID-19 guidelines this meeting will be conducted via electronic conferencing using Zoom <https://www.zoom.us/> or by phone +1 646 588 8656 (New York), Meeting ID: 876 6582 8640 Passcode: 628523

In addition, members of the public may send questions or comments for inclusion during the public portion to the Borough Clerk at [ewallace@capemaypoint.org](mailto:ewallace@capemaypoint.org) by Monday, January 25<sup>th</sup> at 9:00 AM.

**AGENDA  
BOROUGH OF CAPE MAY POINT  
BOARD OF COMMISSIONERS**

**WORK SESSION OF JANUARY 26, 2021 – 12:00 PM**

**MEETING CALLED TO ORDER / SUNSHINE STATEMENT / FLAG SALUTE**

In compliance with the Open Public Meeting Act, Chapter 231, Public Laws of 1975, this meeting was properly advertised in the annual notice and this agenda was properly distributed and duly posted on the Borough Hall bulletin board as the required notice under law.

**ROLL CALL:** Commissioner Busch, Commissioner vanHeeswyk, Mayor Moffatt

**BUDGET DISCUSSION WITH CFO JIM CRAFT**

**COMMISSIONERS' DISCUSSION (NEW BUSINESS / OLD BUSINESS)**

- Stormwater Control Ordinance update mandated by NJDEP

**ADMINISTRATOR'S REPORT**

**PUBLIC QUESTIONS ON AGENDA ITEMS ONLY**

**ORDINANCE FOR INTRODUCTION AND PUBLICATION**

01-2021 Stormwater Control Ordinance for the Borough of Cape May Point  
*Scheduled for Second Reading/Public Hearing/Adoption – Feb. 11 at 6:00 pm*

**RESOLUTIONS**

- 31-21 Award of Professional Services Contract for Borough Solicitor – The DeWeese Law Firm, P.C. – John Amenhauser, Esq.
- 32-21 Office of Emergency Management Appointments
- 33-21 Final Acceptance of Project Pearl & Brainard Avenues Drainage & Road Project
- 34-21 Authorizing Jersey Cape Diagnostic, Training, and Opportunity Center, Inc. to Sell Seasonal Beach Tags via Its Website
- 35-21 Authorizing Participation in HGACBuy, A National Purchasing Cooperative
- 36-21 Award of Contract for Yale Avenue Water System Project
- 37-21 Approval of Bill List

**MAYORAL APPOINTMENTS**

**Environmental Commission**

Paula Massanari – Member – unexpired 4-year term expiring 1/31/2022  
Carol Sowers – Alternate #1 – unexpired 2-year term expiring 1/31/2022  
Elise Geiger – Alternate #2 – 2-year term expiring 1/31/2023

**PUBLIC PORTION**

**ADJOURNMENT**

**BOROUGH OF CAPE MAY POINT  
COUNTY OF CAPE MAY  
STATE OF NEW JERSEY**

**RESOLUTION 31-21**

**AWARD OF PROFESSIONAL SERVICES CONTRACT FOR  
BOROUGH SOLICITOR – THE DEWEESE LAW FIRM, P.C.,  
JOHN AMENHAUSER, ESQ.**

**WHEREAS**, the Borough of Cape May Point has a need to acquire the services of a Borough Solicitor for the performance of legal work and related duties associated therewith as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

**WHEREAS**, the Chief Financial Officer has determined and certified in writing that the value of the acquisition may exceed \$17,500; and

**WHEREAS**, the term of this contract is 1 year commencing January 1, 2021, expiring December 31, 2021; and

**WHEREAS**, the DeWeese Law Firm, P.C. has submitted a proposal, with John Amenhauser as the designated representative, to provide the services of Borough Solicitor for a fee of \$15,000 for general duties with a provision for hourly charges for services beyond the general duties at an hourly rate of \$175; and

**WHEREAS**, The DeWeese Law Firm, P.C. has completed and submitted a Business Entity Disclosure Certification which certifies that no reportable contributions have been made to a political party or candidate committee in the Borough of Cape May Point in the previous one year, and will not make any reportable contributions pursuant to N.J.S.A. 19:44-1 through the term of this contract; and

**WHEREAS**, in accordance with N.J.A.C. 5:30-5.4 the Chief Financial Officer certifies that the funds will be available in the 2021 Municipal Budget for said services; and

**WHEREAS**, the services to be performed by the Solicitor are regulated by law within the meaning of the Local Public Contracts Laws (N.J.S. 40:1-1 et seq.) and hence are exempt from competitive bidding.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Commissioners of the Borough of Cape May Point, the governing body thereof, that the DeWeese Law Firm, P.C. and John Amenhauser, Esq. be appointed as Solicitor of the Borough of Cape May Point for a term of one (1) year effective retroactively to January 1, 2021 and expiring December 31, 2021.

**BE IT FURTHER RESOLVED**, the Mayor and Municipal Clerk are hereby authorized to execute the aforementioned professional services agreement on behalf of the Borough of Cape May Point in accordance with the terms and provisions of the Local Public Contacts Law.

**BE IT FURTHER RESOLVED**, that the Business Entity Certification and the Determination of Value be placed on file with this resolution.

**BE IT FURTHER RESOLVED** that a notice of this decision shall be published according to N.J.S.A. 40A:11-5(1)(a)(i).

	MOTION	SECOND	YES	NO	ABSTAIN	ABSENT
Busch						
Moffatt						
vanHeeswyk						

#### CERTIFICATION OF AVAILABILITY OF FUNDS

I, James V. Craft, Chief Finance Officer of the Borough of Cape May Point, hereby certify that funds are available in the Current Fund Account 0-01-20-155-021 to authorize the execution of a professional services contract with The DeWeese Law Firm P.C. and John Amenhauser as Solicitor for the Borough of Cape May Point for a one (1) year term commencing January 1, 2021 for an amount not to exceed \$25,000.00.

I further certify that this commitment together with all previously made commitments does not exceed the appropriation balance available for this purpose.

Dated: January 26, 2020

Signed: James V Craft

James V. Craft, Chief Financial Officer

#### Certification

I hereby certify that the foregoing is a true copy of a Resolution duly passed and adopted by a majority of full membership of the Board of Commissioners of the Borough of Cape May Point, County of Cape May, New Jersey, at a meeting held on January 26, 2020.

\_\_\_\_\_  
Municipal Clerk

**BOROUGH OF CAPE MAY POINT  
COUNTY OF CAPE MAY  
STATE OF NEW JERSEY**

**RESOLUTION NO. 32-21**

**OFFICE OF EMERGENCY MANAGEMENT APPOINTMENTS**

**WHEREAS**, in accordance with the laws of the State of New Jersey, the Board of Commissioners must appoint an Emergency Management Coordinator and support staff to ensure the safety and welfare of its citizens in an emergent situation.

**NOW THEREFORE BE IT RESOLVED**, by the Board of Commissioners of the Borough of Cape May Point, in the County of Cape May and State of New Jersey as follows:

1. **ED GRANT** be and is hereby appointed as Deputy Emergency Management Coordinator for an unexpired three (3) year term ending December 31, 2021.
2. **CATHERINE BUSCH** be and is hereby appointed as Deputy Emergency Management Coordinator for an unexpired three (3) year term ending December 31, 2021.

**BE IT FURTHER RESOLVED** a certified copy of this resolution shall be forwarded to the Cape May County Office of Emergency Management upon adoption.

	MOTION	SECOND	YES	NO	ABSTAIN	ABSENT
Busch						
Moffatt						
vanHeeswyk						

Certification

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\_\_\_\_\_  
Municipal Clerk

**BOROUGH OF CAPE MAY POINT  
COUNTY OF CAPE MAY  
STATE OF NEW JERSEY**

**RESOLUTION 33-21**

**FINAL ACCEPTANCE OF PROJECT  
PEARL & BRAINARD AVENUES DRAINAGE & ROAD PROJECT**

**WHEREAS**, South State Inc., of Bridgeton, New Jersey was previously awarded a contract for the Pearl & Brainard Avenues Drainage & Road Project; and

**WHEREAS**, the work on this project has been completed; and

**WHEREAS**, the Contractor has now submitted the final payment request for the project; and

**WHEREAS**, the Borough Engineer, Bruce S. Graham of Van Note-Harvey Associates, has recommended acceptance of the project as complete.

**NOW, THEREFORE, BE IT RESOLVED** by the Borough Commission of the Borough of Cape May Point, that the contract for the said work be and the same is hereby accepted, and that all payments to South State Inc. be made thereon.

	MOTION	SECOND	YES	NO	ABSTAIN	ABSENT
Busch						
Moffatt						
vanHeeswyk						

Certification

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Municipal Clerk

**BOROUGH OF CAPE MAY POINT  
COUNTY OF CAPE MAY  
STATE OF NEW JERSEY**

**RESOLUTION 34-21**

**AUTHORIZING JERSEY CAPE DIAGNOSTIC, TRAINING, AND OPPORTUNITY CENTER, INC. TO SELL SEASONAL BEACH TAGS VIA ITS WEBSITE**

**WHEREAS**, the Borough of Cape May Point contracts with Jersey Cape Diagnostic, Training, and Opportunity Center, Inc. (hereafter "Jersey Cape Diagnostic") each year for the manufacture of its beach tags; and

**WHEREAS**, Jersey Cape Diagnostic has created a new training/work opportunity program that would enable them to sell the Borough's seasonal beach tags through their website; and

**WHEREAS**, the cost of seasonal beach tags through the website will be the same as those purchased directly through the Borough; and

**WHEREAS**, individuals purchasing beach tags through the website will pay to Jersey Cape Diagnostic the cost of the beach tag, a convenience fee per tag, and a shipping fee determined by Jersey Cape Diagnostic; and

**WHEREAS**, the Borough finds it would be beneficial to sell seasonal beach tags through Jersey Cape Diagnostic, Training, and Opportunity Center, Inc.'s website;

**NOW THEREFORE BE IT RESOLVED**, by the Board of Commissioners of the Borough of Cape May Point, in the County of Cape May and State of New Jersey as follows:

1. Jersey Cape Diagnostic, Training, and Opportunity Center, Inc. is hereby authorized to sell Borough of Cape May Point seasonal beach tags through its website [www.jerseycapetags.com/capemaypointbeachtags](http://www.jerseycapetags.com/capemaypointbeachtags) following the Borough's standard fee schedule.
2. Jersey Cape Diagnostic, Training, and Opportunity Center, Inc. will remit payment for beach tags it sells on a weekly basis.
3. Jersey Cape Diagnostic, Training, and Opportunity Center, Inc. will keep any third-party convenience and shipping fees collected for providing the aforementioned service.

	MOTION	SECOND	YES	NO	ABSTAIN	ABSENT
Busch						
Moffatt						
vanHeeswyk						

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\_\_\_\_\_  
Municipal Clerk

**BOROUGH OF CAPE MAY POINT  
COUNTY OF CAPE MAY  
STATE OF NEW JERSEY**

**RESOLUTION 35-21**

**AUTHORIZING PARTICIPATION IN HGACBUY, A NATIONAL  
PURCHASING COOPERATIVE**

**WHEREAS**, N.J.S.A. 52:34-6.2 (b) P.L. 2011, c.139 was enacted into law permitting agencies to use national purchasing cooperatives; and

**WHEREAS**, the Borough of Cape May Point wishes to participate in the National Cooperative established by HGACBuy in order to effect substantial economies in the purchase of materials, supplies and services; and

**WHEREAS**, it is the Borough of Cape May Point's intent to utilize these contracts on an as needed basis; and

**WHEREAS**, the Borough of Cape May Point may enter into contractual agreements with the above referenced HGACBuy Vendors through this resolution and properly executed contracts/purchase orders, which shall be subject to all the conditions applicable to the current New Jersey Local Public Contracts Law.

**NOW, THEREFORE, BE IT RESOLVED**, by the Board of Commissioners of the Borough of Cape May Point, the governing body thereof, authorizes participation in and the purchase of goods or services through HGACBuy from various approved Vendors pursuant to all conditions of the individual contracts and in compliance with New Jersey Local Public Contracts Law.

	MOTION	SECOND	YES	NO	ABSTAIN	ABSENT
Busch						
Moffatt						
vanHeeswyk						

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\_\_\_\_\_  
Municipal Clerk

**BOROUGH OF CAPE MAY POINT  
COUNTY OF CAPE MAY  
STATE OF NEW JERSEY**

**RESOLUTION 36-21**

**AWARD OF CONTRACT  
YALE AVENUE WATER SYSTEM**

**WHEREAS**, a request for bids for the Construction of the Yale Avenue Water System was advertised in the December 30, 2020 edition of the Cape May Star and Wave; and

**WHEREAS**, in response to said request, sealed bids were received, opened and publicly read by the Municipal Clerk, Elaine Wallace at 10:00 a.m. January 20, 2021; and

**WHEREAS**, Lafayette Utility Construction Co., Inc. submitted the lowest of five (5) bids received, which are summarized as follows:

<b>Bidder</b>	<b>Total</b>
Lafayette Utility Construction Co, Inc.	\$471,057.70
Garden State General Construction, Inc.	\$502,381.16
West Bay Construction, Inc.	\$581,636.00
Garrison Enterprise, Inc.	\$596,177.00
South State, Inc.	\$598,737.00

**WHEREAS**, the Chief Financial Officer certifies that funds are available for this Contract in accordance with N.J.A.C. 5:30-5.4; and

**WHEREAS**, the bid of Lafayette Utility Construction Co., Inc. has been submitted in proper form and the contractor appears qualified to perform the work anticipated under this contract;

**NOW, THEREFORE, BE IT RESOLVED** by the Commissioners of the Borough of Cape May Point, that the award of said contract is hereby made to Lafayette Utility Construction Co., Inc. in the amount of \$471,057.70.

**BE IT FURTHER RESOLVED** that the Mayor and Clerk are hereby authorized and directed to execute the Contract for same; and



**BE IT FURTHER RESOLVED** that the Municipal Clerk is hereby authorized and directed to return the certified checks or bid bonds for the following unsuccessful bidders:

West Bay Construction, Inc.  
Garrison Enterprise, Inc.  
South State, Inc.

and that the certified checks or bid bonds of the successful bidder (Lafayette Utility Construction Co., Inc.) and the next lowest bidder (Garden State General Construction, Inc.) are to be returned upon receipt of a fully executed Contract and other required documents.

	MOTION	SECOND	YES	NO	ABSTAIN	ABSENT
Busch						
Moffatt						
vanHeeswyk						

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Municipal Clerk

**BOROUGH OF CAPE MAY POINT  
COUNTY OF CAPE MAY  
STATE OF NEW JERSEY**

**RESOLUTION 37-21**

**APPROVAL OF BILL LIST**

**WHEREAS**, the Borough of Cape May Point has received certain claims against it by way of voucher, which have been duly reviewed by the Board of Commissioners.

**NOW THEREFORE BE IT RESOLVED**, by the Board of Commissioners of the Borough of Cape May Point, County of Cape May, State of New Jersey that the attached claims are hereby approved for payment in the total amount of \$160,020.78.

	MOTION	SECOND	YES	NO	ABSTAIN	ABSENT
Busch						
Moffatt						
vanHeeswyk						

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Municipal Clerk

Range of Checking Accts: OTHER to OTHER Range of Check Ids: 15885 to 15927  
Report Type: All Checks Report Format: Condensed Check Type: Computer: Y Manual: Y Dir Deposit: Y

Check #	Check Date	Vendor	Reconciled/Void	Ref Num
PO #	Description	Amount Paid	Contract	
15885	01/26/21	ACM01 ACMJIF		1835
	21-00001	1ST QUARTER 2021	4,800.00	
15886	01/26/21	ANJ01 A N J E C		1835
	21-00017	2021 DUES	375.00	
15887	01/26/21	ATL01 ATLANTIC CITY ELECTRIC		1835
	21-00046	ELECTRIC BILLS	4,358.75	
15888	01/26/21	AUT02 AUTO ZONE, INC.		1835
	20-00663	STATEMENT	110.99	
15889	01/26/21	BAR02 BARBER CONSULTING SERVICES LLC		1835
	20-00687	New backup system	1,650.00	
15890	01/26/21	BILLO005 BILLOWS ELECTRIC SUPPLY		1835
	20-00689	MASKS	110.36	
15891	01/26/21	BROWN005 BROWN & CONNERY, LLP		1835
	21-00041	LEGAL	22.61	
15892	01/26/21	BUS02 360 BUSINESS SOLUTIONS INC.		1835
	21-00004	POSTAGE MACHINE	73.00	
15893	01/26/21	CAP01 CAPE MAY POINT BOE		1835
	21-00045	SCHOOL TAX LEVY	51,559.00	
15894	01/26/21	CAP03 CAPE MAY STAR & WAVE		1835
	21-00006	LEGAL ADVERTISING	71.30	
	21-00037	LEGAL ADS	145.70	
			<u>217.00</u>	
15895	01/26/21	CAP14 CAPE MAY COUNTY MUA		1835
	21-00031	SOLID WASTE DUMP FEES DEC 2020	820.01	
15896	01/26/21	CAP31 CAPE MINING & RECYCLING LLC		1835
	20-00691	STUMPS/TREE PARTS	22.80	
	21-00009	STUMPS/TREE PARTS	20.00	
	21-00034	STUMPS/TREE PARTS	41.90	
			<u>84.70</u>	
15897	01/26/21	CAS01 CASA PAYROLL SERVICE		1835
	21-00028	PAYROLL	121.75	
15898	01/26/21	CIT02 CITY OF CAPE MAY		1835
	21-00030	MUNICIPAL COURT SHARED SERVICE	14,643.80	
	21-00032	EMS 4TH QUARTER 2020	6,685.31	
			<u>21,329.11</u>	

Check #	Check Date	Vendor	Amount Paid	Reconciled/Void	Ref Num
PO #	Description				Contract
15899	01/26/21	CIT03 CITY OF CAPE MAY			1835
	21-00005	OCTOBER 2020 WATER	21,630.60		
	21-00029	DECEMBER 2020 WATER	<u>6,229.32</u>		
			27,859.92		
15900	01/26/21	CMC04 C.M.COUNTY CLERK'S ASSN.			1835
	21-00033	2021 DUES	125.00		
15901	01/26/21	CNA01 CNA SURETY			1835
	20-00626	NJ STREET OPENING BOND DETAIL	100.00		
15902	01/26/21	COM01 COMCAST			1835
	20-00695	INTERNET 215 LIGHTHOUSE	106.87		
	21-00012	412 YALE AVENUE FIRE DEPT	757.74		
	21-00044	6 MONTHS INTERNET 801 LIGHTHSE	<u>1,210.86</u>		
			2,075.47		
15903	01/26/21	CONST005 CONSTELLATION NEW ENERGY INC			1835
	21-00043	ELECTRIC CHARGES	6.75		
15904	01/26/21	COPIE005 COPIERS PLUS			1835
	20-00692	COPIER	31.79		
15905	01/26/21	COU02 COURT HOUSE OFFICE SUPPLIES			1835
	21-00026	CALENDARS	31.52		
15906	01/26/21	COU03 COUNTY OF CAPE MAY			1835
	21-00016	2020 ADDED & OMITTED TAXES	6,136.32		
15907	01/26/21	DAT01 DATA NETWORK SOLUTIONS			1835
	21-00011	TELEPHONE JANUARY 2021	310.11		
15908	01/26/21	EDMUN005 EDMUNDS GOVTECH, INC.			1835
	21-00027	WEBSITE DESIGN SOFTWARE SUPPOR	2,400.00		
15909	01/26/21	ELAIN005 ELAINE WALLACE			1835
	21-00015	2021 PETTY CASH FUND	100.00		
15910	01/26/21	GOLDM005 GOLD MEDAL ENVIRONMENTAL			1835
	21-00024	TRASH/RECYCLING	5,283.33		
15911	01/26/21	JAC01 J & A CLEANING SERVICE			1835
	21-00036	CLEANING JANUARY 2021	300.00		
15912	01/26/21	LOW01 LOWE'S			1835
	21-00013	STATEMENT	37.95		
15913	01/26/21	MGL01 MGL PRINTING SOLUTIONS			1835
	20-00694	UTILITY BILL SHEET	721.00		
15914	01/26/21	NJS01 NJ ST. LEAGUE OF MUNICIPALITIE			1835
	21-00008	MUNICIPAL OFFICIALS COURSE	90.00		

Check #	Check Date	Vendor	Amount Paid	Reconciled/Void	Ref Num
PO #		Description			Contract
15914		NJ ST. LEAGUE OF MUNICIPALITIE Continued			
	21-00023	2021 DUES	<u>225.00</u>		
			315.00		
15915	01/26/21	ONE02 ONE CALL CONCEPTS			1835
	21-00035	MARK OUTS	20.02		
15916	01/26/21	REE01 REEL FIRE PROTECTION INV.			1835
	20-00688	CLEAN AGENT FIRE SYSTEM	170.00		
15917	01/26/21	SEA05 SEA GEAR MARINE			1835
	21-00025	STATEMENT	368.77		
15918	01/26/21	SOU06 SOUTH JERSEY GAS			1835
	21-00040	GAS BILLS	1,113.85		
15919	01/26/21	STA11 STATE OF NEW JERSEY			1835
	21-00047	UNEMPLOYMENT COMP FUND	1,686.12		
15920	01/26/21	SWA01 SWAIN'S ACE HARDWARE			1835
	21-00007	DECEMBER 2020	317.40		
15921	01/26/21	TRE07 TREASURER, STATE OF NEW JERSEY			1835
	21-00014	2020 4TH QUARTER MARRIAGE	25.00		
15922	01/26/21	TRIAD005 TRIAD ASSOCIATES			1835
	20-00697	AFFORDABLE HOUSING	280.00		
15923	01/26/21	USBAN005 US BANK EQUIPMENT FINANCE			1835
	21-00042	PHONE BILL	155.00		
15924	01/26/21	VAN01 VAN NOTE-HARVEY ASSOCIATES			1835
	21-00010	ENGINEERING	2,239.35		
	21-00038	ENGINEERING	<u>21,508.39</u>		
			23,747.74		
15925	01/26/21	VER01 VERIZON			1835
	20-00690	PHONE BILLS	454.88		
15926	01/26/21	VER03 VERIZON WIRELESS			1835
	21-00002	CELL PHONE	123.31		
15927	01/26/21	XTE01 XTEL COMMUNICATIONS INC			1835
	21-00018	TELEPHONE	92.25		

Report Totals	Paid	Void	Amount Paid	Amount Void
Checks:	43	0	160,020.78	0.00
Direct Deposit:	0	0	0.00	0.00
Total:	<u>43</u>	<u>0</u>	<u>160,020.78</u>	<u>0.00</u>

Totals by Year-Fund					
Fund Description	Fund	Budget Total	Revenue Total	G/L Total	Total
CURRENT	0-01	13,580.85	0.00	0.00	13,580.85
	0-05	<u>37,353.78</u>	<u>0.00</u>	<u>0.00</u>	<u>37,353.78</u>
Year Total:		50,934.63	0.00	0.00	50,934.63
CURRENT	1-01	87,993.40	0.00	0.00	87,993.40
	1-05	<u>3,553.91</u>	<u>0.00</u>	<u>0.00</u>	<u>3,553.91</u>
Year Total:		91,547.31	0.00	0.00	91,547.31
	c-04	14,138.10	0.00	0.00	14,138.10
TRUST ACCOUNT EXPENDITURES	T-13	3,400.74	0.00	0.00	3,400.74
Total of All Funds:		<u>160,020.78</u>	<u>0.00</u>	<u>0.00</u>	<u>160,020.78</u>