

**FEBRUARY 11, 2021  
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 Busch and Commissioner vanHeeswyk answered roll call. Also in attendance: Administrator Ed Grant, Clerk Elaine Wallace, and Solicitor John Amenhauser. This meeting was held electronically via Zoom under local operation guidance from the NJDCA, pursuant to P.L. 2020, c.11.

**COMMISSIONERS' REPORTS:**

Request for Sidewalk and Tree Removal at Corner of Yale and S. Lake: The request was forwarded to the Code Enforcement and Zoning Officers as well as the Borough Solicitor. Once they've reviewed it, it will come back to the Commissioners for a decision. Commissioner Busch reported the topic was brought to the Environmental Commission and they had no concern and had, in fact, commented previously on a Planning Board application for the adjoining property and identified the trees as non-native. Commissioner vanHeeswyk reported the planting of those trees was the idea of Robert D'Avanzo. Ms. Busch stated the tree roots are heaving up the street which is being repaved later this year.

Commissioner Busch reported an email about Yale Avenue went out via the website to everyone signed up to receive alerts. The project will begin around February 25<sup>th</sup> with installation of the water main as the first phase then services and interconnects will follow. The work is scheduled to finish prior to Memorial Day. There will be times that people won't be able to park in front of the post office, but the sidewalk will remain open. Effected property owners will be receiving letter from the Borough regarding the project and resulting street opening moratorium. Lastly, she would like the Board to consider, at the new work session, approving an agreement with the NJ Audubon and Friends of Lake Lily for work on the island.

Commissioner vanHeeswyk commented on the budget introduction, saying the Borough worked hard to keep the tax rate down. She also reported the final beach walkthrough on St. Peter's has been done and she has the final surveys showing the beaches are back to the original template. She heard some sand shifted toward the Borough after the recent storm. Mrs. vanHeeswyk asked the Clerk to add a resolution to the next meeting agenda to support a new bill to rescind federal law regarding deduction of state property taxes.

Mayor Moffatt reported the cost of seasonal beach tags will remain the same and can now be purchased online.

**ADMINISTRATOR’S REPORT:**

Ed Grant reported the Borough is working on JIF and MEL training and reporting, researching electric vehicles to buy this year, and looking at energy audit programs among other things. He is also working with the Fire Company to have things in place to be able to apply for grants from FEMA in 2022. He met with Cape May City to discuss shared services for street cleaning. The Borough is also looking to institute new rental permit billings. Lastly, he reported the Borough was recently named an “overburdened community” by NJDEP because, according to 2019 census numbers, the Borough exceeds the 35% threshold for poverty, with 35.1% of residents. The impact would be special permitting requirements on projects that might do some type of environmental damage, but it is unlikely to come into play for the Borough.

**PUBLIC QUESTIONS ON AGENDA ITEMS:** None

**APPROVAL OF MINUTES:**

- January 7, 2021 Regular Meeting
- January 7, 2021 Closed Session
- January 12, 2021 Special Meeting
- January 12, 2021 Closed Session
- January 26, 2021 Work Session

*Motions: vanHeeswyk, Moffatt*

*Roll call: all in favor*

**ORDINANCES FOR INTRODUCTION/PUBLICATION:**

- 02-2021 Calendar Year 2021 Ordinances to Exceed the Municipal Budget Appropriation Limits to Establish a Cap Bank (N.J.S.A. 40A:4-45.14)  
*Second Reading, Public Hearing and Consideration for adoption Mar. 11<sup>th</sup> at 6:00 PM*

*Motions: vanHeeswyk, Moffatt*

*Roll call: all in favor*

**RESOLUTIONS:**

- 38-21 Authorizing Issuance of Petty Change Bank for the Beach Director  
*Motions: vanHeeswyk, Moffatt*  
*Roll call: all in favor*
- 39-21 Authorizing Issuance of Petty Change Bank for the Shared Municipal Court  
*Motions: vanHeeswyk, Moffatt*  
*Roll call: all in favor*
- 40-21 Tonnage Grant Application 2020  
*Motions: Busch, vanHeeswyk*  
*Roll call: all in favor*
- 41-21 Governing Body Certification of Compliance with the United States Equal Employment Opportunity Commission’s “Enforcement Guidance on the Consideration of Arrest and Conviction Records in Employment Decisions under Title VII of the Civil Rights Act of 1964”

*Motions: vanHeeswyk, Moffatt*  
*Roll call: all in favor*

42-21 Introduction of the 2021 Municipal Budget  
*Motions: vanHeeswyk, Moffatt*  
*Roll call: all in favor*

43-21 Approval of Bill List  
*Motions: vanHeeswyk, Moffatt*  
*Roll call: all in favor*

**ORDINANCES FOR SECOND READING AND PUBLIC HEARING:**

01-2021 Stormwater Control Ordinance for 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: Busch, vanHeeswyk*  
*Roll call: all in favor*

**PUBLIC PORTION:**

Jim Imbriaco asked for an update on the traffic calming. The next step is waiting for the County Commissioners to pass a bond ordinance to put funding in place, which is expected shortly, according to the County Engineer.

Patricia Rega asked about the process under the new bamboo ordinance, feeling there are gray areas with regard to future encroachment. She is worried the future onus will fall on her instead of the person who planted the bamboo. Borough Solicitor Amenhauser did not have a direct answer available for her question but will look into it and report his findings to the commissioners.

Marc Wrotney asked questions about St. Mary's retreat center as a result of the Sisters of Saint Joseph press release of January 30<sup>th</sup>, specifically looking for what was discussed between Commissioners and the Sisters. Commissioner vanHeeswyk stated reportable information can be found in the minutes from several years ago, but details of private conversations she has with constituents and residents aren't divulged on a regular basis. The Sisters are not interested in making a presentation at a public meeting. Mrs. vanHeeswyk respects their rights as private property owners. Mayor Moffatt concurred that he cannot discuss his conversations with the Sisters, some of whom are personal friends, and he cannot pressure their decision. Mr. Wrotney asked if the Sisters' wish is to return the property to nature. That has been their wish from the beginning. Mr. Wrotney said, as much as he respects the Sisters' wishes and their privacy, it is the most iconic property and he wanted answers about why they want it returned to nature and how they want that done. Borough Solicitor Amenhauser explained St. Mary's is privately owned real estate and the Borough has no control over the owners. As a result, the governing body is not in a position to weigh in on what can be done with the property. While he understood Mr. Wrotney's questions, the Borough can't answer them for him. Mr. Wrotney argued if the wishes and desires

are made clear, then maybe a win-win solution could be negotiated. Administrator Grant explained the Borough thought there was a consensus of where things could go, but the Sisters' recent press release changed that perception. Commissioner vanHeeswyk stated from the very first time they broached the subject and in every press release since they first announced it, the Sisters have always said they want to return the site to nature. Solicitor Amenhauser reasserted the Borough cannot risk getting into discussion when the Sisters are bringing counsel on board to assist them. Mr. Wrotney asked if anyone has considered eminent domain. The commissioners reiterated they respect the property owners' rights to do what they want within the law. Mr. Wrotney said he respected the commissioners' feelings about private property rights but stated the Point is unique and people are passionate about the property and every possible avenue should be exhausted before the property is razed. Mr. Wrotney also asked that the topic be listed on all future agendas.

Ed Tokarsky wondered if the nuns appreciated the level of emotional commitment the community has to maintaining the structure, stating if they aren't aware of it, they are making a decision in a vacuum.

Administrator Grant asked Bob Mullock, former commissioner, who was in charge of dealings with the nuns, if he could offer any answers.

Mr. Mullock first commended the Sisters on the great care and protection they've given the building over the last 111 years. Second, he expressed respect for the Sisters' desire to return the parcel to nature instead of selling it to developers for millions of dollars and he recognized their monetary sacrifice. On the other hand, he is a staunch advocate for preserving historic structures and has experience doing so with multiple properties in the area. Mr. Mullock said despite everything that has been said so far, he still felt continuing communication could achieve results that might seem impossible. He also felt lack of historic preservation regulations is an obstacle to saving buildings and a risk that developers will transform the town by tearing down houses and building new. Mr. Mullock thought maybe as a private citizen, he could accomplish more than he was able to as commissioner. He hoped his proposal to transform the building into a nature and science center could be seen as another way of returning the property to nature.

Ron Gladis asked if the owners could sell to developers, such as Marriott. Mr. Amenhauser explained they could sell to whomever they like.

Annie Roberts said it would be helpful to know the zoning of the property. Commissioner vanHeeswyk stated all of Cape May Point is zoned R-1 residential.

Amy Graziani asked if it would be helpful if residents organized, since it was clear that many people want to help. She understood the Borough is limited in what they can do, but perhaps by organizing the community, something could be done. Commissioner vanHeeswyk stated Mr. Mullock is a prime example of what can be done by private citizens and groups.

Shivaun Celano asked if the property was grandfathered as something other than residential, and if so, could it be converted into condos or multiple houses or a Marriott hotel. Commissioner vanHeeswyk stated the property is currently grandfathered as a hotel.

Ed Tokarsky asked if the Borough knew why they want to make a move at this point. Administrator Grant suggested he read the article in *The Press*, which makes it clear what the Sisters' position is.

Marc Wrotney felt the idea of eminent domain was glossed over. Commissioner Busch was surprised to hear it suggested, understanding it can only be used when there it is for the greater good of the community. Solicitor Amenhauser emphasized the public good would have to outweigh the private property owner's desires, and then the owners would have to be fairly compensated for the property. Mr. Wrotney said his point was that unless all possibilities are considered, it is a disservice to the community.

Sandy Allison asked questions about who would own the land and would they pay taxes. Then she supported the idea of a group forming to save St. Mary's.

Amy Graziani said whatever is done, it has to be done quickly so the sisters know the community is highly interested and might have a very nice offer.

Shivaun Celano suggested maybe if a group could be formed and offer to take over the taxes and maintenance.

Commissioner Busch asserted the meeting was devolving into brainstorming that went beyond a governmental public meeting and suggested interested parties coordinate privately. Marc Wrotney agreed to be the contact person. Anyone interested in helping could contact him at wrotneym@aol.com.

When no one else wished to speak, the meeting was adjourned at 7:38 pm on motion of Commissioner vanHeeswyk, seconded by Mayor Moffatt.

Respectfully submitted,

Accepted:

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Elaine L. Wallace, RMC, CMR  
Municipal Clerk

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Commissioner Busch

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Mayor Moffatt

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Commissioner vanHeeswyk