

MAY 25, 2021
WORK SESSION MINUTES

The Work Session of the Board of Commissioners of the Borough of Cape May Point was called to order by Clerk Wallace at 12:00 PM. The Open Public Meetings Statement was read by the Mayor 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' DISCUSSION (NEW BUSINESS/OLD BUSINESS)

"Keep off the Dunes" Signs on beaches: A member of the Environmental Commission noticed people allowing children to climb in the dunes, especially in areas where there are no signs. The rest of the EC concurred and felt the newer blue signs may be more effective. The Board of Commissioners agreed that putting up additional signs would be good. Commissioner Busch will have Public Works order and install them. That department is largely finished with prepping the beaches for the season. Another suggestion of the EC was regarding snow fencing, but that would require more consideration on the accumulation of more sand. Commissioner vanHeeswyk suggested speaking with Jonathan Westcott about where it would be most effective.

Request to Plant Native Plants in Right-of-Way: A new homeowner has submitted the request. The Commissioners were not opposed to the plan provided. The Solicitor suggested asking the Borough Engineer to review the plan to consider the sight triangles and whether there are any issues with utilities in the right-of-way. The owner must also be aware that approval does not mean it is protected from future road or utility work. Commissioner vanHeeswyk made a motion, seconded by Mayor Moffatt and approved unanimously, to allow the plan contingent upon the Borough Engineer's approval.

Ordinance Banning Smoking/Marijuana on Public Land: Commissioner vanHeeswyk would like to see the Borough ban smoking in all public areas. Commissioner Busch read that the police have a concern about how to enforce such a ban because they can't do it based on smell alone. She was also not sure the Borough has a problem that needs to be addressed. Solicitor Amenhauser advised the state statute makes it difficult for police to enforce. A lot of towns are getting around that by banning smoking and enforcing it as an ordinance violation. The Borough currently doesn't currently ban cigarette smoking in all public places, only on the beaches. Commissioner Busch felt the Borough would have to ban all smoking in public places. She also reported the Green Team encountered a lot of push back when they considered recommending banning smoking. She preferred to wait and see if there is a problem before the Borough passes another ordinance that is impractical to enforce. The entire Board concurred, and Commissioner vanHeeswyk asked to revisit the idea at the end of the summer.

Commissioner Busch reported the Yale Avenue project won't be completed before Memorial Day due to unanticipated issues. The contractor is working block by block to finish up tie-ins and individual service installations. Once completed, the trenches will be paved temporarily, then driveways and lawns will be restored and reseeded. The work is expected to take an additional week, but she asked for patience since the removal of lead pipes is extremely important. Final paving won't take place until the fall. Ms. Busch also reminded everyone the recycling yard hours have been reduced to Thursday, Saturday and Sunday. The new schedule has been posted on the website and at the entrance on Sunset. The hours will be reduced Thursday and Sunday in 2022. In addition, a berm has been built, a stockade fence erected and trees planted along the rear property line. The changes are intended to diminish the impact of the yard on nearby residents.

Commissioner vanHeeswyk reported Mark Walters of NJDEP advised her NJDEP has announced bid solicitation for the Higbees Beach restoration. If the bid process goes well, work could begin this fall. Once that work is done, Mrs. vanHeeswyk hopes the County can move forward on reconstruction of Sunset Boulevard and installation of bike lanes. She also reported Dr. Farrell has submitted the 2021 beach survey report. The report is very important for beach replenishment and for FEMA funding in the event of a disaster or loss of sand. This was the third year in a row where the natural process has provided additional sand, aside from the 43,000 cubic yards put in by the Army Corps this winter. The report shows minor troughs remaining on the landward side of the beach saver reefs and goes on to say the concrete barriers are still exposed, posing a risk of injury and cuts. The report will be provided to the beach patrol and be posted on the website.

Mayor Moffatt reported the beaches will open as usual on Saturday of Father's Day weekend. He also reported Atlantic City Electric has sent information in preparation for hurricane season. Customers can sign up to receive text message service on their website at atlanticcityelectric.com. To report a downed wire, call 1-800-833-7476.

ADMINISTRATOR'S REPORT

Ed Grant is still working with Ocean City on a contract for post-disaster debris removal. He reported the Borough is on schedule with required JIF trainings. In addition, he and the Solicitor and Clerk are making strides on the revised personnel manual and will meet once more before bringing it before the Commissioners for discussion. In addition, JIF suggests having a separate employee handbook and a special manual for volunteers highlighting the major liability issues. Mr. Grant submitted the grant application to NJDEP for the new electric vehicle for the beach taggers, but the DEP said the vehicle didn't meet the criteria of the grant. He will look into applying for a grant for charging stations next year. Mr. Grant also applied to South Jersey Gas to install service to the pole barn and water tower. Currently the water tower building uses electric heaters, which is very costly and inefficient. In addition to being able to have gas heat, the service will also power the generators at the barn and water tower.

PUBLIC QUESTIONS IN AGENDA ITEMS ONLY: Mary Kelly and Chris Meyerink asked about the wording of the bamboo ordinance, but were asked to save their comments for the public hearing on the ordinance.

ORDINANCERS FOR INTRODUCTION / PUBLICATION:

Second Reading / Public Hearing / Consideration for Adoption – June 10th at 6 pm

05-2021 Amending Chapter 113 “Nuisances; Public Health”, Article II
“Prohibitions Against Bamboo” of the Code of the Borough of Cape May
Point

Motions: vanHeeswyk, Moffatt

Roll call: all in favor

06-2021 Salary Ordinance

Motions: vanHeeswyk, Moffatt

Roll call: all in favor

RESOLUTIONS:

74-21 Acknowledging Closure of Certain Developer’s Escrow Accounts and
Authorizing Refunds if Necessary as Recommended by the Planning
Board

Motions: vanHeeswyk, Moffatt

Roll call: all in favor

75-21 Declaring the Official Opening of Cape May Point Beaches to Bathing and
Fishing for the 2021 Season

Motions: vanHeeswyk, Moffatt

Roll call: all in favor

76-12 Approval to Submit a Grant Application and Execute a Grant Contract with
the New Jersey Department of Transportation for the Reconstruction of
Harvard Avenue

Motions: Busch, vanHeeswyk

Roll call: all in favor

77-21 Authorizing Special Event Permit for Jennifer Braxton

Motions: vanHeeswyk, Moffatt

Roll call: all in favor

78-21 Authorizing Special Event Permit for Timothy Rodden

Motions: vanHeeswyk, Moffatt

Roll call: all in favor

79-21 Salary Resolution 2021

Motions: vanHeeswyk, Moffatt

Roll call: all in favor

80-21 Approval of Bill List

Motions: vanHeeswyk, Moffatt

Roll call: all in favor

PUBLIC PORTION:

Chris Meyerink, Deputy Code Enforcement Officer, commented that banning smoking on public lands would be impossible to enforce. He also felt the bamboo will never work, with no one being happy in the end.

Helen Chezem asked if the butterfly gardens on Sunset are being watered because they are brown and she worried they might lose a lot of the plants. Commissioner Busch reported there is irrigation there that was up and running last she checked.

Mary Kelly expressed concern with the term remediation in the bamboo ordinance because one person might think it means entirely eradicated while another might think it means accomplishing a set plan. Ms. Kelly also commented on a piece done by Preservation New Jersey listing Cape May point as #2 on a list of most endangered historic places. She sent an email but wasn't sure if the Commissioners were able to see it before the meeting. Commissioner vanHeeswyk read the article and didn't see it as something horrible since the article said the Borough still resembles its original roots as Seagrove and went on to say many of the buildings have undergone changes without changing architectural merit and states the Borough's master plan contains a preservation element. She researched Preservation New Jersey, which is not an agency of the State of New Jersey and their bylaws don't state goals or objectives. The list was generated by suggestions from the public and John Reilly was listed as the contact for more information. Mrs. vanHeeswyk felt the Borough's zoning regulations, most of which have been in place since the 1980s, have enabled the Borough to keep its character and reiterated the fact that historic preservation hasn't been moved forward by the public when addressed in the past. Mary Kelly said she is not a fervent Historic Preservation person, but she has heard concerns expressed by visitors, renters and residents about what is happening in the community.

When no one else wished to speak, the meeting was adjourned at 12:48 pm on motion of Commissioner vanHeeswyk, seconded by Mayor Moffatt.

Respectfully submitted,

Accepted:

Elaine L. Wallace, RMC, CMR
Municipal Clerk

Commissioner Busch

Mayor Moffatt

Commissioner vanHeeswyk