

In compliance with COVID-19 guidelines this meeting will be conducted via electronic conferencing using Zoom <https://www.zoom.us/> or by phone +1 646 558 8656 US (New York)  
**Meeting ID: 811 6286 3329 Passcode: 908525**

**Direct link:** <https://us02web.zoom.us/j/81162863329?pwd=ejQ1MHJxRjR3OXZYbUg5YjVNR01HUT09>

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 12:00 PM the Wednesday before the meeting.

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

**BOROUGH MEETING – OCTOBER 14, 2021 – 6:00 PM**

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

In compliance with the Open Public Meetings 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 the Statute.

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

**COMMISSIONERS' REPORTS/DISCUSSION**

- Personnel Policy Manual
- Pre-season Beach Tag Sales

**ADMINISTRATOR'S REPORT**

**PUBLIC COMMENT ON AGENDA ITEMS ONLY**

**APPROVAL OF MINUTES**

September 9, 2021 Regular Meeting  
September 28, 2021 Work Session

**ORDINANCES FOR INTRODUCTION / PUBLICATION - None**

**RESOLUTIONS**

- 110-21 Approval of Right-of-Way Permits for Small Cell Projects by Cellco Partnership d/b/a Verizon Wireless – 101 Whilldin and 213 Lighthouse
- 111-21 Authorizing Executive/Closed Session in Accordance with the Open Public Meetings Act, Specifically N.J.S.A. 10:4-12(b) – attorney/client privilege and contract negotiations regarding public right-of-way encroachment
- 112-21 Adopting the Cape May Point Master Technology Policy and Cyber Incident Response Plan
- 113-21 Approval of Bill List

**ORDINANCES FOR SECOND READING / PUBLIC HEARING / ADOPTION**

08-2021 An Ordinance Amending Chapter 150, Section 21 ("Landscaping and Vegetation Plan") of the Code of the Borough of Cape May Point  
*Second Reading/Public Hearing/Consideration to Adopt – Oct. 14<sup>th</sup> at 6 pm*

**PUBLIC PORTION**

**ADJOURNMENT**

The Board of Commissioners welcomes the participation of interested parties during the public portions of its meetings. For the Board to conduct the business of the Borough in the most productive and open manner possible, questions and comments may be limited to four (4) minutes per person. In addition, each person may only speak once per meeting on a single topic. If you wish to address the Board, please raise your hand and the moderator will try to accommodate everyone in the order in which they are recognized.

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

**RESOLUTION NO. 110-21**

**APPROVAL OF RIGHT-OF-WAY PERMITS FOR SMALL CELL PROJECTS  
BY CELLCO PARTNERSHIP d/b/a VERIZON WIRELESS**

**WHEREAS**, Cellco Partnership d/b/a Verizon Wireless (hereinafter “Cellco”) has submitted an application to the Board of Commissioners of the Borough of Cape May Point (hereafter referred to as “Municipality”) for Right-of-Way Permits for small cell projects within the Borough right-of-way at 101 Whilldin Avenue and 213 Lighthouse Avenue; and

**WHEREAS**, the Borough Engineer, Bruce Graham, P.E., found that Cellco has satisfied all of the technical requirements as set forth in his review letter of October 1, 2021; and

**WHEREAS**, the Municipality finds that Cellco has met all the applicable requirements set forth in Borough of Cape May Point Code § 130-18.

**NOW THEREFORE BE IT RESOLVED** by the Board of Commissioners of the Borough of Cape May Point that Right-of-Way Permit for the Cellco Application for small cell projects in the Borough right-of-way at 101 Whilldin Avenue and 213 Lighthouse Avenue are hereby approved, subject to Cellco’s fulfillment of the following requirements: 1) Cellco is required to provided stealth technology to minimize the visibility of the installations; 2) Cellco is required to obtain any, and all, necessary local, state or federal approvals for installation; and 3) At least seven (7) days in advance of each installation, Cellco is required to notify all immediately adjacent property owners of such installation.

	MOTION	SECOND	YES	NO	ABSTAIN	ABSENT
Busch						
Moffatt						
vanHeeswyk						

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 October 14, 2021.

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

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

**RESOLUTION NO. 111-21**

**Authorizing Executive/Closed Session in accordance with the provisions of the Open Public Meetings Act, specifically N.J.S.A. 10:4-12(b)**

**WHEREAS**, the Open Public Meetings Act (N.J.S.A. 10:4-6 et. seq.) requires all meetings of the Board of Commissioners of the Borough of Cape May Point to be held in public, except that N.J.S.A. 10:4-12(b) sets forth nine (9) types of matters that may lawfully be discussed in “Executive or Closed Session,” i.e., without the public being permitted to attend; and

**WHEREAS**, the Board of Commissioners of the Borough of Cape May Point has determined that **ONE (1)** issue is permitted by N.J.S.A. 10:4-12(b) to be discussed without the public in attendance during the Executive or Closed Session to be held on **Thursday, October 14, 2021 at approximately 6:30 PM.**; and

**WHEREAS**, the nine (9) exceptions to public meetings set forth in N.J.S.A. 10:4-12(b) are listed below, and next to each exception is a box within which the number of issues to be privately discussed that fall within that exception shall be written, and after each exception is a space where additional information that will disclose as much information about the discussion as possible without undermining the purpose of the exception shall be written:

\_\_\_\_\_ **“(1) Any matter which, by express provision of Federal law, State statute or rule of court shall be rendered confidential or excluded from public discussion.”** The legal citation to the provision(s) at issue is: \_\_\_\_\_ and the nature of the matter, described as specifically as possible without undermining the need for confidentiality is \_\_\_\_\_

\_\_\_\_\_ **“(2) Any matter in which the release of information would impair a right to receive funds from the state or federal government.”** The nature of the matter, described as specifically as possible without undermining the need for confidentiality is \_\_\_\_\_

\_\_\_\_\_ **“(3) Any material the disclosure of which constitutes an unwarranted invasion of individual privacy such as any records, data, reports, recommendations, or other personal material of any educational, training, social service, medical, health, custodial, child protection, rehabilitation, legal defense, welfare, housing, relocation, insurance and similar program or institution operated by a public body pertaining to any specific individual admitted to or served by such institution or program, including but not limited to information relative to the individual’s personal and family**

circumstances, and any material pertaining to admission, discharge, treatment, progress or condition of any individual, unless the individual concerned (or, in the case of a minor or incompetent, his guardian) shall request in writing that the same be disclosed publicly.” The nature of the matter, described as specifically as possible without undermining the need for confidentiality is \_\_\_\_\_

\_\_\_\_\_ **“(4) Any collective bargaining agreement, or the terms and conditions of which are proposed for inclusion in any collective bargaining agreement, including the negotiation of terms and conditions with employees or representatives of employees of the public body.”** The collective bargaining contract(s) discussed are between the Borough and \_\_\_\_\_

\_\_\_\_\_ **“(5) Any matter involving the purchase, lease or acquisition of real property with public funds, the setting of bank rates or investment of public funds where it could adversely affect the public interest if discussion of such matters were disclosed.”** The nature of the matter, described as specifically as possible without undermining the need for confidentiality is \_\_\_\_\_

\_\_\_\_\_ **“(6) Any tactics and techniques utilized in protecting the safety and property of the public provided that their disclosure could impair such protection. Any investigations of violations or possible violations of the law.”** The nature of the matter, described as specifically as possible without undermining the need for confidentiality is \_\_\_\_\_

X \_\_\_\_\_

**“(7) Any pending or anticipated litigation or contract negotiation in which the public body is or may become a party. Any matters falling within the attorney-client privilege, to the extent that confidentiality is required in order for the attorney to exercise his ethical duties as a lawyer.”** The parties to and docket numbers of each item of litigation and/or the parties to each contract discussed are attorney-client privilege and contract negotiation regarding public right of way encroachment

\_\_\_\_\_ **“(8) Any matter involving the employment, appointment, termination of employment, terms and conditions or employment, evaluation of the performance, promotion or disciplining of any specific prospective public officer or employee or current public officer or employee employed or appointed by the public body, unless all individual employees or appointees whose rights could be adversely affected request, in writing, that such matter or matters be discussed at a public meeting.”** Subject to the balancing of the public’s interest and the employee’s privacy rights under *South Jersey Publishing Co. v. New Jersey Expressway Authority*, 124 N.J. 478, the employee(s) and nature of the discussion, described as specifically as possible without undermining the need for confidentiality is \_\_\_\_\_.

\_\_\_\_\_ **“(9) Any deliberation of a public body occurring after a public hearing that may result in the imposition of a specific civil penalty upon the responding party or the suspension or loss of a license or permit belonging to the responding party as a result of an act or omission for which the responding party bears responsibility.”** The nature of the matter, described as specifically as possible without undermining the need for confidentiality is \_\_\_\_\_

**WHEREAS**, the Board of Commissioners shall reconvene the public meeting at the conclusion of the authorized closed or executive session, which may or may not include formal action as a result of the discussion(s) held.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Commissioners of the Borough of Cape May Point, assembled in public session on the date of the meeting of the governing body set forth herein above, that a closed session shall be held for the discussion of matters relating to the specific items designated above involving the Borough of Cape May Point. The governing body shall convene a closed session discussion immediately upon passage of this resolution and it is anticipated that the deliberations conducted in closed session shall be disclosed to the public upon conclusion of the matter and/or after determination of the Board of Commissioners that the public interest will no longer be served by such confidentiality and that the meeting will return to open session at the conclusion of the discussion and formal action may be taken if/as authorized.

**BE IT FURTHER RESOLVED** that the Municipal Clerk, at the present public meeting, shall read aloud enough of this resolution so that members of the public in attendance can understand, as precisely as possible, the nature of the matters that will be privately discussed.

**BE IT FURTHER RESOLVED** that the Municipal Clerk, on the next business day following this meeting, shall furnish a copy of this resolution to any member of the public who requests one at the fees authorized by N.J.S.A. 47:1A-1, et. seq.

	MOTION	SECOND	YES	NO	ABSTAIN	ABSENT
Busch						
Moffatt						
vanHeeswyk						

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 October 14, 2021.

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

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

**RESOLUTION NO. 112-21**

**ADOPTING THE CAPE MAY POINT MASTER TECHNOLOGY POLICY  
AND CYBER INCIDENT RESPONSE PLAN**

**WHEREAS**, the Borough of Cape May Point participates in the Atlantic County Municipal Joint Insurance Fund (“ACMJIF”); and

**WHEREAS**, in order to be eligible for reduced premiums and deductibles the Borough wishes to adopt a ACMJIF recommended technology policy and cyber incident response plan.

**NOW, THEREFORE, BE IT RESOLVED**, the Board of Commissioners of the Borough of Cape May Point, the governing body thereof, hereby adopts the Cape May Point Master Technology Policy and the Cyber Incident Response Plan as recommended by the ACMJIF.

**BE IT FURTHER RESOLVED**, that a copy of this Resolution, the Policy and the Response Plan be provided to all Borough Employees.

	MOTION	SECOND	YES	NO	ABSTAIN	ABSENT
Busch						
Moffatt						
vanHeeswyk						

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 October 14, 2021.

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

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

**RESOLUTION 113-21**

**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 \$190,332.71.

	MOTION	SECOND	YES	NO	ABSTAIN	ABSENT
Busch						
Moffatt						
vanHeeswyk						

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 October 14, 2021.

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

Range of Checking Accts: OTHER to OTHER Range of Check Ids: 16366 to 16396  
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	
16366	10/14/21	ACM01 ACMJIF 21-00540 4TH QUARTER ASSESSMENT	10,355.01	1854
16367	10/14/21	BOA01 BOATHOUSE SPORTS 21-00530 HATS	726.55	1854
16368	10/14/21	CAP01 CAPE MAY POINT BOE 21-00533 2021/2022 SCHOOL TAX LEVY	51,559.00	1854
16369	10/14/21	CAP14 CAPE MAY COUNTY MUA 21-00520 SOLID WASTE DUMP FEE AUG 2021	3,181.06	1854
16370	10/14/21	CAP31 CAPE MINING & RECYCLING LLC 21-00521 STUMPS/TREE PARTS 192.04 21-00524 STUMPS/TREE PARTS 1,322.01 21-00534 CONCRETE/STUMPS & TREE PARTS 57.28 <u>1,571.33</u>		1854
16371	10/14/21	CAS01 CASA PAYROLL SERVICE 21-00531 PAYROLL	153.25	1854
16372	10/14/21	CHU01 CHURCH'S GARDEN CENTER & FARM 21-00514 TOPSOIL	338.40	1854
16373	10/14/21	CIT02 CITY OF CAPE MAY 21-00550 POLICE PROTECT THIRD QU 2021	77,955.50	1854
16374	10/14/21	CONST005 CONSTELLATION NEW ENERGY INC 21-00542 ELECTRIC CHARGES	4.93	1854
16375	10/14/21	COU02 COURT HOUSE OFFICE SUPPLIES 21-00545 TONER CARTRIDGE	209.95	1854
16376	10/14/21	COU03 COUNTY OF CAPE MAY 21-00518 JULY FUEL	1,049.63	1854
16377	10/14/21	DAT01 DATA NETWORK SOLUTIONS 21-00539 TELEPHONE AUG/SEPT/OCT	930.33	1854
16378	10/14/21	DOCUV005 VAULT SOLUTIONS, LLC 21-00551 SHREDDING	43.95	1854
16379	10/14/21	ELAIN005 ELAINE WALLACE 21-00554 ZOOM - AUG SEPT OCT & REIMBURS	62.60	1854
16380	10/14/21	GARDE005 GARDEN STATE LABORATORIES, INC 21-00516 WATER TESTING	160.00	1854
16381	10/14/21	GOLDM005 GOLD MEDAL ENVIRONMENTAL 21-00537 TRASWH/RECYCLING	5,283.33	1854

Check #	Check Date	Vendor	Reconciled/Void	Ref Num
PO #	Description	Amount Paid	Contract	
16382	10/14/21	GRR01 GRR CONSULTING SERVICES LLC 21-00535 CONSULTING SERV SEPT 2021	3,900.00	1854
16383	10/14/21	JAC01 J & A CLEANING SERVICE 21-00525 CLEANING BOROUGH HALL	375.00	1854
16384	10/14/21	LOW01 LOWE'S 21-00559 BATTERIES/CLEANING SUPPLIES	128.97	1854
16385	10/14/21	NATIO005 NATIONWIDE SCREENING SERVICES 21-00546 BACKGROUND SEARCH	28.85	1854
16386	10/14/21	NJS01 NJ ST. LEAGUE OF MUNICIPALITIE 21-00553 LEAGUE REGISTRATIONS	420.00	1854
16387	10/14/21	PLANE005 PLANET TECHNOLOGIES 21-00552 MICROSOFT EXCHANGE LICENSE	10.56	1854
16388	10/14/21	PRO02 PRO PET DISTRIBUTORS 21-00478 DOG LITTER BAGS	712.50	1854
16389	10/14/21	SHE01 SHEPANSKI'S AUTO REPAIR 21-00532 REPLACE IGNITION LOCK	194.95	1854
16390	10/14/21	SHE03 THE SHERWIN WILLIAMS CO. 21-00513 PAINT	1,157.04	1854
16391	10/14/21	TRE07 TREASURER, STATE OF NEW JERSEY 21-00547 3RD QU MARRIAGE LICENSE	25.00	1854
16392	10/14/21	USA01 USA BLUE BOOK 21-00515 HYDRANT ENAMEL	609.42	1854
16393	10/14/21	USBAN005 US BANK EQUIPMENT FINANCE 21-00557 COPIER	155.00	1854
16394	10/14/21	VAN01 VAN NOTE-HARVEY ASSOCIATES 21-00517 ENGINEERING	28,870.46	1854
16395	10/14/21	VER03 VERIZON WIRELESS 21-00544 CELL PHONE	40.01	1854
16396	10/14/21	XTE01 XTEL COMMUNICATIONS INC 21-00556 TELEPHONE	120.13	1854

Report Totals	Paid	Void	Amount Paid	Amount Void
Checks:	31	0	190,332.71	0.00
Direct Deposit:	0	0	0.00	0.00
Total:	31	0	190,332.71	0.00

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Totals by Year-Fund Fund Description	Fund	Budget Total	Revenue Total	G/L Total	Total
CURRENT	1-01	157,366.80	0.00	0.00	157,366.80
	1-05	<u>11,540.21</u>	<u>0.00</u>	<u>0.00</u>	<u>11,540.21</u>
Year Total:		168,907.01	0.00	0.00	168,907.01
	C-04	21,335.70	0.00	0.00	21,335.70
TRUST ACCOUNT EXPENDITURES	T-13	90.00	0.00	0.00	90.00
Total of All Funds:		<u><u>190,332.71</u></u>	<u><u>0.00</u></u>	<u><u>0.00</u></u>	<u><u>190,332.71</u></u>

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

**ORDINANCE NO. 08-2021**

**AN ORDINANCE AMENDING CHAPTER 150, SECTION 21 (“LANDSCAPING AND VEGETATION PLAN”), OF THE CODE OF THE BOROUGH OF CAPE MAY POINT**

**WHEREAS**, the Borough of Cape May Point Environmental Commission (“Environmental Commission”) has recommended amendments to Chapter 150, Section 21, of the Borough Code in an effort to enhance tree protection, retention and the planting of native trees while encouraging the elimination of the planting of non-native trees; and

**WHEREAS**, on June 13, 2018, the Environmental Commission adopted the “Environmental Commission Native and Invasive Plant Lists” which comprises lists of 1. Native Trees and Woody Plants, 2. Prohibited Non-native Trees and Woody Plants, and 3. Prohibited Non-native, Non-woody Plants; and

**NOW, THEREFORE, BE IT ORDAINED** the Board of Commissioners of the Borough of Cape May Point, County of Cape May, State of New Jersey, as follows (additions in underline and deletions in ~~striketrough~~).

**SECTION 1**

150-21(f)(2)

In addition to replacement of removed trees above described, the applicant shall replace, at a location of his or her choice on the property, ~~any~~ all trees located within the footprint of the proposed structure if said trees have a trunk at least three (3) inches in diameter measured at three (3) feet above the ground according to the same formula set forth above. Therefore, in addition to the above-required replacement of removed trees outside the proposed footprint plus six (6) feet, the applicant shall plant one native tree along the side yard and rear yard, which tree shall be ~~of the same size as the replacement tree above described~~ at least two (2) inches in diameter measured at three (3) feet above the ground or two (2) native trees at least one (1) inch in diameter measured at three (3) feet above the ground excepting that the applicant shall be permitted to plant ~~two~~ three bushes, in lieu of a tree, if said bushes are a minimum of two (2) feet in diameter ~~and are classified by a Backyard Habitat for Birds, A Guide for Landowners and Communities in New Jersey, published by the New Jersey Audubon Society.~~ All replacement trees and bushes shall be listed in the Environmental Commission Native Trees and Woody Plants list, which shall be available for inspection and copying at the Borough Clerk’s Office during normal business hours. This requirement is to make up for the replacement of shrubs and is in addition to the requirement for replacement trees above-described where said trees are to replace removed trees from outside the building envelope. However, the applicant shall not be

required to plant trees closer than ten (10) feet between the two (2), said distance being measured from the center trunk to center trunk. The replacement trees need not be of the same species as the trees being removed, however, they shall be of the same height classifications as the tree removed. ~~The guide to height classifications contained in the Backyard Habitat for Birds shall be considered as sufficient evidence for compliance.~~

#### 150-21(f)(3)

Regardless of whether trees are removed and replaced, as described above, each standard five thousand (5,000) square foot lot shall contain a minimum of three (3) native trees.

### **SECTION 2**

#### 150-21(g)

Except as otherwise herein provided, the landscaping and vegetation plan shall retain as much of the natural vegetation as is possible. Any existing vegetation that is contained on either of the Environmental Commission lists of prohibited plants, which shall be made available for inspection and copying at the Borough Clerk's Office during normal business hours, shall be removed.

### **SECTION 3**

#### 150-21(i)

Nothing contained herein is to be interpreted as indicating that an applicant is prohibited from planting additional trees, bushes, grasses or flowers on their property. However, applicants may not plant any trees, bushes, grasses or flowers that are contained on either of the Environmental Commission lists of prohibited plants.

### **SECTION 4**

#### 150-21(n)

In order to ensure compliance with the provisions of this Chapter, all applicants, prior to the issuance of a certificate of occupancy by the Borough, shall be required to certify that they have complied with all of the requirements of this Chapter. In the event that it is determined by the Borough that an applicant is in violation of this Chapter, either prior to or subsequent to the issuance of a certificate of occupancy, the applicant shall have a period of thirty (30) days to remedy the cited violation in accordance with the provisions of this Chapter.

150:21(n)(1)

In the event that an applicant fails to remedy a cited violation within the time period prescribed above, the applicant shall be subject to a penalty of \$100.00 per day until the violation is remedied to the satisfaction of the Borough. Each day that a violation continues unabated shall be considered a continuing violation and shall not require a new violation notice to be issued to the applicant.

150:21(n)(2)

In the event that it is determined that an applicant has falsified a certification submitted to the Borough in accordance with the provisions of this Chapter, the applicant shall be subject to a fine of \$1,000.00 per offense and shall be required to submit a revised certification after the applicant has complied with the provisions of this Chapter.

**SECTION 5**

All ordinances that are inconsistent with this ordinance are hereby repealed to the extent of such inconsistency.

**SECTION 6**

Should any provision of this ordinance be deemed invalid for any reason, such invalidity shall not affect the remaining provisions of this ordinance and the invalidated provisions and sections of the ordinance are hereby declared to be severable with respect to invalidity.

**SECTION 7**

This ordinance shall take effect twenty (20) days after final passage in accordance with applicable law.

Final Adoption Vote	MOTION	SECOND	YES	NO	ABSTAIN	ABSENT
Busch						
Moffatt						
vanHeeswyk						

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Catherine Busch, Commissioner

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Anita vanHeeswyk, Commissioner

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Robert Moffatt, Mayor

ATTEST:

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Elaine L. Wallace, Borough Clerk

FIRST READING: August 24, 2021

PUBLICATION: September 1, 2021

PUBLIC HEARING: October 14, 2021

PUBLICATION: October 20, 2021

Borough of Cape May Point Environmental Commission Native and Invasive Plant Lists  
 Prepared by Michael D. Crewe, Environmental Consultant  
 Adopted June 13, 2018

**1. Native Trees and Woody Plants**

When considering woody trees, shrubs and vines on a gardened property, there are many reasons why considering species native to the area is a sound idea. Native plants will be those that are best adapted to the local climatic conditions, they will need less special care and attention during weather extremes such as drought or prolonged cold spells and they will be the most beneficial to the native wildlife of the area.

This recommended list contains species known, or considered to be, native to Cape May County. It does not include species native to other parts of New Jersey where growing conditions may be quite different to those in Cape May Point. It also omits species that are native to Cape May County, but that are not particularly suited to the conditions found at Cape May Point; for example, trees such as American Beech and Tulip Tree (Yellow Poplar) require deeper, richer soils than those typically found at Cape May Point and, in addition, they have the potential to become too large for gardens and could cause a number of problems in the longer term.

The list gives some widely used alternate names, but there may be others and correct identification of a species should always be based on the most recent scientific name. Scientific names are not always stable and reference should be made to species lists provided by the USDA Plants site on line and, especially, the more up-to-date and ongoing work of the Weakley Flora of Southern & Mid-Atlantic States on line (see references).

In the third column, each species is flagged as either a shrub, tree or vine according to its growth style and ultimate size.

Common Name	Scientific Name		Also Known As
Red Maple	<i>Acer rubrum</i> L.	T	Eastern Red Maple
Oblong-leaved Juneberry	<i>Amelanchier canadensis</i> (L.) Medik.	T	Canadian Serviceberry, Eastern Serviceberry
Red Chokeberry	<i>Aronia arbutifolia</i> (L.) Persoon	S	
Black Chokeberry	<i>Aronia melanocarpa</i> (Michaux) Elliott	S	
Eastern Baccharis	<i>Baccharis halimifolia</i> L.	S	Shrubby Groundsel, Groundsel, Silverling, High-tide Bush, Mullet Bush
River Birch	<i>Betula nigra</i> L.	T	Red Birch
Trumpet Creeper	<i>Campsis radicans</i> (L.) Seem ex Bureau	V	Trumpet Vine
Pignut Hickory	<i>Carya glabra</i> (Mill.) Sweet	T	
Sand Hickory	<i>Carya pallida</i> (Ashe) Engl & Graebn.	T	Pale Hickory
Mockernut Hickory	<i>Carya tomentosa</i> (Lam.) Nutt.	T	White Hickory
American Bittersweet-vine	<i>Celastrus scandens</i> L.	V	American Bittersweet

Common Hackberry	<i>Celtis occidentalis</i> L. ( <i>Celtis pumila</i> Pursh)	T	Northern Hackberry
Dwarf Hackberry	<i>Celtis tenuifolia</i> Nutt.	T	Georgia Hackberry
Common Buttonbush	<i>Cephalanthus occidentalis</i> L.	S	
Common Sweet Pepperbush	<i>Clethra alnifolia</i> L.	S	Coastal Sweetpepperbush, Coastal White-alder
Sweetfern	<i>Comptonia peregrina</i> (L.) J.MCoul.	S	Sweet-fern
Flowering Dogwood	<i>Cornus florida</i> L.	T	
Common Persimmon	<i>Diospyros virginiana</i> L.	T	American Persimmon, Possumwood
Inkberry	<i>Ilex glabra</i> (L.) Agray	S	
Smooth Winterberry	<i>Ilex laevigata</i> (Pursh) AGray	S	
American Holly	<i>Ilex opaca</i> Aiton	T	
Common Winterberry	<i>Ilex verticillata</i> (L.) AGray	S	
Virginia Sweetspire	<i>Itea virginica</i> L.	S	Virginia-willow, Tassel-white
Black Walnut	<i>Juglans nigra</i> L.	T	
Eastern Red Cedar	<i>Juniperus virginiana</i> L.	T	Virginia Juniper
Mountain-laurel	<i>Kalmia latifolia</i> L.	S	Mountain Laurel, Calico-bush
Northern Spicebush	<i>Lindera benzoin</i> (L.) Blume	S	
Sweetgum	<i>Liquidambar styraciflua</i> L.	T	Red Gum
Trumpet Honeysuckle	<i>Lonicera sempervirens</i> L.	V	Coral Honeysuckle
Sweetbay Magnolia	<i>Magnolia virginiana</i> L.	T	Northern Sweetbay, Sweetbay
Southern Crab Apple	<i>Malus angustifolia</i> (Aiton) Michx.	T	Wild Crabapple
Wax Myrtle	<i>Morella cerifera</i> (L.) Small	S	Common Wax-myrtle, Southern Bayberry
Northern Bayberry	<i>Morella pensylvanica</i> (Mirb.) Kartesz	S	
Red Mulberry	<i>Morus rubra</i> L.	T	
Blackgum	<i>Nyssa sylvatica</i> Marsh.	T	Sour Gum, Pepperidge
Common Virginia-creeper	<i>Parthenocissus quinquefolia</i> (L.) Planch.	V	Virginia Creeper
Shortleaf Pine	<i>Pinus echinata</i> P Miller	T	Rosemary Pine, Yellow Pine
Pitch Pine	<i>Pinus rigida</i> P Miller	T	
Pond Pine	<i>Pinus serotina</i> Michx.	T	Pocosin Pine, Marsh Pine
Loblolly Pine	<i>Pinus taeda</i> L.	T	Oldfield Pine
Virginia Pine	<i>Pinus virginiana</i> P Miller	T	Scrub Pine
Chickasaw Plum	<i>Prunus angustifolia</i> Marsh.	S	

Beach Plum	<i>Prunus maritima</i> Marsh.	S	
Black Cherry	<i>Prunus serotina</i> Ehrh.	T	
White Oak	<i>Quercus alba</i> L.	T	
Scarlet Oak	<i>Quercus coccinea</i> Münchh.	T	
Southern Red Oak	<i>Quercus falcata</i> Michx.	T	Spanish Oak
Chestnut Oak	<i>Quercus montana</i> Willd. ( <i>Quercus prinus</i> L.)	T	
Willow Oak	<i>Quercus phellos</i> L.	T	
Post Oak	<i>Quercus stellata</i> Wangenh.	T	
Black Oak	<i>Quercus velutina</i> Lam.	T	
Dwarf Azalea	<i>Rhododendron atlanticum</i> (Ashe) Rehder	S	
Pink Azalea	<i>Rhododendron periclymenoides</i> (Michx.) Shinnery	S	Wild Azalea, Pinxterflower, Pinxterbloom Azalea
Swamp Azalea	<i>Rhododendron viscosum</i> (L.) Torr.	S	Clammy Azalea
Winged Sumac	<i>Rhus copallinum</i> L.	S	Flameleaf Sumac
Smooth Sumac	<i>Rhus glabra</i> L.	S	
Staghorn Sumac	<i>Rhus typhina</i> L.	S	
Carolina Rose	<i>Rosa carolina</i> L.	S	
Virginia Rose	<i>Rosa virginiana</i> Mill.	S	
Missouri Willow	<i>Salix eriocephala</i> Michx.	T	Missouri River Willow, Heart-leaved Willow, Diamond Willow
Black Willow	<i>Salix nigra</i> Marsh.	T	
American Elder	<i>Sambucus canadensis</i> L. ( <i>Sambucus nigra</i> ssp. <i>canadensis</i> )	S	Common Elderberry, American Black Elderberry
Sassafras	<i>Sassafras albidum</i> (Nutt.) Nees	T	
New Jersey Blueberry	<i>Vaccinium caesariense</i> Mack.	S	New Jersey Highbush Blueberry
Southern Highbush Blueberry	<i>Vaccinium formosum</i> H.C. Andrews ( <i>Vaccinium corymbosum</i> L.)	S	Highbush Blueberry, Southern Blueberry, Swamp Highbush Blueberry
Southern Arrowwood	<i>Viburnum dentatum</i> L.	S	Arrow-wood
Blackhaw	<i>Viburnum prunifolium</i> L.	S	Nannyberry
Summer Grape	<i>Vitis aestivalis</i> Michx.	V	
Fox Grape	<i>Vitis labrusca</i> L.	V	
Adam's Needle	<i>Yucca filamentosa</i> L.	S	Curlyleaf Yucca, Spoonleaf Yucca

## 2. Prohibited Non-native Trees and Woody Plants

Prevention is always cheaper and more effective than cure. By identifying those woody plant species that have already established themselves as invasive aliens in the region, the Borough is able to save costs on controlling these species by discouraging their planting in the first place. This list identifies those species that should not be intentionally planted within the Borough of Cape May Point because of their potentially invasive tendencies. This list gives both Common and Scientific names for each species, as well as a list of widely used alternate names. For most species, the New Jersey Invasive Species Strike Team (NJISST) is taken as the authoritative source for data on invasive aliens and, where this is the case, this is indicated in the Source column in the table below. A small number of other species not listed by NJISST are also included, based on information from the USDA Plants website, as well as observations made in the field by local botanists. Where this is the case, a note is attached in the Comments column in the table below.

The presence of invasive alien plants not only threatens the integrity of Cape May Point's natural ecosystem, but also has the potential to create legal issues where plants may spread from one private property to another.

Common Name	Scientific Name	Also Known As	Source	Comments
Norway Maple	<i>Acer platanoides</i> L.		NJISST	
Tree-of-heaven	<i>Ailanthus altissima</i> (Mill.) Swingle	Copal Tree, Stink-tree	NJISST	
Silktree	<i>Albizia julibrissin</i> Durazz.	Mimosa	NJISST	
Porcelain-berry	<i>Ampelopsis glandulosa</i> (Wall.) Momiy. ( <i>Ampelopsis brevipedunculata</i> (Maxim.) Trautv.)	Amur Peppervine	NJISST	
Japanese Angelica Tree	<i>Aralia elata</i> (Miq.) Seem.		NJISST	
Japanese Barberry	<i>Berberis thunbergii</i> DC.		NJISST	
Paper Mulberry	<i>Broussonetia papyrifera</i> (L.) L'Hér ex Vent.		NJISST	
Butterflybush	<i>Buddleja davidii</i> Franch.	Summer-lilac, Orange-eye Butterfly-bush	NJISST	
Chinese Beautyberry	<i>Callicarpa dichotoma</i> (Lour.) K. Koch			Although not yet a problem in Cape May Point, this species is reported as invasive elsewhere in the USA (see: <a href="https://www.invasiveplantatlas.org/subject.html?sub=13946">https://www.invasiveplantatlas.org/subject.html?sub=13946</a> )
Oriental Bittersweet	<i>Celastrus orbiculatus</i> Thunb.	Oriental Bittersweet-vine, Round-leaved Bittersweet, Staffvine	NJISST	

Autumn Virgin's Bower	<i>Clematis terniflora</i> DC.	Sweet Autumn Virginsbower, Japanese Clematis, Autumn Clematis, Yam-leaved Clematis	NJISST	
Russian Olive	<i>Elaeagnus angustifolia</i> L.	Oleaster	NJISST	
Autumn Olive	<i>Elaeagnus umbellata</i> Thunb.	Oriental Silverleaf, Spring Silverberry	NJISST	
Winged Burning Bush	<i>Euonymus alatus</i> (Thunb.) Siebold	Winged Euonymus	NJISST	
Russian Vine	<i>Fallopia baldschuanica</i> (Regel) Holub. ( <i>Polygonum baldschuanicum</i> Regel; <i>Polygonum aubertii</i> Henry)	Mile-a-minute Vine, Bukhara Fleeceflower, Silver-lace-vine, China Fleece-vine	NJISST	
Sea Buckthorn	<i>Hippophae rhamnoides</i> L.	Seaberry	NJISST	
English Ivy	<i>Hedera helix</i> L.	Common Ivy	NJISST	
Silky Bush-clover	<i>Lespedeza cuneata</i> (Dumont-Cours.) G Don	Sericea Lespedeza, Chinese Lespedeza	NJISST	
Broad-leaved Privet	<i>Ligustrum obtusifolium</i> Siebold & Zucc.	Border Privet (Includes Amur Privet as a subspecies)	NJISST	
Oval-leaved Privet	<i>Ligustrum ovalifolium</i> Hassk.	California Privet	NJISST	
Chinese Privet	<i>Ligustrum sinense</i> Lour.			Absent from the NJISST, but this species is the most invasive privet in Cape May County. (See <a href="http://capemaywildlife.com/_templates/group_oleaceae.html#Chinese%20Privet">http://capemaywildlife.com/_templates/group_oleaceae.html#Chinese%20Privet</a> )
European Privet	<i>Ligustrum vulgare</i> L.	Common Privet	NJISST	
Japanese Honeysuckle	<i>Lonicera japonica</i> Thunb.		NJISST	
Amur Honeysuckle	<i>Lonicera maackii</i> (Rupr.) Herder		NJISST	
Morrow's Honeysuckle	<i>Lonicera morrowii</i> A. Gray		NJISST	
Tatarian Honeysuckle	<i>Lonicera tatarica</i> L.		NJISST	
White Mulberry	<i>Morus alba</i> L.			Regenerates freely from seed and readily colonizes abandoned farm fields and other marginal areas in Cape May County, while the native <i>Morus rubra</i> has almost disappeared from the county.

Foxglove-tree	<i>Paulownia tomentosa</i> (Thunb.) Siebold & Zucc ex Steud.	Princess Tree, Empress Tree, Paulownia		Although not yet a problem in Cape May, this species is reported as invasive elsewhere in the USA (see: <a href="https://www.invasiveplantatlas.org/subject.html?sub=2426">https://www.invasiveplantatlas.org/subject.html?sub=2426</a> )
Japanese Black Pine	<i>Pinus thunbergiana</i> Franco			Widely planted for dune stabilization in the past, but has proved to be potentially invasive elsewhere and has the potential to displace native vegetation by shading and overcrowding. Is proving to be relatively short-lived, incurring extra costs in removal and replacement.
White Poplar	<i>Populus alba</i> L.	Silver Poplar	NJISST	
Gray Poplar	<i>Populus x canescens</i> (Aiton) Sm		NJISST	This taxon has been widely planted in the past and has even been mistaken for the native Bigtooth Aspen ( <i>Populus grandidentata</i> ). Its use as a garden ornamental is not recommended as it habitually forms large numbers of suckers from extensive, creeping root systems which have the potential to invade neighboring land or to damage property
Kudzu Vine	<i>Pueraria montana</i> (Lour.) Merr.		NJISST	
Callery Pear	<i>Pyrus calleryana</i> Decne.	Including Bradford Pear and other cultivated forms of this species	NJISST	The genetics of manipulated cultivars of fruiting trees are complex and poorly understood by the non-scientific community. Nurseries continue to sell Bradford Pear (a cultivar of Callery Pear) as a sterile tree, i.e. not producing fruits and therefore incapable of becoming invasive. In reality, this cultivar is self-infertile, but readily cross-pollinates with other Callery Pear cultivars (as well as with the species itself), and it is the offspring of these cross-pollinations that form the basis for invasive populations to occur.
Japanese Knotweed	<i>Reynoutria japonica</i> Houttuyn ( <i>Fallopia japonica</i> (Houttuyn) Ronse Decraene)	Japanese Bamboo, Japanese Buckwheat	NJISST	
Giant Knotweed	<i>Reynoutria sachalinensis</i> (F. Schmidt ex Maximowicz) Nakai ( <i>Fallopia sachalinensis</i> (F. Schmidt ex Maximowicz) Ronse Decraene)	Sachaline	NJISST	
Multiflora Rose	<i>Rosa multiflora</i> Thunb.		NJISST	
Japanese Rose	<i>Rosa rugosa</i> Thunb.	Seaside Rose, Rugosa Rose	NJISST	

Himalayan Blackberry	<i>Rubus armeniacus</i> Focke		NJISST	
Wine Raspberry	<i>Rubus phoenicolasius</i> Maxim.	Wineberry	NJISST	
Common Snowberry	<i>Symphoricarpos albus</i> (L.) S.F Blake			<i>Native in the USA but not native in Cape May County. Spreads to form extensive thickets which would be unsuitable for garden use.</i>
Coralberry	<i>Symphoricarpos orbiculatus</i> Moench			<i>Native in the USA but not native in Cape May County. Spreads to form extensive thickets which would be unsuitable for garden use.</i>
Japanese Wisteria	<i>Wisteria floribunda</i> (Willd.) DC.		NJISST	
Chinese Wisteria	<i>Wisteria sinensis</i> (Sims) DC.		NJISST	

### 3. Prohibited Non-native, Non-woody Plants

Prevention is always cheaper and more effective than cure. By identifying those non-woody plant species that have already established themselves as invasive aliens in the region, the Borough is able to save costs on controlling these species by discouraging their planting in the first place. This list identifies those species that should not be intentionally planted within the Borough of Cape May Point because of their potentially invasive tendencies. This list gives both Common and Scientific names for each species, as well as a list of widely used alternate names. For most species, the New Jersey Invasive Species Strike Team (NJISST) is taken as the authoritative source for data on invasive aliens and, where this is the case, this is indicated in the Source column in the table below. A small number of other species not listed by NJISST are also included, based on information from the USDA Plants website, as well as observations made in the field by local botanists. Where this is the case, a note is attached in the Comments column in the table below. The comments column has also been used where it is felt that potentially confusing issues need to be addressed.

The presence of invasive alien plants not only threatens the integrity of Cape May Point's natural ecosystem, but also has the potential to create legal issues where plants may spread from one private property to another.

Common Name	Scientific Name(s)	Also Known As	Source	Comments
Garlic Mustard	<i>Alliaria petiolata</i>	Hedge Garlic	NJISST	
Mugwort	<i>Artemisia vulgaris</i>	Common Wormwood, Common Mugwort, Felon Herb	NJISST	

Bamboo	<i>Bambusa; Dendrocalamus; Phyllostachys; Pseudosasa</i>			There are no species of bamboo currently on the New Jersey State list of invasive species. However, these huge grasses can be very difficult to maintain and encroachment onto neighboring properties is a known issue. The large species in the genera listed here should not be planted (see references, below).
Japanese Sedge	<i>Carex kobomugi</i>	Asiatic Sand Sedge, Sea Isle Sedge, Japanese Beach Sedge	NJISST	
Largehead Sedge	<i>Carex macrocephala</i>		NJISST	
Chinese Fountaingrass	<i>Cenchrus purpurascens; Pennistenum alopecuriodes</i>	Foxtail Fountain-grass, Black Fountaingrass	NJISST	
Crimson Fountaingrass	<i>Cenchrus setaceus; Pennisetum setaceum</i>	Tender Fountaingrass	NJISST	
Spotted Knapweed	<i>Centaurea stoebe ssp. micranthos; Centaurea maculosa</i>	Bushy Knapweed	NJISST	
Brazilian Waterweed	<i>Egeria densa</i>	Elodea, Anacharis	NJISST	
Common Water Hyacinth	<i>Eichhornia crassipes</i>		NJISST	
Weeping Lovegrass	<i>Eragrostis curvula</i>		NJISST	
Lesser Celandine	<i>Ficaria verna; Ranunculus ficara</i>	Fig Buttercup	NJISST	
Chameleon-plant	<i>Houttuynia cordata</i>	Fishleaf, Fish Plant	NJISST	
Hydrilla	<i>Hydrilla verticillata</i>	Waterhyme	NJISST	
Himalayan Balsam	<i>Impatiens glandulifera</i>	Ornamental Jewelweed, Policemen's Helmet, Indian Balsam	NJISST	
Yellow Iris	<i>Iris pseudacorus</i>	Yellow Flag, Paleyellow Iris, Water Flag	NJISST	
Yellow Archangel	<i>Lamiastrum galeobdolon; Lamium galeobdolon</i>		NJISST	
Floating Primrose-willow	<i>Ludwigia peploides</i>	Creeping Waterprimrose	NJISST	

Purple Loosestrife	<i>Lythrum salicaria</i>		NJISST	Do not plant cultivars sold as 'sterile' as these plants are proving to be capable of cross-pollination with other varieties and add to the invasive problem of this species. See: <a href="http://www.purpleloosestrife.org/faq/">http://www.purpleloosestrife.org/faq/</a>
Japanese Stiltgrass	<i>Microstegium vimineum</i>	Nepalese Browntop, Flexible Sasa-grass, Japanese-grass	NJISST	
Chinese Silvergrass	<i>Miscanthus sinensis</i>	Eulalia Grass	NJISST	
Parrot-feather	<i>Myriophyllum aquaticum</i>	Parrot Feather Water Milfoil	NJISST	
Kiss-me-over-the-garden-gate	<i>Persicaria orientalis; Polygonum orientale</i>	Oriental Smartweed, Prince's Feather, Prince's Plume	NJISST	
Mile-a-minute Vine	<i>Persicaria perfoliata; Polygonum perfoliatum</i>	Asiatic Tearthumb, Devil's-tail Tearthumb	NJISST	
Water Lettuce	<i>Pistia stratiotes</i>		NJISST	
Curly-leaved Pondweed	<i>Potamogeton crispus</i>	Curly Pondweed, Curled Pondweed	NJISST	
European Water Chestnut	<i>Trapa natans</i>	Water-chestnut, Water-caltrop	NJISST	
Ravenna-grass	<i>Tripsidium ravennae; Ripidium ravennae; Saccharum ravennae</i>	Plume-grass, Hardy Pampas Grass	NJISST	

### Online References

Bamboo - <https://www.invasivespeciesinfo.gov/plants/goldenbamboo.shtml>

Cape May Wildlife Guide - <http://capemaywildlife.com/>

Invasive Plant Atlas of the United States - <https://www.invasiveplantatlas.org/>

New Jersey Invasive Species Strike Team - <http://www.njisst.org/>

Purple Loosestrife InfoCenter - <http://www.purpleloosestrife.org/faq/>

USDA Plants - <https://plants.usda.gov/java/>

Weakley's Flora of the Southern & Mid-Atlantic States - <http://www.herbarium.unc.edu/flora.htm>