

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 (New York), Meeting ID: 869 0277 0723 Passcode: 287008

Direct link: <https://us02web.zoom.us/j/86902770723?pwd=SUVieUNMZVJucU1WWE1IRXpTVkZrZz09>

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 by 12:00 Noon the Monday before the meeting.

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

BOROUGH MEETING OF JANUARY 25, 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, Mayor Moffatt, Commissioner vanHeeswyk

COMMISSIONERS' DISCUSSION (NEW BUSINESS / OLD BUSINESS)

ADMINISTRATOR'S REPORT

PUBLIC QUESTIONS ON AGENDA ITEMS ONLY

MINUTES: None

ORDINANCE FOR INTRODUCTION AND PUBLICATION: None

RESOLUTIONS

- 26-22 Appointing Class III Member of the Planning Board
- 27-22 Authorizing the Tax Collector to Refund Overpayment of Taxes
- 28-22 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"
- 29-22 Office of Emergency Management Appointments
- 30-22 Award of Professional Services Contract for Borough Engineer – Greenman-Pedersen, Inc., Dale Foster
- 31-22 Confirmation of Officials for Joint Insurance Fund and Municipal Excess Liability Fund
- 32-22 Approval of Bill List

ORDINANCE FOR SECOND READING / PUBLIC HEARING / ADOPTION: None

MAYORAL APPOINTMENTS

Environmental Commission

- Emelia Oleson – Member – 3-year term expiring 1/31/2025
- Isabelle Neary - Member – 3-year term expiring 1/31/2025
- Paula Massanari - Member – 3-year term expiring 1/31/2025
- Elise Geiger – Alternate #2 – 2-year term expiring 1/31/2024

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 26-22

APPOINTING CLASS III MEMBER OF THE PLANNING BOARD

BE IT RESOLVED by the Board of Commissioners of the Borough of Cape May Point, the governing body thereof, that Anita vanHeeswyk be designated as the Class III Member of the Planning Board of the Borough of Cape May Point and said appointment shall be effective through December 31, 2022.

| | 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 January 25, 2022.

Municipal Clerk

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

RESOLUTION 27-22

**AUTHORIZING THE TAX COLLECTOR TO REFUND
OVERPAYMENT OF TAXES**

BE IT RESOLVED by the Board of Commissioners of the Borough of Cape May Point, County of Cape May, State of New Jersey, that a refund of overpaid 4th quarter 2021 taxes, as recommended by the Borough Tax Collector, be authorized as follows:

| <u>BLOCK/LOT</u> | <u>ADDRESS</u> | <u>NAME</u> | <u>AMOUNT</u> |
|------------------|----------------------|----------------------------------|---------------|
| 1/16 | 302 Alexander Avenue | CORELOGIC on behalf of owners | \$35.66 |

| | 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 January 25, 2022.

Municipal Clerk

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

RESOLUTION 28-22

**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"**

WHEREAS, N.J.S.A. 40A:4-5 as amended by P.L. 2017, c.183 requires the governing body of each municipality and county to certify that their local unit's hiring practices comply 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," *as amended*, 42 U.S.C. § 2000e *et seq.*, (April 25, 2012) before submitting its approved annual budget to the Division of Local Government Services in the New Jersey Department of Community Affairs; and

WHEREAS, the members of the governing body have familiarized themselves with the contents of the above-referenced enforcement guidance and with their local unit's hiring practices as they pertain to the consideration of an individual's criminal history, as evidenced by the group affidavit form of the governing body attached hereto.

NOW, THEREFORE BE IT RESOLVED, that the Board of Commissioners of the Borough of Cape May Point, hereby states that it has complied with N.J.S.A. 40A:4-5, as amended by P.L. 2017, c.183, by certifying that the local unit's hiring practices comply with the above-referenced enforcement guidance and hereby directs the Clerk to cause to be maintained and available for inspection a certified copy of this resolution and the required affidavit to show evidence of said compliance.

| | 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 January 25, 2022.

Municipal Clerk

**GOVERNING BODY CERTIFICATION PURSUANT TO P.L. 2017, C.183 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”**

**GROUP AFFIDAVIT FORM FOR MUNICIPALITIES AND COUNTIES
NO PHOTO COPIES OF SIGNATURES**

STATE OF NEW JERSEY
COUNTY OF CAPE MAY

We, members of the governing body of the Borough of Cape May Point being duly sworn according to law, upon our oath depose and say:

1. We are duly elected members of the Board of Commissioners of the Borough of Cape May Point in the county of Cape May;
2. Pursuant to P.L. 2017, c.183, we have familiarized ourselves with the contents of 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,” *as amended*, 42 U.S.C. § 2000 *et seq.*, (April 25, 2012);
3. We are familiar with the local unit’s hiring practices as they pertain to the consideration of an individual’s criminal history;
4. We certify that the local unit’s hiring practices comply with the above-referenced enforcement guidance.

| | |
|--------|--------|
| (L.S.) | (L.S.) |
| _____ | _____ |
| (L.S.) | (L.S.) |
| _____ | _____ |
| (L.S.) | (L.S.) |
| _____ | _____ |
| (L.S.) | (L.S.) |
| _____ | _____ |

Sworn to and subscribed before me this
25th day of January 2022.

Clerk

The Municipal Clerk (or Clerk of the Board of Chosen Freeholders as the case may be) shall set forth the reason for the absence of signature of any members of the governing body.

IMPORTANT: This certificate must be executed before a municipality or county can submit its approved budget to the Division of Local Government Services. The executed certificate and the adopted resolution must be kept on file and available for inspection.

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

RESOLUTION NO. 29-22

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. **BILL GIBSON** be and is hereby appointed as Emergency Management Coordinator for a three (3) year term ending December 31, 2024
2. **ED GRANT** be and is hereby appointed as Deputy Emergency Management Coordinator for a three (3) year term ending December 31, 2024.
3. **CATHERINE BUSCH** be and is hereby appointed as Deputy Emergency Management Coordinator for a three (3) year term ending December 31, 2024.

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

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 25, 2022.

Municipal Clerk

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

RESOLUTION 30-22

**AWARD OF PROFESSIONAL SERVICES CONTRACT FOR
BOROUGH ENGINEER – GREENMAN-PEDERSEN, INC., DALE FOSTER**

WHEREAS, the Borough of Cape May Point has a need to acquire the services of a Borough Engineer for the performance of engineering 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, 2022, expiring December 31, 2022; and

WHEREAS, Greenman-Pedersen, Inc. has submitted a proposal indicating the firm will provide the services of Borough Engineer pursuant to the terms of said proposal in an amount not to exceed \$25,000.00; and

WHEREAS, Greenman-Pedersen, Inc. has completed and submitted a Business Entity Disclosure Certification which certifies that he has not made any reportable contributions to a political 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 his 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 2022 Municipal Budget for these services; and

WHEREAS, the services to be performed by the Borough Engineer 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 Dale Foster of Greenman-Pedersen, Inc. be appointed as Borough Engineer of the Borough of Cape May Point for a term of one (1) year effective January 1, 2022 and expiring December 31, 2022.

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 2-01-26-292-021 to authorize the execution of a professional services contract with Dale Foster of Greenman-Pedersen, Inc. as Borough Engineer for the Borough of Cape May Point for a one (1) year term commencing January 1, 2022 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 25, 2022

Signed: James V Craft

James V. Craft, Chief Financial Officer

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 25, 2022.

Municipal Clerk

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

RESOLUTION NO. 31-22

**CONFIRMATION OF OFFICIALS FOR JOINT INSURANCE FUND
AND MUNICIPAL EXCESS LIABILITY FUND**

WHEREAS, it is necessary for the Borough to designate certain persons for the receipt of notices and processing of claims for the Joint Insurance Fund, and

WHEREAS, the Borough is desirous of updating the records of the Atlantic County Municipal Joint Insurance Fund with changes.

NOW, THEREFORE, BE IT RESOLVED by the Borough Commission that the following persons are named in the capacity listed for the Joint Insurance Fund for 2022 and shall remain in said positions until changed by resolution:

| | |
|-----------------------------|-------------------------------|
| Fund Commissioner | Ed Grant, Administrator |
| Alt. Fund Commissioner | Kelly Redington, Commissioner |
| Claims Coordinator | Elaine Wallace, Borough Clerk |
| Safety Coordinator | Ed Grant, Administrator |
| Health/Wellness Coordinator | Elaine Wallace, Borough Clerk |
| EPL Hotline Contact | Ed Grant, Administrator |
| Alt. EPL Hotline Contact | Elaine Wallace, Borough Clerk |

| | 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 January 25, 2022.

Municipal Clerk

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

RESOLUTION 32-22

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 \$.

| | 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 January 25, 2022.

Municipal Clerk