

**APRIL 26, 2022**  
**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 David DeWeese. 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)**

Commissioner Busch and Environmental Commission member Elise Geiger began by providing a brief over on the NJ Urban and Community Forestry Program which is authorized by the NJ Shade Tree & Community Forestry Act. This program assists local governments in establishing forestry programs. Both Commissioner Busch and Ms. Geiger attended the program's required core training session as a first step, and shared that the benefits of this program include liability protection for trees that are on borough property, access to grants and expertise, Green Team action points for the Borough's Sustainable New Jersey Bronze Certification, and creates a sustaining plan for our tree and shrub assets. If successful, the Borough will create an approved 5-year plan which will require annual updating.

Commissioner Busch further stated that she is looking for support from the other Commissioners to pursue the grant application process. She has already met with one of the state recommended tree experts who assisted Cape May and West Cape May with their Shade Tree Commissions. Commissioner vanHeeswyk asked when the application deadline is, to which Commissioner Busch replied it is a rolling deadline. Commissioner vanHeeswyk shared that in the past private groups like the Cape May Point Tax Payers Association raised funds for trees on borough property. Ms. Geiger stated that a documented plan of this nature would keep everyone pulling in the same direction. Commissioner Busch shared appreciation for the feedback and stated having an expert guide on what needs to be done when will provide us the guidance we need. Commissioner vanHeeswyk stated she is fine with taking the next steps, to which Mayor Moffatt agreed.

Commissioner Busch went on to state that Public Works is doing their usual springtime activities on the grounds, dunes and beach entrances in preparation for the summer. We also met with the new engineer to review current projects including Yale Avenue as well as follow-up on items that were not completed with our previous engineer. A number of items were held up during the transition, and we are still working with them to gather necessary information to complete Yale Avenue so that the grant is not impacted. Commissioner Busch closed by stating that she will be working directly with the prior engineer from this point forward to resolve these issues.

Commissioner vanHeeswyk discussed the Joint Insurance Fund (JIF) Municipal Excess Liability (MEL) coverage and the benefits we receive, including training for employees (in-person and online), bulletins and newsletters, information on how to manage minors in the workplace, and guidance on employment practices planning. All of this comes to us through credentialed professionals. The cost of MEL through JIF is significantly less than what was priced through other commercial carriers. (approximately 30%).

Mayor Moffatt stated that the beach program is moving along, and the beach tag booth will be open behind Borough Hall for the onsite sales that begin in May.

### **ADMINISTRATOR'S REPORT**

Mr. Grant stated that we are spending time getting ready for the beach season, and have set up department head meetings to review health and safety, municipal excess liability and other pertinent topics to cover with our people.

### **PUBLIC QUESTIONS ON AGENDA ITEMS**

Sandy Allison thanked Commissioner Busch for her work towards a borough forestry plan which contributes to the overall health of our environment.

### **RESOLUTIONS:**

56-22 Salary Resolution 2022

*Motions: vanHeeswyk, Moffatt*

*Roll call: all in favor*

57-22 Authorizing Purchase of Scag Tiger Cat 2 Mower through Sourcewell Purchasing Cooperative

*Motions: Busch, Moffatt*

*Roll call: all in favor*

58-22 Approval of Bill List

*Motions: vanHeeswyk, Moffatt*

*Roll call: all in favor*

### **PUBLIC PORTION**

Hope Luken, 109 Lincoln Avenue, asked Commission Busch if a final decision on the trash yard has been made given the number of comments received from the public objecting to its closure, the additional funds put in the 2022 budget and the offer of funds from the Taxpayers Association to assist with the costs.

Commissioner Busch stated she has not reconsidered her position and has sent correspondence to every person who contact her or the Borough explaining all the reasons behind the decision, which were not just monetary. Ms. Luken felt it would be more appropriate to send that information to every property owner, then asked if she could publish Ms. Busch's email in the Taxpayers Bulletin. Ms. Busch asked to review the matter with counsel before making a decision. Ms. Luken asked Commission Busch if she discussed the matter with the other commissioners, to

which Ms. Busch said it was only discussed with the other commissioners at the previous meeting, but she had discussion with members of the administrative staff. Ms. Luken asked about what other options were discussed and felt all the complaints fell on deaf ears.

Jim Fraatz, 407 Cedar, asked who decided to dispose of the 10 dumpsters from the yard. Commissioner Busch stated she made the decision. Since the fixed asset list only pertains to items valued over \$5,000, there were not special requirements of how they could be disposed of. The dumpsters were taken to Raff's Recycling and the Borough received over \$400 for them. The dumpsters had been repaired repeatedly and were no longer viable. Mr. Fraatz asked if there is a process for items valued over \$5,000. Those items would require a resolution and are usually sold via online auction. Lastly, Mr. Fraatz asked if Public Works will now have to pick up trash from Borough buildings. Ms. Busch explained both Borough buildings have regular trash pickup.

Dan Simmler thought discussion of keeping the trash and recycling yard open would have been a discussion topic on today's meeting given the fact the budget was amended to include extra money and the Taxpayers Association is willing to donate money toward purchasing dumpsters. It was explained agenda items are added at the request of the Commissioner no one asked that it be added. Mr. Simmler felt Commissioner Busch's email could be shared by the Taxpayers Association since that communication said her decision was based on other issues like employees, illegal dumping, disturbance, etc., and not just on the budget. Ed. Grant's original response stated there were those were considerations. Mr. Simmler asked questions about the number of employees and having them cover the yard during off hours. He found the unilateral nature of the decision-making process most alarming and repeatedly commented on the lack of discussion with all the commissioners. He also felt there was no regard for the concerns of the numerous taxpayers who wrote to object to the closure. On a different matter, as the president of the Taxpayers Association, he reported the organization received a bequest in a will predicated on a veteran's memorial at Lake Lily and asked how that would move forward. The Borough forwarded the request to the Borough Solicitor on how to proceed, but it will most likely require some future discussion on several points. Commissioner vanHeeswyk suggested Mr. Simmler send a written request to the Borough detailing the bequest and its requirements.

Peg Fraatz, 407 Cedar Avenue, was concerned about the lack of transparency and dismissal of taxpayers and didn't understand why Commissioner Busch was able to clearly explain her reasoning in an email, but was reluctant to discuss it during the public meeting. Commissioner Busch did not have the email with her to go over it point by point, nor was she going to debate a departmental decision. Ms. Fraatz felt the voters' concerns were being dismissed and the Commissioner was acting as if she were entitled.

Sue Leming, Oak Avenue, expressed her thanks and support for Commissioner Busch's decision to remove the dumpsters. As a longtime resident of 20 years, who lived on Oak Avenue before the pole barn and the first dumpster was placed, which turned into 10 over the year, she stated her quality of life and property value have dramatically improved with the decision to close the yard.

Hope Luken asked how many people wrote about the trash and if anyone asked to put the item on the agenda. Clerk Wallace responded she received one request from a member of the public to list it as a discussion item, but only the Commissioners set the agenda. Ms. Luken asked questions about how many people emailed the Borough and were emailed in return. She felt no other options were ever considered except closing the yard. She asked if the Borough would consider not providing trash service at all. Then the Borough could save money and each owner could hire their own trash contractor. Commissioner Busch explained the current contract hasn't expired, so that hasn't been considered at this time. Many towns throughout the state are experiencing difficulties with trash and recycle collection and have had to make changes to service. She's been watching the industry closely and would prefer that the matter not come to the point the Borough could no longer provide service, but the future is uncertain. Ms. Luken looked into the cost of hiring Gold Medal as a private citizen, which might benefit 75% of property owners. Lastly, she complained about a lack of transparency in the process.

Sandy Allison, Alexander Avenue, said she was 100% in favor of closing the yard. Since 1965, she has been taking trash home when she would come for the weekends and feels it's a logical solution. She felt there was no schedule would please everyone and the yard developed into a monster. She supported carry-in carry-out practices. Lastly, she applauded Commissioner Busch for standing strong on the decision.

Dan Simmler said he used the yard a lot and what he found most alarming isn't the closure of the trash yard, but the unilateral decision of one Commissioner. He has heard buzz for a few years that the yard would be closing but hoped there could have been open discussion with taxpayers. Commissioner Busch thanked Mr. Simmler for his comments and said she realized the Borough's form of government could be difficult to understand, but each Commissioner has complete executive control over their department. If something doesn't require an expenditure or an ordinance where the other 2 Commissioners would have to vote, they have no authority in other departmental decisions. There are time when things are discussed with the general public but they're usually things that cross departmental lines. Solicitor DeWeese said that was a very accurate explanation of the form of government. The Commissioners must respect each other running their own department. The departments don't make joint decisions on many things, nor does the Borough poll property owners before making decisions. That is not how government functions on a day-to-day basis.

Helen Chezem, 501 Oak, appreciated the decision to close the yard. It is right next to her property with no buffer. When she purchased her home, only the water tower existed. She spent a lot of her time cleaning up what blew into her yard and the trees and has been a nightmare for years. She appreciated the effort it took to make the decision. Ms. Chezem rents her property and includes a clause in her lease agreements that they must handle the trash in accordance with the Borough's regulations or the don't have to rent. When she stays for a weekend or for 2 weeks at a time, she takes her trash home with her. People abused the service, leaving items at the gate when the yard was closed. Ms. Chezem thanked Commissioner Busch for making the difficult decision and found her letter of explanation very well written.

Hope Luken wanted to confirm that Catherine Busch will get back to her about putting her email in the Taxpayers bulletin on Monday. Ms. Busch said she'd get back to her as soon as she can.

When no one else wished to speak, the meeting was adjourned at 1:20 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