

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 24, 2023 – 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/REPORTS

ADMINISTRATOR'S REPORT

PUBLIC QUESTIONS ON AGENDA ITEMS ONLY

ORDINANCE FOR INTRODUCTION AND PUBLICATION: None

RESOLUTIONS

- 29-23 Authorizing the Application for and the Execution of a Subcontract for the Municipal Alliance Program
- 30-23 Authorizing the Amendment to the 2023 Temporary Budget
- 31-23 Authorizing the Borough Engineer to Provide Engineering Services for Alexander Avenue Resurfacing Improvements Phase 1 for a Total Cost Not to Exceed \$29,950.00
- 32-23 Updating Members of the Borough's Program for Public Information (PPI) Committee
- 33-23 Approval of Bill List

ORDINANCE FOR SECOND READING / PUBLIC HEARING / ADOPTION:

- 08-2022 An Ordinance Amending Chapter 58, Article 1 ("Beach Protection Structures") of the Code of the Borough of Cape May Point

MAYORAL APPOINTMENTS

Environmental Commission

- Barbara Bassett – Member – 3-year term expiring 1/31/2026
- Sandy Allison - Member – 3-year term expiring 1/31/2026
- Elise Geiger – Alternate #1 – 2-year term expiring 1/31/2025

Planning Board

- Barbara Bassett – Class II Member – 3-year term expiring 1/31/2026

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 29-23

**AUTHORIZING THE APPLICATION FOR AND THE EXECUTION OF
A SUBCONTRACT FOR THE MUNICIPAL ALLIANCE PROGRAM**

WHEREAS, the Governor’s Council on Alcoholism and Drug Abuse established the Municipal Alliances for the Prevention of Alcoholism and Drug Abuse in 1989 to educate and engage residents, local government and law enforcement officials, schools, nonprofit organizations, the faith community, parents, youth and other allies in efforts to prevent alcoholism and drug abuse in communities throughout New Jersey.

WHEREAS, the Board of Commissioners of the Borough Cape May Point, County of Cape May, State of New Jersey recognizes that the abuse of alcohol and drugs is a serious problem in our society amongst persons of all ages; and therefore, has an established Municipal Alliance Committee; and,

WHEREAS, the Board of Commissioners further recognizes that it is incumbent upon not only public officials but upon the entire community to take action to prevent such abuses in our community; and,

WHEREAS, the Board of Commissioners has applied for funding to the Governor’s Council on Alcoholism and Drug Abuse through the County of Cape May;

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 hereby recognizes the following:

1. The Board of Commissioners does hereby authorize submission of a strategic plan for the Lower Cape Municipal Alliance grant for fiscal year 2022 in the amount of:

DEDR	\$26,215.00
Cash Match	\$ 6,553.75
In-Kind	\$19,661.25

The Borough of Cape May Point Cash Match portion will be \$65.54

2. The Board of Commissioners acknowledges the terms and conditions for administering the Municipal Alliance grant, including the administrative compliance and audit requirements.

	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 will be available in the 2023 Current Fund Account 3-01-20-110-021 to authorize the application for the execution of a subcontracting for the Municipal Alliance Program for an amount not to exceed \$65.54. I further certify that this commitment together with all previously made commitments does not exceed the appropriation balance available for this purpose.

Dated: January 24, 2023

Signed: James V Craft

James V. Craft

Chief Financial Officer

Certification

I hereby certify that the foregoing is a true and exact 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 24, 2023.

Municipal Clerk

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

RESOLUTION 30-23

AUTHORIZING THE AMENDMENT TO THE 2023 TEMPORARY BUDGET

WHEREAS, N.J.S.A. 40A:4-20 provides for the adoption of emergency temporary appropriations in addition to temporary appropriations necessary for the period between the beginning of the current fiscal year and the date of the adoption of the Local Budget for the Year 2023;

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 following amendments to the temporary appropriations be made in the amounts and for the purposes herein set forth for the period between January 1st, 2023 and the adoption of the Local Budget for the Borough of Cape May Point, County of Cape May and State of New Jersey for the fiscal Year 2023:

1. An emergency temporary appropriation be and the same is hereby made for:

Description	Amount
Capital Improvement Fund:	
Engineering Design – Alexander Avenue	\$40,000.00
Total Emergency Temporary Appropriation	\$40,000.00

2. That said emergency temporary appropriation will be provided in the 2023 Municipal Budget as adopted.
3. That one certified copy of this Resolution be filed with the Director of Division of Local Government Services.

	MOTION	SECOND	YES	NO	ABSTAIN	ABSENT
Busch						
Moffatt						
vanHeeswyk						

Certification

I hereby certify that the foregoing is a true and exact 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 24, 2023.

Municipal Clerk

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

RESOLUTION 31-23

**AUTHORIZING THE BOROUGH ENGINEER TO PROVIDE
ENGINEERING SERVICES FOR ALEXANDER AVENUE RESURFACING
IMPROVEMENTS PHASE 1 FOR A TOTAL COST NOT TO EXCEED \$29,950.00**

BE IT RESOLVED, by the Board of Commissioners of the Borough of Cape May Point, County of Cape May, State of New Jersey, that Greenman Pedersen, Inc. be and is hereby authorized to provide engineering services for Alexander Avenue Resurfacing Improvements Phase 1 in an amount not to exceed \$29,950; and

BE IT FURTHER RESOLVED the award is contingent upon the issuance of a certificate of availability of funds by the Chief Financial Officer; and

BE IT FURTHER RESOLVED the proper Borough officials be and are hereby authorized to do all things necessary to carry out the intent of this Resolution.

	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 following accounts to award a contract for \$29,950 Engineering Services for Alexander Avenue Reconstruction with Greenman Pedersen, Inc.

I further certify that this commitment together with all previously made commitments does not exceed the appropriation balance available for this purpose.

Dated: January 24, 2023

Signed: James V. Craft
James V. Craft
Chief Financial Officer

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 24, 2023.

Elaine L. Wallace, Municipal Clerk

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

RESOLUTION NO. 32-23

**UPDATING MEMBERS OF THE BOROUGH'S
PROGRAM FOR PUBLIC INFORMATION (PPI) COMMITTEE**

WHEREAS, the Borough of Cape May Point is evaluated by the Community Rating Service (CRS) for Floodplain Management and is assigned a final score based on participation in various elements of the program, including outreach and education activities; and

WHEREAS, the Borough's property owners receive discounted premiums on their home flood insurance based on the rating the Borough achieves; and

WHEREAS, in 2013, the Borough established a Program for Public Information Committee in accordance with Section 332.c of the CRS Coordinator's Manual which may help the Borough achieve a better rating.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Borough of Cape May Point that the following individuals be and are hereby appointed to the Cape May Point PPI Committee:

1. Representative from the Borough's Floodplain Management Office: Louis Belasco, CRS representative
2. Representative from the Borough's Public Information Office: Anita vanHeeswyk, Commissioner
3. Member of the Public: Kelly Redington

	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 24, 2023.

Municipal Clerk

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

RESOLUTION 33-23

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 \$476,533.74.

	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 24, 2023.

Municipal Clerk

Range of Checking Accts: OTHER to OTHER Range of Check Ids: 17140 to 17173
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	
17140	01/24/23	ACM01 ACMJIF		1887
23-00022	2023 1ST QU ASSESSMENT	9,051.00		
17141	01/24/23	ANJ01 A N J E C		1887
23-00039	2023 DUES	400.00		
17142	01/24/23	ATL01 ATLANTIC CITY ELECTRIC		1887
23-00026	ELECTRIC BILLS	2,013.18		
23-00043	ELECTRIC BILLS	<u>2,408.13</u>		
		4,421.31		
17143	01/24/23	BAR02 BARBER CONSULTING SERVICES LLC		1887
23-00008	2023 MIS UNLIMITED	4,500.00		
17144	01/24/23	CAP03 CAPE MAY STAR & WAVE		1887
23-00033	LEGAL NOTICE	6.50		
17145	01/24/23	CAP14 CAPE MAY COUNTY MUA		1887
23-00042	SOLID WASTE DUMP FEE DEC 2022	562.91		
17146	01/24/23	CAP31 CAPE MINING & RECYCLING LLC		1887
23-00003	STUMPS/TREE PARTS	25.00		
23-00035	STUMPS/TREE PARTS	25.00		
23-00041	STUMPS/TREE PARTS	<u>61.60</u>		
		111.60		
17147	01/24/23	CAPEM005 CAPE MEDIATION SERVICES		1887
23-00013	MEDIATION SERV 2023	28.93		
17148	01/24/23	CAS01 CASA PAYROLL SERVICE		1887
23-00031	PAYROLL	411.50		
17149	01/24/23	COD01 CODY'S POWER EQUIPMENT		1887
23-00011	SERVICE/PARTS	253.94		
17150	01/24/23	COM01 COMCAST		1887
23-00028	6 MONTHS 2023 INTERNET	1,767.24		
17151	01/24/23	COU02 COURT HOUSE OFFICE SUPPLIES		1887
23-00017	SUPPLIES	146.61		
23-00040	OFFICE SUPPLIES	<u>214.82</u>		
		361.43		
17152	01/24/23	COU03 COUNTY OF CAPE MAY		1887
23-00004	FUEL NOVEMBER 2022	742.11		
23-00005	1ST QU 2023/ANIMAL SHELTER	<u>424,057.68</u>		
		424,799.79		
17153	01/24/23	DAT01 DATA NETWORK SOLUTIONS		1887
23-00006	TELEPHONE	310.11		

Check #	Check Date	Vendor	Reconciled/Void	Ref Num
PO #	Description	Amount Paid	Contract	
17154	01/24/23	DKCC005 DKC CONSTRUCTION LLC		1887
	23-00057	REFUND ESCROW	5,000.00	
17155	01/24/23	ELAIN005 ELAINE WALLACE		1887
	23-00059	2023 PETTY CASH	100.00	
17156	01/24/23	GARDE005 GARDEN STATE LABORATORIES, INC		1887
	23-00037	WATER TESTING	120.00	
17157	01/24/23	GOLDM005 GOLD MEDAL ENVIRONMENTAL		1887
	23-00007	TRASH/RECYCLING	5,283.33	
17158	01/24/23	JER04 JERSEY CAPE		1887
	23-00001	BEACH TAGS	5,152.25	
17159	01/24/23	LOW01 LOWE'S		1887
	23-00016	STATEMENT	580.08	
17160	01/24/23	NEW02 NEW JERSEY PLANNING OFFICIALS		1887
	23-00020	2023 MEMBERSHIP	325.00	
	23-00029	CLASS REGISTRATION	<u>127.00</u>	
			452.00	
17161	01/24/23	NJAS NJ AUDUBON SOCIETY		1887
	23-00012	HABITAT RESTORATION TRIANGLE P	1,495.33	
17162	01/24/23	NJS01 NJ ST. LEAGUE OF MUNICIPALITIE		1887
	23-00014	2023 MEMBERSHIP DUES	235.00	
17163	01/24/23	ONE02 ONE CALL CONCEPTS		1887
	23-00021	MARK OUTS	17.16	
17164	01/24/23	PRE01 THE PRESS OF ATLANTIC CITY		1887
	22-00652	LEGAL AD	49.20	
17165	01/24/23	REG01 REGISTRARS ASSN. OF NEW JERSEY		1887
	23-00034	2023 MEMBERSHIP DUES	50.00	
17166	01/24/23	SEA05 SEA GEAR MARINE		1887
	23-00025	STATEMENT	745.89	
17167	01/24/23	SHORE005 SHORE GUYS HEATING & AIR, LLC		1887
	22-00557	Gas Heater - Modine	5,250.00	
17168	01/24/23	SWA01 SWAIN'S ACE HARDWARE		1887
	23-00030	STATEMENT	348.84	
17169	01/24/23	THEDE005 The DeWeese Law Firm, P.C.		1887
	23-00032	SOLICITOR/LABOR COUNSEL	3,241.50	
17170	01/24/23	VEC01 VECTOR SECURITY, INC.		1887
	23-00009	SERVICE 1-2023-12/31/2023	932.52	

Check #	Check Date	Vendor	Reconciled/Void	Ref Num
PO #	Description	Amount Paid	Contract	
17171	01/24/23	VIL01 NAPA AUTO PARTS		1887
	22-00650	STATEMENT	177.73	
17172	01/24/23	VIT01 VITAL COMMUNICATIONS INC		1887
	22-00624	EST POSTAGE FOR ASSESSMENT CRD	298.76	
17173	01/24/23	XTE01 XTEL COMMUNICATIONS INC		1887
	23-00010	TELEPHONE	37.89	

Report Totals	<u>Paid</u>	<u>Void</u>	<u>Amount Paid</u>	<u>Amount Void</u>
Checks:	34	0	476,553.74	0.00
Direct Deposit:	0	0	0.00	0.00
Total:	<u>34</u>	<u>0</u>	<u>476,553.74</u>	<u>0.00</u>

Totals by Year-Fund Fund Description	Fund	Budget Total	Revenue Total	G/L Total	Total
CURRENT	2-01	12,501.88	0.00	0.00	12,501.88
CURRENT	3-01	454,448.39	0.00	0.00	454,448.39
	3-05	<u>4,603.47</u>	<u>0.00</u>	<u>0.00</u>	<u>4,603.47</u>
Year Total:		459,051.86	0.00	0.00	459,051.86
TRUST ACCOUNT EXPENDITURES	T-13	5,000.00	0.00	0.00	5,000.00
Total of All Funds:		<u><u>476,553.74</u></u>	<u><u>0.00</u></u>	<u><u>0.00</u></u>	<u><u>476,553.74</u></u>

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

ORDINANCE NO. 08-2022

**AN ORDINANCE AMENDING CHAPTER 58, ARTICLE 1 (“BEACH
PROTECTION STRUCTURES”), OF THE CODE OF THE BOROUGH OF
CAPE MAY POINT**

WHEREAS, the Governing Body of the Borough of Cape May Point has recommended amendments to Chapter 58, Article 1, of the Borough Code in an effort to enhance beach protection measures that are vital to the preservation of the public health, safety, and welfare of the Borough of Cape May Point and its inhabitants and guests; and

WHEREAS, it is the intention of the Borough of Cape May Point to expand the definition of beach protection measures in order to ensure that the purpose of this section of the Borough Code is met; 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 58-1 – LEGISLATIVE DECLARATION

It is hereby determined and declared that the sand dune, sand dune area and beach protection structures established along the ocean and bayfront by the United States of America, the State of New Jersey and the Borough of Cape May Point are necessary and proper for the good government, order and protection of persons and property and for the preservation of the public health, safety and welfare of this municipality and its inhabitants, and that it is an appropriate and necessary exercise of the police power in order to provide protection deemed essential as a result of the storm of March 1962 and subsequent storms and erosion, and that this Article is enacted pursuant to all applicable laws and powers, express or implied.

SECTION 58-2 – BEACH PROTECTION STRUCTURES DEFINED

The sand dune and beach protection structures which are the subject hereof are those certain embankments and placements of sand and other beach protection and erosion structures located on the ocean and bayfront along the sand dune line established by the Corps of United States Army Engineers and within the Beach Park, Borough of Cape May Point, as shown on the “Plan of Acquisition of Lands for Beach Park, Borough of Cape May Point, Cape May County, New Jersey, February, 1966, Scale 1” = 60’, O.M. Corson, Borough Engineer,” on file with the Cape May Point Municipal Clerk and on file with the Cape May Point Borough Engineer.

SECTION 58-3 – DESTRUCTION OR REMOVAL PROHIBITED

The removal, alteration, pruning, or the destruction of any part of the said sand dune, trees, or plants located on the sand dune, or the snow fence thereon or any beach protection structure, including but not limited to, jetties, groins or bulkheads, by any person or persons or by any machine or other form of mechanical equipment operated by any person or persons, for any reason is hereby strictly prohibited, except as completed by agents of the Borough of Cape May Point in accordance with the conditions of the Borough's Beach Management Plan, as approved by the State of New Jersey Department of Environmental Protection.

SECTION 58-4 – USE AND OCCUPANCY RESTRICTED

The use or occupancy of any part of said sand dune or sand dunes or beach protection structures by any person or persons for any reason is hereby strictly prohibited, except at such places and under such restrictions, permissions and conditions as will provide ingress and egress by the public in such a manner as may be determined from time to time. Such use and conditions thereto shall be made only in accordance with and at such places where signs are posted to provide notice.

SECTION 58-5 – UNLAWFUL ACTS

- a. Any act performed or attempted by any person or persons contrary to any provisions hereof or contrary to any such notice is hereby declared unlawful.
- b. Each and every violation shall be deemed a new and separate violation.
- c. Pursuant to this Section, the removal, alteration, pruning, or the destruction of any individual tree or plant located on the sand dune shall constitute an independent violation and each subsequent tree or plant that is removed, altered, pruned, or otherwise destroyed, whether simultaneously with or subsequent to the removal, alteration, pruning, or destruction of a separate tree or plant, shall constitute a new and separate violation.

SECTION 58-6 – VIOLATIONS AND PENALTIES

Any person, firm, association, partnership, or corporation that is in violation of any provisions of this Article shall, upon conviction, be subject to a penalty in the amount of \$2,000.00 for each separate violation for which they are convicted. The penalty provision set forth in Chapter 120-1(p)(2) shall not apply to violations of this Article 58 and the fine for violation of this Article 58 shall be as set forth in this Section 58-6.

SECTION 58-7 – SEVERABILITY

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						

Catherine Busch, Commissioner

Anita vanHeeswyk, Commissioner

Robert Moffatt, Mayor

ATTEST:

Elaine L. Wallace, Borough Clerk

FIRST READING: December 8, 2022

PUBLICATION: December 14, 2022

PUBLIC HEARING: January 24, 2023

PUBLICATION: February 1, 2023