

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

**WORK SESSION OF JANUARY 29, 2019 – 12:00 PM**

**MEETING CALLED TO ORDER / SUNSHINE STATEMENT**

In compliance with the Open Public Meeting Act, Chapter 231, Public Laws of 1975, this meeting was properly advertised in the annual notice and duly posted on the Borough Hall bulletin board.

**FLAG SALUTE**

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

**BUDGET DISCUSSION WITH CFO JIM CRAFT**

**ADMINISTRATOR'S REPORT**

**COMMISSIONERS' DISCUSSION (NEW BUSINESS / OLD BUSINESS)**

**RESOLUTIONS**

- 29-19 Award of Professional Service Contract for Labor Counsel – Michael Watson of Brown & Connery LLP
- 30-19 Authorizing an Application to Sustainable Jersey for a Grant Funded by the PSEG Foundation
- 31-19 Approval of Bill List

**OPEN TO THE PUBLIC**

**ADJOURNMENT**

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

**RESOLUTION 29-19**

**AWARDING A PROFESSIONAL SERVICES CONTRACT TO  
BROWN & CONNERY, LLP**

**WHEREAS**, the Borough of Cape May Point (hereinafter referred to "Borough") desires to retain **BROWN & CONNERY, LLP** (hereinafter referred to as "Contractor") as Special Counsel/Labor Relations pursuant to a **non-fair and open** basis.

**WHEREAS**, the Local Public Contracts Law, N.J.S.A. 40A:11-1, *et seq.*, provides that contracts for professional services may be awarded without public advertisement therefore; and

**WHEREAS**, under the Local Public Contracts Law, the subject contract is a contract for professional services because:

(A) Professional services of the type herein sought are of such a nature as to require a high degree of trust or confidence in the individual entity providing the service and, in fact, may require the creation of a confidential or fiduciary relationship between that individual or entity and the municipality; and

(B) The services required are highly specialized or technical in nature; and

(C) The services require peculiar ability or skill and demand a high degree of specialized knowledge or expertise; and

(D) The services are such that their relative worth must be judged by subjective considerations that are not susceptible of valuation by competitive bidding; and

(E) The individual or entity who will provide these services has demonstrated competence and particular expertise in the services required; and

(F) The individual or entity who will perform these services is held to and fully adheres to the strict ethical standards that govern the involved profession; and

(G) The services include advice to and consultation with the municipality that require both knowledge and judgment on the part of the individual or entity providing services, as well as the confidence of the municipal officials such that competitive bidding is not feasible or practical; and

(H) The services to be provided are such that their nature, scope and duration are not capable of precise measurement, but rather require a flexibility and discretion that render competitive bidding impractical and inefficient; and

(I) Contractor already has a high degree of familiarity with the labor relations of the Borough.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Commissioners of the Borough of Cape May Point, County of Cape May and State of New Jersey that:

1. All of the statements of the preamble are incorporated herein by this reference thereto as though the same were set forth at length.

2. The Mayor and Borough Clerk be and they are hereby authorized to execute a Professional Services Contract retaining **BROWN & CONNERY, LLP** to perform the following professional services: **SPECIAL COUNSEL/LABOR RELATIONS** in an amount not to exceed **\$3,000** in the form annexed hereto as Exhibit "A" with the term of that agreement terminating on December 31, 2019.

3. The statutory language required by N.J.S.A. 10:2-1 and 10:5-33 hereby incorporated into the contract by reference and the contractor is bound by said language together with the other provisions of the anti-discrimination laws of the State of New Jersey, Chapter 127 of the Laws of 1975.

4. This Resolution shall only be effective when a copy of a certification of availability of funds prepared by Chief Financial Officer of the Borough is attached hereto.

5. The Business Disclosure Entity Certification and the determination of value shall be placed on file with this Resolution.

6. A notice of the letting of this contract shall be published in the Borough's official newspaper within ten (10) days of the date of this resolution, which notice shall state that this Resolution and the Contract are on file and available for public inspection in the office of the Borough Clerk.

7. This Resolution only shall become effective when a copy of the New Jersey Business Registration Certificate of the Contractor herein is submitted to the Borough of Cape May Point pursuant to the provisions of N.J.S.A. 52:32-44b(1) and a copy of that New Jersey Business Registration Certificate shall be placed on file with this Resolution.

	MOTION	SECOND	YES	NO	ABSTAIN	ABSENT
Mullock						
vanHeeswyk						
Moffatt						

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 29, 2019.

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

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

**RESOLUTION 30-19**

**AUTHORIZING AN APPLICATION TO SUSTAINABLE JERSEY FOR  
A GRANT FUNDED BY THE PSEG FOUNDATION**

**WHEREAS**, a sustainable community seeks to optimize quality of life for its residents by ensuring that its environmental, economic and social objectives are balanced and mutually supportive; and

**WHEREAS**, the Borough of Cape May Point strives to save tax dollars, assure clean land, air and water, improve working and living environments; and

**WHEREAS**, the Borough of Cape May Point is a Bronze Certified participant in the Sustainable Jersey Program; and

**WHEREAS**, one of the purposes of the Sustainable Jersey Program is to provide resources to municipalities to make progress on sustainability issues, and the PSEG Foundation has provided \$400,000 in funding for the 2019 Sustainable Jersey Grant Program; and

**WHEREAS**, the Board of Commissioners of the Borough of Cape May Point has determined that Cape May Point should apply for the aforementioned Grant in the amount of \$2,000 for a rain garden at the Municipal Building.

**NOW, THEREFORE, BE IT RESOLVED**, that the Board of Commissioners of the Borough of Cape May Point, County of Cape May, State of New Jersey, authorizes the submission of an application for a Sustainable Jersey Grant funded by the PSEG Foundation in the amount of \$2,000 for a rain garden at the Municipal Building.

	MOTION	SECOND	YES	NO	ABSTAIN	ABSENT
Mullock						
vanHeeswyk						
Moffatt						

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 29, 2019.

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