

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

BOROUGH MEETING – OCTOBER 10, 2019 – 6:00 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 at the Borough Hall bulletin board.

FLAG SALUTE

ROLL CALL: Commissioner Mullock, Commissioner vanHeeswyk, Mayor Moffatt

COMMISSIONERS' REPORTS

PUBLIC COMMENT ON AGENDA ITEMS ONLY

APPROVAL OF MINUTES

August 27, 2019 Work Session
September 10, 2019 Work Session
September 12, 2019 Regular Meeting
September 24, 2019 Work Session

ORDINANCES FOR INTRODUCTION / PUBLICATION

09-2019 Ordinance Appropriating \$68,075 from the Capital Improvement Fund for Lake Lily Landscaping Improvements
Second Reading and Public Hearing – Tuesday, Oct. 29, 2019 at 12:00 pm

RESOLUTIONS

- 96-19 Approval of Change Order No. 3 and Estimate Certificate No. 6 Final, Lake Lily Park Bulkhead Contract #1
- 97-19 Updating members of the Borough's Program for Public Information (PPI) Committee
- 98-19 Authorizing the Participation of the Borough of Cape May Point in the South Jersey Power Co-operative Contract with UGI Energy Services to Furnish and Deliver Natural Gas
- 99-19 Authorizing the Application for and the Execution of a Subcontract for the Municipal Alliance Program
- 100-19 In Support of the Cape May Point Post Office
- 101-19 Approval of Cape May County Health Department Agreement
- 102-19 Authorizing a Shared Services Agreement with the Cape May County Municipal Utilities Authority for Solid Waste Disposal and Recycling Services
- 103-19 Approval of Bill List

ORDINANCES FOR SECOND READING / PUBLIC HEARING / ADOPTION

8-2019 An Ordinance Amending Chapter 94 "Garbage, Rubbish and Refuse", Article II "Recycling Program" of the Code of the Borough of Cape May Point

PUBLIC PORTION

ADJOURNMENT

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

ORDINANCE NO. 09-2019

**ORDINANCE APPROPRIATING \$68,075 FROM THE CAPITAL IMPROVEMENT
FUND FOR LAKE LILY LANDSCAPING IMPROVEMENTS**

BE IT ORDAINED by the Board of Commissioners of the Borough of Cape May Point, the County of Cape May, New Jersey as follows:

Section 1. \$68,075 is hereby appropriated from the Capital Improvement Fund for Lake Lily Landscaping Improvements.

Purchase of Real Property is a bondable capital improvement with a useful life that exceeds the minimum of five (5) years.

Section 2. The Borough hereby certifies that it has adopted a capital budget or a temporary capital budget, as applicable. The capital or temporary capital budget of the Borough is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. To the extent that the purpose authorized herein is inconsistent with the adopted capital or temporary capital budget, a revised capital or temporary capital budget has been filed with the Division of Local Government Services.

Section 3. This ordinance shall take effect after final adoption and publication as provided by law.

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

Robert Mullock, Commissioner

Anita vanHeeswyk, Commissioner

ATTEST:

Robert Moffatt, Mayor

Elaine L. Wallace, Borough Clerk

FIRST READING: October 10, 2019
PUBLICATION: October 16, 2019
PUBLIC HEARING: October 29, 2019
PUBLICATION: November 6, 2019

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

RESOLUTION NO. 96-19

**APPROVAL OF CHANGE ORDER NO.3
AND ESTIMATE CERTIFICATE NO. 6 FINAL
LAKE LILY PARK BULKHEAD CONTRACT #1**

WHEREAS, Harold Arenberg, Inc., of Swainton, New Jersey has satisfactorily completed the contract for the project known as Lake Lily Park Bulkhead Contract #1; and

WHEREAS, during the course of the project, certain additions and deletions were required as indicated on Change Order No.3, decreasing the contract amount by \$3,657.00; and

WHEREAS, the Contractor has now submitted the final payment request for the project; and

WHEREAS, the Borough Engineer, Bruce S. Graham of Van Note-Harvey Associates, has recommended acceptance of the project as complete.

NOW, THEREFORE, BE IT RESOLVED by the Borough Commission of the Borough of Cape May Point that Change Order No. 3, decreasing the total contract amount to \$418,083.35 and Construction Estimate No. 6-Final be and the same are hereby approved.

AND BE IT FURTHER RESOLVED that the contract for the said work be and the same is hereby accepted, and that all payments to Harold Arenberg, Inc. be made thereon.

	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 October 10, 2019.

Municipal Clerk

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

RESOLUTION NO. 97-19

**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: Elaine Wallace, Borough Clerk; Anita vanHeeswyk, Commissioner
3. Member of the Public: Gary Miller

	MOTION	SECOND	YES	NO	ABSTAIN	ABSENT
Mullock						
vanHeeswyk						
Moffatt						

Certification

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Municipal Clerk

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

RESOLUTION 98-19

**AUTHORIZING THE PARTICIPATION OF THE BOROUGH OF CAPE MAY POINT
IN THE SOUTH JERSEY POWER CO-OPERATIVE CONTRACT WITH
UGI ENERGY SERVICES TO FURNISH AND DELIVER NATURAL GAS**

WHEREAS, the Borough of Cape May Point participates in the South Jersey Power Co-Operative (SJPC) which received bids for the provision of natural gas on September 17, 2019; and

WHEREAS, the bid of UGI Energy Services was the lowest responsible bid received for the South Jersey Gas accounts; and

WHEREAS, the County of Camden, as lead agency, awarded a contract on September 17, 2019 with UGI Energy Services, One Meridian Blvd, Suite 2C01, Wyomissing, PA 19610. The utility rate is \$4.176 per dekatherm, in accordance with the specifications to furnish and deliver natural gas to the lead agency locations and the participating cooperative members; and

WHEREAS, N.J.A.C. 5:34-7.11 permits a municipality to participate in said contract as a registered member of the system and has received the approval of the lead agency and contractor.

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of the Borough of Cape May Point, County of Cape May and State of New Jersey, does hereby participate in the contract for the purchase of natural gas as a participating contracting unit of the South Jersey Power Co-Operative for a three-year term beginning December 1, 2019 and ending November 30, 2022, at the dekatherm price above, in an amount not to exceed \$3,000 annually, dependent upon certification of funds by the Chief Financial Officer.

	MOTION	SECOND	YES	NO	ABSTAIN	ABSENT
Mullock						
vanHeeswyk						
Moffatt						

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Municipal Clerk

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

RESOLUTION 99-19

**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 2021 in the amount of:

DEDR \$29,756
Cash Match \$ 7,439
In-Kind \$22,317

The Borough of Cape May Point Cash Match portion will be \$74.39

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
Mullock						
vanHeeswyk						
Moffatt						

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 October 10, 2019.

Municipal Clerk

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

RESOLUTION 100-19

IN SUPPORT OF THE CAPE MAY POINT POST OFFICE

WHEREAS, the Board of Commissioners of the Borough of Cape May Point firmly supports the retention of the local post office in Cape May Point as a vital service to residents; and

WHEREAS, there is some concern over the future of the current post office location; and

WHEREAS, if the post office could no longer remain in the Borough, the Board of Commissioners emphatically supports home delivery and the retention of the Borough's individual and historic zip code.

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of the Borough of Cape May Point, County of Cape May, New Jersey hereby supports the retention of the Cape May Point post office; and

BE IT FURTHER RESOLVED that if a neighboring post office must take over the Borough's service, the Borough would like to keep its historic zip code of 08212 and have home delivery, as all its neighboring towns do.

	MOTION	SECOND	YES	NO	ABSTAIN	ABSENT
Mullock						
vanHeeswyk						
Moffatt						

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Municipal Clerk

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

RESOLUTION 101-19

APPROVAL OF CAPE MAY COUNTY HEALTH DEPARTMENT AGREEMENT

WHEREAS, the Board of Chosen Freeholders of the County of Cape May adopted Resolution No. 5155-78 on February 14, 1978 authorizing agreements to provide certain health services to the various Board of Health of Municipalities in Cape May County; and

WHEREAS, the Borough of Cape May Point is a participating municipality in said agreements; and

WHEREAS, on March 26, 2013 the Borough authorized the most recent shared services agreement for public health services and it is now time to renew that agreement.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Borough of Cape May Point, County of Cape May, New Jersey that the shared services agreement between Cape May County Health Department and Local Boards of Health Municipalities for a seven-year term beginning January 1, 2020 is hereby approved

	MOTION	SECOND	YES	NO	ABSTAIN	ABSENT
Mullock						
vanHeeswyk						
Moffatt						

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Municipal Clerk

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

RESOLUTION 102-19

**AUTHORIZING A SHARED SERVICES AGREEMENT WITH THE CAPE MAY
COUNTY MUNICIPAL UTILITIES AUTHORITY FOR SOLID WASTE
DISPOSAL AND RECYCLING SERVICES**

WHEREAS, the Cape May County Municipal Utilities Authority (“CMCMUA”/“Authority”) owns and operates a solid waste system (“System”) which presently serves the entire County of Cape May in the State of New Jersey, for the disposal, transfer, and recycling of solid waste; and

WHEREAS, the CMCMUA’s System is comprised of the CMCMUA’s Secure Sanitary Landfill, Solid Waste Transfer Station and Intermediate Processing Facility, as well as several recycling operations and programs; and

WHEREAS, the Borough of Cape May Point has utilized and desires to continue to utilize the services of the CMCMUA’s System; and

WHEREAS, there presently exists a contract between the Borough of Cape May Point and the Authority for the use of the CMCMUA’s System for disposal, transfer, and recycling of solid waste which will expire on December 31, 2019 entitled “Shared Services Agreement for Solid Waste Disposal and Recycling Services” (the “Agreement”); and

WHEREAS, the Borough of Cape May Point and the Authority desire to enter into a new agreement and to fix the expiration date of said Agreement to occur on December 31, 2020; and

WHEREAS, the Authority has offered the Agreement to the Borough of Cape May Point in order to more efficiently provide and continue to offer municipalities within Cape May County the use of the CMCMUA’s Solid Waste System from January 1, 2020 through December 31, 2020; and

WHEREAS, the Authority has submitted the same proposed form of Agreement to all Cape May County Municipalities which will provide for both solid waste disposal and certain recycling services through December 31, 2020; and

WHEREAS, N.J.S.A. 40A:65-1 et seq. authorizes a municipality to enter into a contract with any other local unit for the sharing of governmental services.

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

the Borough of Cape May Point shall enter into a contract with the Authority entitled "Shared Services Agreement for Solid Waste Disposal and Recycling Services", effective January 1, 2020, in the form to be maintained on file in the office of the Borough Clerk, and that the appropriate Borough officials are hereby authorized and directed to execute said Agreement.

	MOTION	SECOND	YES	NO	ABSTAIN	ABSENT
Mullock						
vanHeeswyk						
Moffatt						

Certification

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Municipal Clerk

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

RESOLUTION 103-19

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
Mullock						
vanHeeswyk						
Moffatt						

cc: CFO

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 10, 2019.

Municipal Clerk

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

ORDINANCE NO. 08-2019

AN ORDINANCE AMENDING CHAPTER 94 "GARBAGE, RUBBISH AND REFUSE", ARTICLE II "RECYCLING PROGRAM" OF THE CODE OF THE BOROUGH OF CAPE MAY POINT

WHEREAS, the Cape May County Municipal Utilities Authority (MUA) is changing the items that it recycles due to the everchanging market for recyclable material; and

WHEREAS, the Borough's Environmental Commission appointed a subcommittee to review the existing regulations in light of these upcoming changes and has made recommendations to the Borough Code.

WHEREAS, Board of Commissioner wishes to make these changes in an effort to increase the quality of recycled materials in Cape May Point and to conform the new MUA regulations

NOW, THEREFORE, be it ORDAINED by the Board of Commissioners as follows:

Section 1. Section 94-6 Definitions, shall be amended as follows (additions in underline, deletions in ~~strikethrough~~):

94-6 DEFINITIONS.

For the purpose of this Article, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

Designated Recyclable Materials shall mean those materials designated within the Cape May County Solid Waste Management Plan to be source separated for the purpose of recycling by residential, commercial, institutional and industrial sectors. The recycling of these materials is mandatory; they cannot be disposed of as solid waste. The source separated recyclable materials that are mandated for recycling are organized into the following two categories, which include but are not limited to:

a. Category 1: Designated Recyclable Materials to Be Set Out at Curbside:

1. The following source separated recyclable materials shall be mixed together and set out at curbside for collection in a covered container; this set out and collection system shall be known as "Single Stream Collection." The following items are included as "Single Stream Recyclable Materials":

(a) **Paper Products** – Newspaper with inserts, magazines, office paper, junk mail ~~including shredded paper~~, telephone and paperback books, corrugated cardboard, brown paper bags, non-foil wrapping paper, and chipboard packaging including but not limited to dry food boxes (cereal, rice, pasta, cookie and cracker), gift, shoe and tissue boxes, powdered detergent boxes, paper towel rolls, clean pizza boxes (no food debris) and cardboard beverage carriers. Remove and throw away all liner bags, food contaminated paper and waxed-coated cardboard boxes. ~~Shredded paper may be placed in a clear plastic bag~~ not be recycled.

(b) **Glass, Food and Beverage Containers** – Clear, green and brown food and beverage bottles and jars, excluding however, blue bottles, window glass and light bulbs. All food and liquid residue shall be removed from containers. Caps and lids should be thrown away.

(c) **Metal Food and Beverage Containers** – Aluminum and steel food and beverage containers 5 gallons or less in size, including empty aerosol cans. No paint cans. All food and liquid residue shall be removed from containers. Caps and lids should be thrown away

(d) **Plastic Containers** – Plastic containers imprinted with a ♻️(PETE), ♻️(HDPE), ♻️(PVC), ♻️(LDPE), ♻️(PP), ♻️(PS) or ♻️(Other) on the bottom, 5 gallons or less in size, including bottles, jugs, jars and other rigid plastic containers. Plastic containers from food, beverage, health, beauty and cleaning products are included. Examples include, but are not limited to; margarine tubs, microwave trays, yogurt containers, plastic buckets and landscape pots. No Styrofoam packaging. No polystyrene egg cartons. No beverage cups. No PVC pipe. No plastic film. No plastics which contained chemicals or hazardous products, such as motor oil or pesticide containers. All food and liquid residue shall be removed from containers. Caps and lids should be thrown away

Section 2. Section 94-8 shall be amended as follows (additions in underline, deletions in ~~strikethrough~~):

94-8 COLLECTION OF RECYCLABLE MATERIALS.

The collection of source separated recyclable materials shall be in the manner prescribed as follows:

a. It is the responsibility of the property owner to provide adequate size and number of covered containers for the placement of recyclables for curbside collection as follows: Single Stream Recyclable Materials as defined in Category 1 a,1 shall be mixed together in one container. More than one (1) container may be used for Single Stream Recyclable Materials; however, each container used

should be marked or labeled to identify its contents as Single Stream Recyclable Materials. No containers shall be larger than forty-eight (48) ~~thirty-two (32)~~ gallons and shall not exceed forty (40) pounds. All set out containers which contain Single Stream Recyclable Materials shall be placed, prior to collection, between the curb and the sidewalk, or in the absence of curb and sidewalk, as near to the street as not to constitute a danger, where such receptacles shall be readily accessible to the collector without providing obstruction to pedestrians. The owner or occupant of the premises shall keep all receptacles clean and in safe handling condition. Receptacles or other items to be recycled shall be placed as noted above any time after 3:00 p.m. of the day immediately preceding the day of collection, but no later than 6:00 a.m. of the day of collection. After collection, any containers shall be removed from the curbside by no later than 7:00 p.m. of the day of collection.

b. All receptacles or dumpsters shall be maintained in a clean and safe manner.

c. The following materials must be source separated and recycled through the municipal recycling program in the following manner:

1. Leaves and Grass – Place in brown recyclable bags at curbside on Tuesdays.
2. Christmas Trees – Curbside pickup during January.
3. Brush, Tree Branches – Place items at curbside for chipping on Wednesdays.
4. White Goods – Bulk pick-up dates are resolute by the Governing Body annually. White goods are permitted at curbside only on designated bulk pick-up dates otherwise are the responsibility of the owner.
5. Ferrous and Nonferrous Scrap – Responsibility of owner.
6. Tree Stumps – Responsibility of owner.

d. The following materials must be source separated and recycled by the generator at authorized CMCMUA recycling facilities or any NJDEP approved recycling center. All of the following items must be transported by the individual to the authorized facility.

1. Wood Pallets and Crates
2. Propane Tanks
3. Computers and Consumer Electronics
4. Tires
5. Antifreeze
6. Lead Acid Batteries
7. Used Motor Oil

8. Kerosene / #2 Heating Oil
9. Used Oil Filters
10. Asphalt and Concrete
11. Auto and Truck Bodies
12. Contaminated Soil
13. Commercial Cooking Grease
14. Consumer Rechargeable NiCad and Small Sealed Lead Acid Batteries

Section 3. Should any section, paragraph, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid for any reason, the remaining portions of this Ordinance shall not be affected thereby and shall remain in full force and effect, and to this end the provisions of this Ordinance are hereby declared to be severable.

Section 4. All ordinances inconsistent with this Ordinance are hereby repealed.

Section 5. This Ordinance shall take effect within twenty (20) days of final passage and publication as provided by law.

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

Robert Mullock, Commissioner

Anita vanHeeswyk, Commissioner

Robert Moffatt, Mayor

ATTEST:

Elaine L. Wallace, Borough Clerk

FIRST READING: September 12, 2019
 PUBLICATION: September 18, 2019
 PUBLIC HEARING: October 10, 2019
 PUBLICATION: October 16, 2019