

**FEBRUARY 12, 2019**  
**WORK SESSION MINUTES**

The Work Session of the Board of Commissioners of the Borough of Cape May Point was called to order by Mayor Moffatt at 12:04 PM. The Open Public Meetings Statement was read by the Mayor who then led those present in the flag salute. Mayor Moffatt, Commissioner Mullock and Commissioner vanHeeswyk answered roll call. Also in attendance: Administrator Steve O'Connor, Clerk Elaine Wallace, and Solicitor Brock Russell.

**ADMINISTRATOR'S REPORT:**

Lake Lily: Bids were received on phase 1 – bulkhead and manhole at the end of the lake. The lowest bid was just under \$353,000. The Open Space grant is for \$426,800 plus the Borough budgeted almost \$100,000 for its share. That would leave roughly \$174,000 to complete the remainder of the project. Mr. Mullock thanked public works for the work they've done preparing the site.

West side drainage projects: Work should be done this spring on Ocean/Central/Pavilion Avenue drainage and road reconstruction. Much of the project will be covered by a \$175,000 NJDOT grant, but the Borough estimates having to spend an additional \$210,000 on the project. In addition, the Borough has applied for another NJDOT grant for Pearl, Brainard and Yale Avenue. The Borough is hoping for roughly the same grant amount, but expects this project to be slightly more costly.

Commissioner Mullock reported Yale Avenue water main is the oldest in the Borough and there may be old lead gooseneck connections. The Borough regularly tests for lead and none has been detected in any homes, however, it needs to be replaced. The engineer's estimate on replacement is roughly \$700,000. If the Borough applied for an received a \$175,000 NJDOT grant, there Borough would have to finance around \$520,000. Mr. Mullock is hoping to do this project in 2020. He will also look into other funding sources, maybe something specifically for lead. Lastly, he spoke about the importance of the two outflow pipes from Lake Lily and that they need some repair and work to keep them in good working order. Commissioner vanHeeswyk commented the one that goes to the ocean through the State Park is under NJDEP jurisdiction. He also suggested Mr. Mullock contact Mike Walters of the NJDEP about the outflow to the bay. Since the state is doing the Higbees Beach/Pond Creek project, perhaps some cost savings could be realized since equipment is already on site there. Commissioner Mullock has met with CFO Jim Craft about budgeting for all these projects over the next 3-5 years. Once all the figures are assembled for these projects, he will arrange a presentation on how the funding will worth.

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

Cape May Bird Observatory – official migration count: Brett Ewald and Tom Reed? joined the Board to ask permission to use the Coral Avenue beach entrance/dune crossing to conduct a spring migration count. Cape May Bird Observatory is hoping

to dub it Spring Watch. It will encompass all birds – sea birds, song birds migrating north, hawks, etc. Cape May Point is world renowned for bird watching and the CMBO has been a key organization since 1972. Mr. Ewald gave an overview of some of CMBO's programs, including Hawk Watch, the morning flight songbird project, and a monarch butterfly monitoring project. He also explained Cape May Point has a unique geographic location and is perfect for observing birds, especially during migration. The Spring Watch take a commitment of resources between people and money. For the first time, CMBO has a sponsor for the watch and an arrangement with the state is providing seasonal staff. The watch will be conducted from March 1 to may 31 from just before sunrise for about 3-4 hours each morning. The study will document a baseline data set of species, quantify species, determine timing of spring migration, document flight behavior of migrant birds, etc. It will also analyze the impact of weather and water temperature and how it effects timing and quantity of migration. The hope is to build it into a long-term monitoring project. The Avalon Sea Watch is in its 26<sup>th</sup> year and its data is being used against proposals for wind turbines along the shoreline. Commissioner vanHeeswyk asked if CMBO would have to provide a hold harmless agreement. Solicitor Russell didn't think so, but will give it some more consideration. Commissioner vanHeeswyk made a motion, seconded by Mayor Moffatt, to endorse and support the Spring Count. All were in favor. The Board thanked the CMBO and its volunteers for the great work they do.

Increased Minimum Wage and Impact on Beach Program: Mayor Moffatt announced the Borough may need to increase beach fees to compensate for the increase in state minimum wage. Commissioner vanHeeswyk expressed some concern that the Borough's beach fees are already the highest and suggested maybe there is a way to cut back on expenses in the budget. She did not object to increasing fees if necessary.

Requests for Donations – VIM & Coast Guard Community Festival: Administrator O'Connor had been advised by the auditor that the Borough is no permitted to make a singular contribution of this type. Other towns frame the donation in a way that doesn't conflict with the audit. Mr. O'Connor will get criteria on how they do it. Commissioner Mullock suggested it be sent out in the Taxpayers bulletin to have individuals donate and drop the checks off at Borough Hall. Then the Borough could submit them. Commissioner vanHeeswyk was not in favor of the Borough making a decision on how taxpayers' money is donated. She felt they should decide for themselves which charities they want to support. Commissioner Mullock agreed with that approach.

310 Cape Avenue: Commissioner Mullock expressed concern that this historic house would be demolished. He recounted a history of the house which was built in 1820 and moved several times over the years. He wished there were more time to be able to make arrangements for the structure to be moved and preserved, perhaps on the Lighthouse Avenue land that the Borough helped to preserve through the County Open Space program. He asked for permission from the Board to contact the owners to see if they would be willing to hold off on demolition to donate the building and have it moved. Solicitor Russell explained other towns have Historic Preservation

Commissions to protect old buildings, which is something the Borough could consider. Commissioner vanHeeswyk viewed it as a private property issue and didn't want to see the Borough get involved when a demolition permit was properly applied for and approved. She reported the Borough has investigated formation of an HPC several times in the past and it was rejected by property owners. Commissioner Mullock would like to find a way to make historic preservation important and valuable to property owners, perhaps by allowing certain things through zoning as a way to keep historic properties. He felt it was time to test people's thinking on historic preservation. He also felt the timeframe for getting a demolition permit is too short to allow time for action or input from the community. Solicitor Russell advised the Borough would need an Historic Preservation Commission and ordinance to allow such things. Commissioner vanHeeswyk thought it might be a great question for the Taxpayers Association to circulate. Commissioner Mullock made a motion, seconded by Mayor Moffatt, to allow him to contact the owners of 310 Cape Avenue to discuss ways the structure could be saved. Mullock and Moffatt voted in the affirmative, vanHeeswyk voted against.

Commissioner vanHeeswyk reported shew as invited to attend the most recent bike group meeting, which Commissioner Mullock was unable to attend. The group has drafted a bike route map they would like to print each year. Mrs. vanHeeswyk made some changes to the draft map and asked for input. The commissioners were in favor of the revised Cape May Point map. Because of a previous, generous donation from someone in the Point, the Borough's share of the cost to print the maps is only \$500. She was hoping the money could come from public safety, feeling it to be a good fit. The map, once done, will be highly publicized and distributed in this area, at the Ferry, and in Lewes, as well as online.

Commissioner vanHeeswyk spoke on the Municipal Public Access Plan (MPAP) which the state keeps mandating. The Borough previously submitted a plan, but NJDEP hasn't finalized it. There is recent legislation about MPAPs and she didn't see it as being very different from what was there before. The latest legislation would require the MPAP to be part of the master plan. It was incorporated into the Borough's Circulation Element and, if necessary, could be moved to a different chapter of the master plan.

**REVIEW OF NEXT REGULAR MEETING AGENDA:** Clerk Wallace reviewed the agenda items for the February 14, 2019 meeting.

**RESOLUTIONS:**

- 32-19 Authorizing Executive/Closed Session in Accordance with the Provisions of the Open Public Meetings Act, specifically N.J.S.A. 10:4-12(b)  
Potential Litigation – Employment Practices/Elected Officials

*Motions: vanHeeswyk, Moffatt*

*Roll call: all in favor*

**PUBLIC PORTION:**

Barbara Bassett thanked the Board for supporting the spring watch. She reported that her group sat at the Coral Avenue beach during the World Series of Birding and saw 94 species of birds.

Catherine Busch found it commendable to try to preserve the historic building at 310 Cape Avenue. But she expressed concern about moving the building to open space property saved for migratory song birds as suggested as a possibility by Commissioner Mullock. She thought maybe the entrance park area could work and it might meet the desires for a community center.

Mary Kelly stated she met the owners of the Cape Ave property and they expressed concerns about what is happening in the Point. She applauded the Borough for looking into it.

When no one else wished to speak, the work session was recessed into closed at 1:32 pm on motion of Commissioner vanHeeswyk, seconded by Mayor Moffatt and reconvened at 1:47 pm. No action was taken as a result of closed session.

There being no further business, the meeting was adjourned at 1:47 pm on motion of Commissioner Mullock, seconded by Mayor Moffatt.

Respectfully submitted,

Accepted:

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Elaine L. Wallace, RMC, CMR  
Municipal Clerk

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Commissioner Mullock

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Commissioner vanHeeswyk

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Mayor Moffatt