

February 14, 2019
REGULAR MEETING MINUTES

The Regular Meeting of the Board of Commissioners of the Borough of Cape May Point was called to order by Mayor Moffat at 6:00 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.

At the request of Administrator O'Connor, Clerk Wallace read aloud a statement from him stating he would like to withdraw his request for reappointment at the current time. He would continue to fulfill his responsibilities as Administrator on a month-to-month basis as he'd been doing since his appointment expired on December 31, 2018 until a certain situation, that he cannot discuss, is satisfactorily resolved. The Clerk amended the agenda to remove "Discussion about Administrator's Contract".

RESOLUTION FOR CLOSED SESSION:

33-19 Authorizing Executive/Closed Session in Accordance with the Provisions of the Open Public Meetings Act, Specifically N.J.S.A. 10:4-12(b) – Attorney Client Privilege – Administrator Contract and Personnel Matters

Motions: Moffatt, vanHeeswyk

Roll call: all in favor

The meeting was recessed into closed session at 6:05 pm on motion of Commissioner vanHeeswyk, seconded by Mayor Moffatt. The meeting was reconvened at 6:24 pm.

DISCUSSION ABOUT ADMINISTRATOR'S CONTRACT: see above

Labor Counsel Mike Watson acknowledged Mr. O'Connor's written statement withdrawing his request to be reappointed. However, the Board of Commissioners wished to vote on the appointment to clarify the status of the Administrator's position. The Clerk read aloud the body of the following resolution, which specified the appointment was being made pursuant to the provisions set forth in N.J.S.A. 40A:9-136, 137 & 138.

38-19 Appointing Stephen O'Connor as Borough Administrator

Motions: Moffatt, Mullock

Roll call: all in favor

Mr. Watson invited Mr. O'Connor to make a statement if he so wished. Mr. O'Connor was uncertain why there was concern over a contract since he did not ask for a contract. Solicitor Russell explained that a resolution that sets specific terms and conditions can be considered a contract. Mr. O'Connor stated he was satisfied with the appointment pursuant to state statute and thanked the Board.

COMMISSIONERS' REPORTS:

Commissioner Mullock reported on the result of the Phase I Lake Lily bid which came in just under \$353,000 to replace the bulkhead and manhole. The second phase will be concrete work, then landscaping. Mr. Mullock expects to foliage (not trees) to be similar in nature to Triangle Park. Work on the first phase will begin within the next 60 days. The entire project is expected to come in within budget and will result in a beautiful park and improved flood mitigation. Mr. Mullock felt the next step would be working on the outflow pipes from Lake Lily. Next, he commented on the snow fencing placed on the beach to capture sand. The amount of fencing was doubled over last year. The Borough will need NJDEP approval to move that sand around, which he expects forthwith. Lastly, Mr. Mullock reported he spoke to the owners of 310 Cape Avenue. The owners are sensitive to the historic significance of the house and are planning to incorporate some of the aspects into the new house, but they are still moving forward with demolition. They are having the previous family go through and salvage items that they want to save. In addition, they will donate some artifacts to the Harriet Tubman museum in Cape May.

Commissioner vanHeeswyk announced the budget calendar has been pushed back by the State, so adoption probably won't be until April. She also reported 2019 is the year the Borough will do the bid submission and is hoping to get the discount increased from 20% to 25%. Mrs. vanHeeswyk also reported on the status of a tri-community bike route map that should be available early this summer. The handout will include not only a route map through each community, but also lots of information about safety and rule of the road. Commissioner Mullock reported the County announced its study on Sunset Boulevard is complete and it recommends the bike path proposal endorsed by Cape May Point. It will be on the south side of Sunset with a lane in each direction, similar to the ones across the bay in Lewes, DE.

Mayor Moffatt thanked his fellow commissioners for all the great work they do. Dr. Moffatt also reported the minimum wage increase won't be as damaging to this year's beach operations as originally thought. He thanked the Clerk and Administrator for looking further into it.

APPROVAL OF MINUTES:

November 6, 2018 Work Session
November 6, 2018 Closed Session
November 8, 2018 Regular Meeting
November 20, 2018 Work Session
December 4, 2018 Work Session
December 6, 2018 Regular Meeting
December 18, 2018 Work Session

Motions: vanHeeswyk, Moffatt
Roll call: all in favor

ORDINANCES FOR INTRODUCTION/PUBLICATION: None

RESOLUTIONS:

34-19 Governing Body Certification of Compliance with the United States Equal Employment Opportunity Commission’s “Enforcement Guidance on the Consideration of Arrest and Conviction Records in Employment Decisions under Title VII of the Civil Rights Act of 1964”

Motions: vanHeeswyk, Moffatt

Roll call: all in favor

35-19 Reappointing Louis J. Belasco, Jr. as Judge of the Cape May Point Municipal Court

Motions: Moffatt, vanHeeswyk

Roll call: all in favor

36-19 Award of Contract for Lake Lily Park Bulkhead Contract #1

Motions: Mullock, vanHeeswyk

Roll call: all in favor

37-19 Approval of Bill List

Motions: vanHeeswyk, Moffatt

Roll call: all in favor

ORDINANCES FOR SECOND READING AND PUBLIC HEARING: None

PUBLIC PORTION:

Eileen Lemming asked if the debris picked up on the beaches now could be saved to be weighed with that collected during the beach cleanup. She wanted to get credit so the Borough doesn’t lose any grant money. Commissioner vanHeeswyk explained the grant amount is not based on the amount of debris collected. She knew Clean Communities Coordinator Emelia Oleson would appreciate the thought.

Helen Chezem asked if the Borough would consider collecting cardboard separate from recycling. Commissioner vanHeeswyk explained the County MUA does single stream recycling only, so we don’t have the option to separate cardboard.

When no one else wished to speak, the meeting was adjourned at 7:02 pm on motion of Commissioner Mullock, seconded by Mayor Moffatt.

Respectfully submitted,

Accepted:

Elaine L. Wallace, RMC, CMR
Municipal Clerk

Commissioner Mullock

Commissioner vanHeeswyk

Mayor Moffatt