

**MARCH 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 and Commissioner vanHeeswyk answered roll call. Commissioner Mullock was absent. Also in attendance: Administrator Steve O'Connor and Clerk Elaine Wallace.

Mayor Moffatt announced the Borough Solicitor was not in attendance because of the passing of his mother earlier in the day.

COMMISSIONERS' REPORTS:

Mayor Moffatt announced the Borough plans to open the beaches on June 15th.

Commissioner vanHeeswyk reminded the public the budget presentation and public hearing will be held at the next regular meeting on April 11th. The Auditor and CFO will be available to answer questions at that time.

APPROVAL OF MINUTES:

January 8, 2019 Work Session
January 10, 2019 Regular Meeting
January 29, 2019 Work Session

*Motions: vanHeeswyk, Moffatt
Roll call: all those present in favor*

ORDINANCES FOR INTRODUCTION/PUBLICATION:

02-2019 An Ordinance Amending Chapter 90 "Flood Damage Prevention", Section 5.2 "Specific Standards" and Section 5.3 "Coastal High Hazard Area and Costal A Zone" of the Code of the Borough of Cape May Point

Scheduled for Second Reading, Public Hearing and Adoption – April 11th at 6:00 pm

*Motions: vanHeeswyk, Moffatt
Roll call: all those present in favor*

RESOLUTIONS:

43-19 Award of Contract for Affordable Housing Administrative Agent for 2019

*Motions: vanHeeswyk, Moffatt
Roll call: all those present in favor*

44-19 Authorizing Special Event Permit to John & Margaret Zampini

*Motions: vanHeeswyk, Moffatt
Roll call: all those present in favor*

45-19 Authorizing Special Event Permit to Cape May Running, LLC

Motions: vanHeeswyk, Moffatt
Roll call: all those present in favor

46-19 Approval of Bill List

Motions: vanHeeswyk, Moffatt
Roll call: all those present in favor

47-19 Supporting Increasing State Funding for Shore Protection

Motions: vanHeeswyk, Moffatt
Roll call: all those present in favor

ORDINANCES FOR SECOND READING AND PUBLIC HEARING: None

PUBLIC PORTION:

Jim Fraatz, asked for an explanation of the proposed ordinance. Clerk Wallace explained it is to bring the flood damage prevention chapter into line with the zoning. When the State had the Borough update its flood ordinance, the discrepancy was missed. Commissioner vanHeeswyk explained the Borough requires 2' of freeboard above base flood elevation, not 1'. The extra foot was gained with little impact on buildings when the Borough's base flood elevation went down. By requiring the extra foot, the Borough gains important CRS points that qualify its residents to get a 20% discount on flood insurance premiums. Mr. Fraatz also asked for an explanation on the work session discussion about Lake Lily and groundwater. Commissioner Mullock made the comments and wasn't present to explain. Commissioner vanHeeswyk had raised a concern with the high level of the lake. There is something at the Oxford outflow pipe installed by NJDEP to show where the lake's water level should be kept. She felt the lake should be pumped down a little before major storms because she is worried about bank on that side of the lake. Pierre Lacombe confirmed Lake Lily is fed by groundwater, so if the lake is high, groundwater is high. Lastly, she explained the flood insurance rates are going up and not just for second homeowners. Everyone should make sure heaters, etc. are above base flood elevation, not in a basement, to help with premiums. Filling in a basement would make a dramatic difference in flood premiums.

Helen Chezem read a statement she had written disputing information given by Commissioner Mullock at the December 6, 2018 regular meeting. In particular, she took exception to his comment that he met with the residents of Oak Avenue on multiple occasions when there was only one official meeting they were invited to join. Mr. Mullock said many meetings had been held with the residents of Oak Avenue, but only one such meeting was held, prior to a regular meeting when the plan was supposed to be presented to the public. She asserted that public meetings that residents of Oak Avenue attended don't qualify as meetings with residents of Oak Avenue. Ms. Chezem asked that her letter be included in the minutes. Administrator O'Connor explained the minutes will reflect a summary of the statements and the letter will be placed on file. Lastly, Ms. Chezem disagreed with Mr. Mullock's statement that

the entire Borough is in a floodplain. While true, there are many zone within a floodplain and she felt it makes no sense to build a new building in an area of town that is expected to flood in a Category 1 storm and, as shown by the feasibility and sustainability study, in 2030 due to sea level rise.

Mike Mahon, Deputy Chief of Cape May Point Fire Company, expressed dissatisfaction with the City of Cape May Fire Company which unilaterally stopped doing daily tests of the pagers. When questioned, the Cape May Fire Chief said it was decided because it is antiquated. Mr. Mahon explained the Cape May fire company has paid firemen who monitor the system. The Point's fully volunteer company relies on the tests to know the system is up and running. West Cape May is also upset with the decision and their Chief is going to ask to have the nightly test reinstated for both companies. Commissioner vanHeeswyk asked that he keep Mayor Moffatt updated on the matter.

Dan Simmler asked if there have been any more discussions about St. Mary's. There have not. He also asked what can be done with properties that are eyesores in light of the Borough code. Mayor Moffatt advised the Borough recently had the construction office inspect a property in town for habitability. There are certain criteria that must be met before determining something to be inhabitable, and those standards were not met. He is welcome to request the Borough have a property checked, but there's a chance of getting the same result.

Mary Kelly asked if there will be community meetings on the budget and what people unable to attend in person should do to make comments. Commissioner vanHeeswyk advised the presentation and public hearing will be April 11th and comments can be sent in writing. Ms. Kelly also asked that minutes be kept as up to date as possible because it is difficult to know what is going on when away from town. She also asked that if a letter is read at a meeting the minutes should reflect the identity of the author so there can be follow up. Ms. Kelly expressed frustration that she and other residents have been told in the past that if they feel actions by their neighbors adversely affect their property, it is a private matter and the recourse is to sue them. She feels that while that might be legally accurate, it is dismissive of residents' concerns. She would like the Borough to fast-track discussion about grading and runoff, stating historic preservation is nice, but there may not be any homes left to preserve if the storm water runoff matter isn't resolved. Commissioner vanHeeswyk explained the Planning Board has worked on the issue with their planner, who happens to be a landscape expert as well. The same planner is working with the Environmental Commission on the landscaping ordinance, which will have an effect on storm water. In addition, the Borough has hired a Floodplain Administrator. Work has been happening, but the results seem to all come back the same way. Mary Kelly understood those actions, and worried the budget does not have a way to compensate professionals and experts to get work done in a more quickly. She also commented that the grading ordinance that was introduced last year then rejected by the Planning Board was done very quickly without giving it enough time to be done correctly the first time.

Sandy Allison asked if there were any plans for trash to be picked up for people who aren't in town on Monday. There are no such plans.

Chris Meyerink reported the OPRA form link on the Borough website does not work on Android devices. The Borough Clerk will contact the webhost to get it resolved.

When no one else wished to speak, the meeting was adjourned at 6:35 pm on motion of Mayor Moffatt, seconded by Commissioner vanHeeswyk.

Respectfully submitted,

Accepted:

Elaine L. Wallace, RMC, CMR
Municipal Clerk

A B S E N T
Commissioner Mullock

Commissioner vanHeeswyk

Mayor Moffatt