

**April 9, 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 12:00 PM. The Open Public Meetings Statement was read by the Deputy Mayor who then led those present in the flag salute. Deputy Mayor vanHeeswyk and Commissioner Mullock answered roll call. Mayor Moffatt was absent. Also in attendance: Administrator Steve O'Connor, Clerk Elaine Wallace, and Solicitor Brock Russell.

**ADMINISTRATOR'S REPORT**

Pearl/Brainard/Yale Avenue Drainage and Reconstruction: Administrator O'Connor announced the Borough received a \$160,000 grant for the project, leaving the Borough's portion roughly \$270,000. Commissioner vanHeeswyk asked if the project could be scaled back or broken into phases to require less bonding. Commissioner Mullock assured her the cash flow analysis has already been done and the full cost of the project has been factored in, as well as the Yale Avenue project that won't be done for another 2 years or so.

NJ Clean Energy: Mr. O'Connor spoke with Gary Finger and suggested he talk to an improvement authority in another county to see if they would be willing to apply for funding on the Borough's behalf, which is permitted by law. Solicitor Russell offered to speak with the Cumberland County Improvement Authority on behalf of the Borough if necessary.

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

JIF Recommended Health & Wellness Policy and Best Practices: Clerk Wallace explained the JIF has asked all members to adopt Health and Wellness policies to help keep employees and volunteers healthier in an effort to reduce claim costs. An adopting resolution will be considered at the next regular meeting.

2019 Ride to Defeat ALS request for Special Event Permit: The applicant is hosting an event that will exceed the 100-person limit, but there won't be that many people in town at the same time. The Commissioners approved of the exception. Later in the meeting, it was determined the event was the same day as the Cape May Point Volunteer Fire Company's 5-mile run, so it could not be approved.

Commissioner Mullock reminded everyone the Environmental Commission will be discussing the Lake Lily walkway and landscaping plan at its meeting the following morning. He also reported he checked with police, fire and other first responders about what can be done about gates at the Borough's beach entrances. The responses were not favorable because having to open or unlock gates could delay emergency response time. Commissioner vanHeeswyk was present twice when a vehicle was stuck on the beach and the police then asked why the gate wasn't locked. That gave her the impression the police didn't have any objection to a locked gate.

Her concern is any liability the Borough might incur, in particular at Alexander Avenue, which isn't supposed to be used by any vehicles. Commissioner Mullock felt the Borough's liability would be lessened if someone was violating the law by going onto the beach and the Borough should continue with the current practice of calling the police when someone illegally goes onto the beach and have them ticketed. He still wants the Borough employees to respond and remove vehicles in order to protect Borough property. Solicitor Russell suggested the Borough itemize the cost of pulling the vehicle out of the sand and submit it to the prosecutor and request restitution in the court proceeding.

Commissioner vanHeeswyk reported on the result of the Coastal Coalition's request to the Army Corps of Engineers (ACE) for assistance with stormwater management and emergency operations planning. ACE has suggested the Coalition formally request assistance with flooding and evacuations routes. As part of that, each town would have to compile a list of vulnerabilities. She suggested asking Dr. Stewart Farrell since he's very familiar with the town and does the annual beach surveys. Even though the Borough hasn't experienced flooding in recent years, it should still ask for assistance. Lastly, Mrs. vanHeeswyk commented on information she received from the Borough's Clean Communities Coordinator about a green amendment to the state constitution. She read the information and felt it extremely important. She asked to have a resolution added to the regular meeting agenda supporting the amendment. Commissioner Mullock concurred.

**REVIEW OF NEXT REGULAR MEETING AGENDA:** Clerk Wallace reviewed the agenda items for the April 11, 2019 regular meeting.

**RESOLUTIONS:**

51-19 Approval of Change Orders No. 1 & 2 - Lake Lily Park Bulkhead Contract #1

*Motions: Mullock, vanHeeswyk*

*Roll call: all those present in favor*

**PUBLIC PORTION:**

Connie Campanella asked what the obligations are to volunteers under the Health and Wellness Policy. Clerk Wallace gave her a copy of the policies, which are general in nature and don't really obligate the employees or volunteers to anything. Commissioner vanHeeswyk explained that volunteers doing work under the auspices of the Borough are covered by the Borough's insurance and any incident would have to be reported to the Borough.

Isabelle Neary asked when the ALS Bike ride will be. The date was June 15<sup>th</sup>, which it was determined conflicts with the Fire Company's 5-mile run. The application will have to be denied.

Catherine Busch advised the engineer was not listed first on the Environmental Commission meeting agenda, but the other business should not delay him too much. She then asked if the Borough had received the Planning Board's recommendations

on noise and construction, which it had not. Solicitor Russell reminded everyone the DEP requires any noise ordinance to comply with their model. Commissioner vanHeeswyk advised the recommendation will be forwarded to Solicitor Russell for review once it is received from the Planning Board.

Helen Chezem agreed with Commissioner Mullock about having public works respond when vehicles are stuck on the beach. First, because she has had to wait for 2 hours for a tow here before. If someone was stuck on the beach and had to wait that long, they could be under water. Also, because they'd be more careful of Borough property than a commercial outfit.

Sandy Allison said it was being reported in Pennsylvania that the convent lots were being sold. Commissioner vanHeeswyk explained that was happening in Stone Harbor, not here.

Isabelle Neary asked if the Borough has a decibel ordinance about loud music, which it does not. Catherine Busch stated the Borough has a peace and good ordinance restriction on hours for some activities already. Solicitor Russell questioned whether they would hold up if challenged in court. He compared it to putting in a stop sign without proper permission and not being able to enforce violations. Commissioner vanHeeswyk stated the purpose is to get people to comply, not to fine them.

When no one else wished to speak, the meeting was adjourned at 1:00 pm on motion of Commissioner Mullock, seconded by Commissioner vanHeeswyk.

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