

BOROUGH OF CAPE MAY POINT

Planning Board

Meeting Minutes

Wednesday, June 19, 2019 at 7:00 pm

Cape May Point Fire Hall

Pledge of Allegiance

Opening

In compliance with the Open Public Meetings Act, adequate notice of this session has been provided by official announcement in the Star and Wave Newspaper and posting of the scheduled meeting dates on the official Municipal Bulletin Board, 215 Lighthouse Avenue, Borough of Cape May Point, New Jersey.

Roll Call

Present: Mr. Greenberg, Mr. Keosky, Comm. vanHeeswyk, Mr. Fraatz, Mr. Casey, Mr. Hood, Mrs. Busch, Mrs. Leming, Mr. Murphy, Mr. Yunghans, Mayor Moffatt

Absent: None

Also Present: Rhiannon Worthington, Secretary; Mr. Nathan Van Embden, Esq., Attorney

Minutes

The minutes from the April 17, 2019 meeting were reviewed. It was identified that the minutes were incomplete as a statement from Mr. Casey was not finished. There was discussion among the board members but as the statement related to voting, approval of the minutes was deferred to the July meeting at which time the missing statement would be added. The deferral was approved by a motion on Ms. Busch and second by Comm. vanHeeswyk. All present voted aye except Mayor Moffatt and Ms. Leming who abstained.

The minutes from the May 25, 2019 meeting were reviewed and approved as corrected on a motion by Mr. Greenberg and second by Mr. Keosky. All present voted aye except for Mayor Moffatt and Mr. Yunghans who abstained.

Correspondence

1. Letter from Mr. Casey regarding Historic Preservation Subcommittee and OPMA Regulations.
 - a. Mr. VanEmbden reminded Board members of letter received from Mr. Casey via email after the May meeting. He then distributed his formal response for review and discussion and provided the following point-by-point overview:
 - i. While Mr. Casey's concerns had legitimacy, his distribution of the memorandum was inappropriate, as it created a cyber meeting, particularly if anyone responded. Correspondence should be sent to and distributed by the Board Secretary to prevent OPMA and Sunshine Law violations.
 - ii. The Planning Board does not cede authority to a subcommittee, the subcommittee is always under authority of the Board. Previous statements were meant to indicate that a subcommittee was appointed to work on behalf of the Board and therefore should not be micromanaged. The subcommittee will report to the Board, who will then decide if suggestion will be forwarded to Council regarding the subject. If the Board is going to get bogged down in the minutia of what a subcommittee is doing, then why appoint one?

- iii. Unfamiliar with topic of budget for a subcommittee, however, felt the discussion was more appropriate once it was agreed to by the Board that the subcommittee would take the action requiring funds, not during discussion.
 - iv. While subcommittees are generally appointed by the Board Chairperson, it does not hurt to have a vote for their ratification on record.
- b. Ratification of Subcommittees
 - i. Drainage, Construction/Noise and Historic Preservation subcommittees were ratified on a motion by Mr. Casey and second by Mr. Keosky. All present voted aye.
 - ii. Completeness subcommittee was appointed and approved by vote on public record at previous meeting, so no further action needed.
 - c. Ms. Busch stated that she was aware of the Sunshine Laws and purposely did not respond to Mr. Casey's email because of that. She said she also tries not to discuss Planning Board business, applications or other, outside of meetings as well. She asked if Mr. Van Embden had any advice regarding that aspect, even for phone or in person conversations between two members as well as to comments on social media.
 - i. Mr. Van Embden said he thought it was a good idea to "keep your council and do it in the public forum; explain your reasoning or rationale on the record."
 - ii. Mr. Van Embden reminded secretary and Board members that opinions should be managed, particularly in email correspondence, as everything is public record. He cautioned board members against the use of social media when possible.
 - d. Mrs. Worthington clarified that as the Board Secretary, she is permitted to correspond with all members in email correspondence.
 - i. Mr. Van Embden confirmed that it was permitted and encouraged that all correspondence come through the Board Secretary.
 - ii. Comm. vanHeeswyk noted that all correspondence between the Commissioners goes through the Borough Clerk. They do not correspond directly with each other regarding business.
 - e. Mr. Van Embden confirmed that a quorum is 4 Board Members, which is why subcommittees are limited to 3 Board Members.
2. Letter sent from Mr. Van Embden to applicant regarding incomplete status of application PB2019-03.

Business

- 1. Historic Preservation Subcommittee Update
 - a. Mr. Yunghans reported that the subcommittee had no official report at this time. They were prepping to make recommendations to the Board by collecting and organizing data. If the survey becomes a possible part of data collection, it will be brought to the Board members for review and approval before distribution. Meetings continue to happen regularly.
 - i. Comm. vanHeeswyk noted that making recommendations before surveying the community seems out of order. Mr. Yunghans confirmed discussions would not proceed in that manner.
 - b. Mr. Keosky clarified that there will not be an Historic Preservation Commission unless Council approves the creation of one.
 - i. Mr. Casey noted that per MLUL the Planning Board can act as a Historic Preservation Commission assuming the two special members are on the Planning Board.
 - c. Mr. Greenberg summarized that the subcommittee would provide their report and recommendations to the Board once they had organized data and were ready to do so.

Public Comment

- 1. Public comment was opened at 7:33 pm on a motion by Mr. Fraatz and second by Mr. Casey.
- 2. Public comment was closed at 7:34 pm on a motion by Mayor Moffatt and second by Comm. vanHeeswyk.

Board Information

1. Mr. Keosky advised the board that there was a pending application PB2019-03 but at this time was deemed incomplete.
 - a. Mrs. Busch asked if there was a chance there could be a hearing in July. Mrs. Worthington and Mr. Van Embden stated there was a chance depending on turn around of requested information.
2. Mrs. Worthington informed the Board members that Mrs. Gibson has resigned as the Mayor's representative and therefore Mayor Moffatt would be attending Planning Board meetings until the time a new representative is appointed.

Adjournment

The meeting adjourned at 7:35 pm on the motion by Mayor Moffatt. All present voted aye.

Respectfully Submitted by:

Rhiannon Worthington

Board Secretary

Approved by Board 7/25/2019