

**AGENDA
BOROUGH OF CAPE MAY POINT
BOARD OF COMMISSIONERS**

BOROUGH MEETING – JULY 11, 2019 – 6:00 PM

MEETING CALLED TO ORDER / SUNSHINE STATEMENT

In compliance with the Open Public Meeting Act, Chapter 231, Public Laws of 1975, this meeting was properly advertised in the annual notice and duly posted at the Borough Hall bulletin board.

FLAG SALUTE

ROLL CALL: Commissioner Mullock, Commissioner vanHeeswyk, Mayor Moffatt

COMMISSIONERS' REPORTS

PUBLIC COMMENT ON AGENDA ITEMS ONLY

APPROVAL OF MINUTES

June 11, 2019 Work Session
June 13, 2019 Regular Meeting
June 25, 2019 Work Session

ORDINANCES FOR INTRODUCTION / PUBLICATION - None

RESOLUTIONS

80-19 Authorizing Special Event Permit to Friends of Lake Lily, Inc.
81-19 Approval of Bill List

ORDINANCES FOR SECOND READING / PUBLIC HEARING / ADOPTION

04-2019 Amending Chapter 120 "Peace and Good Order" of the Code of the Borough of Cape May Point
05-2019 Amending Chapter 76 "Construction Site Standards" of the Code of the Borough of Cape May Point
06-2019 Salary Ordinance
07-2019 Ordinance Appropriating \$2,000 from the Capital Improvement Fund for Filing Cabinets

PUBLIC PORTION

ADJOURNMENT

**BOROUGH OF CAPE MAY POINT
COUNTY OF CAPE MAY
STATE OF NEW JERSEY**

RESOLUTION 80-19

AUTHORIZING SPECIAL EVENT PERMIT TO FRIENDS OF LAKE LILY, INC.

WHEREAS, Friends of Lake Lily, Inc. has applied for a Special Event Permit for the purpose of holding monthly meetings in the Borough Hall conference room on the second Tuesday of each month between May and October; and

WHEREAS, the applicant has supplied all documentation required under Ordinance No. 551-08, including the requisite Certificate of Insurance, and has further pledged to comply with all applicable rules and regulations pertaining to the conduct of said Special Event.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Borough of Cape May Point, County of Cape May, New Jersey that the Borough Clerk is hereby authorized to issue a Special Event Permit to Friends of Lake Lily, Inc. for a use of the Borough Hall conference room on the second Tuesday of each month between May and October.

	MOTION	SECOND	YES	NO	ABSTAIN	ABSENT
Mullock						
vanHeeswyk						
Moffatt						

I hereby certify that the foregoing is a true copy of a Resolution duly passed and adopted by a majority of full membership of the Board of Commissioners of the Borough of Cape May Point, County of Cape May, New Jersey, at a meeting held on July 11, 2019.

Municipal Clerk

**BOROUGH OF CAPE MAY POINT
COUNTY OF CAPE MAY, STATE OF NEW JERSEY**

ORDINANCE NO. 04-2019

**AN ORDINANCE AMENDING CHAPTER 120 "PEACE AND GOOD ORDER"
OF THE CODE OF THE BOROUGH OF CAPE MAY POINT**

WHEREAS, Chapter 120 Peace and Good Order of the Code of the Borough of Cape May Point provides a list of prohibited acts and activities within the limits of the Borough of Cape May Point; and

WHEREAS, the Board of Commissioners of the Borough of Cape May Point believes it in the best interests of the Borough, its residents, and its visitors to restrict the hours that certain activities can occur.

NOW, THEREFORE, be it ORDAINED by the Board of Commissioners as follows:

Section 1. Chapter 120 Peace and Good Order, Section 120-1 Prohibited Acts or Activities, is hereby amended as follows (deletions in ~~strikethrough~~, additions are underlined):

A) Section 120-1(n)(2):

(b) Using, operating or permitting to be played any radio set, television set, musical instrument, phonograph, lawn mower of any type, either power or manual, chainsaws, wood chippers/shredders, power washers or other machines or devices producing or reproducing sound, in such manner as to disturb the peace, quiet and comfort of the neighbors. The operation of any such sets, instruments, machines or devices between the hours of ~~4:00~~ 9:00 p.m. and 8:00 a.m., prevailing time, in such a manner as to be plainly audible at a distance of fifty (50) feet from the building or vehicle in which it is located, shall be prima facie evidence of a violation of this paragraph.

(d) Yelling, shouting, hooting, whistling or singing on the public streets or in any dwelling which shall disturb the comfort or repose of any person in the vicinity between the hours of ~~4:00~~ 9:00 p.m. and 8:00 a.m., prevailing time.

B) Section 120-1(s)

s. Erect, demolish, alter, or repair any building or grounds or operate any tools or equipment used in construction, drilling, earthmoving, excavation or demolition work during proscribed hours as defined in Chapter 76, Construction Site Standards. In the event of urgent necessity, the Construction Official can issue a temporary special permit for a period of no longer than three (3) days to

~~cover the urgent necessity between the hours of 6:00 p.m. and 8:00 a.m., prevailing time, except in cases of urgent necessity, and then only with a permit from the Construction Official. The Construction Official shall determine prior to the issuance of such permit that the public health and safety will be impaired if the erection, excavation, demolition, alteration or repair is not performed immediately.~~

Section 2. Should any section, paragraph, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid for any reason, the remaining portions of this Ordinance shall not be affected thereby and shall remain in full force and effect, and to this end the provisions of this Ordinance are hereby declared to be severable.

Section 3. All ordinances inconsistent with this Ordinance are hereby repealed.

Section 4. This Ordinance shall take effect within twenty (20) days of final passage and publication as provided by law.

Final Adoption Vote	MOTION	SECOND	YES	NO	ABSTAIN	ABSENT
Mullock						
vanHeeswyk						
Moffatt						

Robert Mullock, Commissioner

Anita vanHeeswyk, Commissioner

Robert Moffatt, Mayor

ATTEST:

Elaine L. Wallace, Borough Clerk

FIRST READING: June 13, 2019
 PUBLICATION: June 19, 2019
 PUBLIC HEARING: July 11, 2019
 PUBLICATION: July 17, 2019

**BOROUGH OF CAPE MAY POINT
COUNTY OF CAPE MAY, STATE OF NEW JERSEY**

ORDINANCE NO. 05-2019

**AN ORDINANCE AMENDING CHAPTER 76 “CONSTRUCTION SITE
STANDARDS” OF THE CODE OF THE BOROUGH OF CAPE MAY POINT**

WHEREAS, Chapter 76 Construction Site Standards of the Code of the Borough of Cape May Point delineates standards applicable to all construction sites within the Borough of Cape May Point; and

WHEREAS, the Board of Commissioners of the Borough of Cape May Point believes it in the best interests of the Borough, its residents, and its visitors to amend certain activities.

NOW, THEREFORE, be it ORDAINED by the Board of Commissioners as follows:

Section 1. Section 76-2 Definitions, is hereby amended to add the following:

Outside Construction Activities shall mean all exterior construction, to include demolition, excavation, and land grading, repairs, installation and improvement work including, without limitation, hardscape and landscape work, lot clearing, tree cutting using chain saws, wood chippers or similar equipment, foundation, framing, roofing, utilities conducted upon real property, whether residential or commercial, of any kind and nature and whether done by a a licensed contractor or an unlicensed individual upon private property. Outside painting without the use of power or motorized tools and equipment, lawn maintenance (but not landscaping services) and construction work performed entirely inside of any buildings or structures are excluded from the definition of outside construction activities.

Section 2. Section 76-3 shall be amended as follows (additions in underline, deletions in ~~strikethrough~~):

g. Outside Construction Activities. The Borough of Cape May Point is a vacation-oriented community, and both residents and visitors value quiet enjoyment of the Borough. In order to further quiet enjoyment of the Borough, allowable times for outside construction activities will be restricted as set out below. Engaging in outside construction activities is prohibited during the following days and times:

- (1) All days between the hours of 6:00 pm and 8:00 am.

- (2) On Saturdays, commencing on the Saturday of Memorial Day weekend until and including the Saturday of Labor Day weekend, all hours prior to 9:00 a.m. and after 3:00 p.m.
- (3) Sundays at all times.
- (4) On the recognized holidays of New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and Christmas Day at all times.

~~Noise.~~ Borough Code Chapter 120, Section 120-1 provides that: ~~erection, excavation, demolition, alteration or repair of any building between the hours of 10:00 p.m. and 8:00 a.m. prevailing time is prohibited~~ additional restrictions on certain activities not covered by this Chapter. In the event of urgent necessity, the Construction Official can issue a temporary special permit for a period of no longer than three (3) days to cover the urgent necessity.

h. *Job Site Cleanliness.* Contractors are responsible for keeping their construction sites in reasonable orderly condition by the conclusion of each working day. Contractors shall keep streets and sidewalks adjacent to the construction site broom clean and clear of soil, sand, gravel or other construction waste or debris. The objective is to avoid neighborhood eyesores, enhance public safety, prevent materials from entering storm drains, and minimize liability for curious children.

i. *Sediment Control.* Contractors shall install sediment control measures, either silt fences or silt socks, on the downhill side of the lot and along all streets adjacent to the lot during demolition, excavation, grading, or pile driving.

h.j. *Temporary Electrical Service.* In the case of demolition or other construction resulting in the need for, or suspension of, regular electrical service to the construction site the contractor shall provide temporary electrical service to the site via a "saw pole."

j.k. *Service Connections.* All utility service connections to all new construction or substantial improvement as defined in Section 90-2, Definitions, of Chapter 90, Flood Damage Prevention, shall be underground.

k.l. *Violations and Penalties.* Any person who shall violate this chapter or do any act or thing herein prohibited or refuse or fail to do any act or thing required to be done or refuse or fail to comply with any order of any Borough Official authorized to enforce this chapter shall, upon conviction thereof before any judicial officer authorized to hear and determine the matter, be liable to the penalty stated in Chapter 1, Section 1-5 for each offense. ~~The Zoning Officer~~ Code Enforcement Official and any other and all other aggrieved persons shall have the right of recourse to any and all remedies (whether injunctive, restraining order, mandamus or otherwise) or may hereafter be available by law.

Section 3. Should any section, paragraph, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid for any reason, the remaining portions of this Ordinance shall not be affected thereby and shall remain in full force and effect, and to this end the provisions of this Ordinance are hereby declared to be severable.

Section 4. All ordinances inconsistent with this Ordinance are hereby repealed.

Section 5. This Ordinance shall take effect within twenty (20) days of final passage and publication as provided by law.

Final Adoption Vote	MOTION	SECOND	YES	NO	ABSTAIN	ABSENT
Mullock						
vanHeeswyk						
Moffatt						

Robert Mullock, Commissioner

Anita vanHeeswyk, Commissioner

Robert Moffatt, Mayor

ATTEST:

Elaine L. Wallace, Borough Clerk

FIRST READING: June 13, 2019
 PUBLICATION: June 19, 2019
 PUBLIC HEARING: July 11, 2019
 PUBLICATION: July 17, 2019

**BOROUGH OF CAPE MAY POINT
COUNTY OF CAPE MAY
NEW JERSEY**

ORDINANCE NO. 06-2019

SALARY ORDINANCE

The Board of Commissioners of the Borough of Cape May Point, County of Cape May, New Jersey does hereby ordain:

Section 1. The salaries and wages shall be paid to the below listed Borough Officers and Employees in the below listed manner and amounts commencing as of January 1, 2019.

<u>Department</u>	<u>Title</u>	<u>Salary/ Hourly</u>	<u>Minimum</u>	<u>Maximum</u>
Elected Officials	Mayor	Salary	\$10,000	\$15,000
	Commissioners	Salary	\$6,000	\$12,000
Administration	Municipal Clerk	Salary	\$30,000	\$65,000
	Administrator	Salary	\$30,000	\$54,000
	Receptionist	Hourly	Min. wage	\$22.00
	Clerical Staff (incl. deputies and Board members)	Hourly	Min. wage	\$22.00
	Planning Board Sec.	Salary	\$2,500	\$7,000
	Elections Clerk	Salary	\$800	\$2,800
	Registrar of Vital Statistics	Salary	\$600	\$3,500
	Deputy Registrar	Salary	\$200	\$3,200
	Environmental Comm. Sec.	Salary	\$250	\$750
	Taxes & Finance	Chief Financial Officer	Salary	\$10,000
Account Clerk/Bookkeeper		Salary	\$8,000	\$20,000
Tax Collector		Salary	\$10,000	\$17,000
Tax Assessor		Salary	\$10,000	\$16,000
Assessment Search Clerk		Salary	\$800	\$3,000
Qualified Purchasing Agent		Salary	\$500	\$1,500
Public Works		Supervisor	Salary	\$30,000
	Assistant Supervisor	Salary	\$4,000	\$10,000
	Laborer F/T	Hourly	\$10.00	\$25.00
	Laborer P/T or Seasonal	Hourly	Min. wage	\$15.00
	Professional Skills (as needed)	As negotiated		
Code/Construction Officials	Construction Code Official	Salary	\$8,000	\$15,000
	Construction Sub-Code Offc.	Salary	\$5,000	\$9,000
	Construction Code Clerk	Salary	\$1,500	\$5,000
	Zoning Officer & Clerk	Salary	\$8,000	\$20,000
	Fire Sub-Code Official	Salary	\$4,000	\$9,000
	Electrical Sub-Code Offc.	Salary	\$5,000	\$9,000
	Plumbing Sub-Code Offc.	Salary	\$5,000	\$9,000
	Code Enforcement Officer	Salary	\$3,000	\$8,500
	Rental Inspector	Salary	\$2,000	\$3,500
	PT/Seasonal Rental Inspector	Hourly	Min. wage	\$20.00

Public Safety	Emergency Management Coordinator	Salary	\$0	\$2,500
(Seasonal)	Beach Director	Salary	\$5,000	\$17,000
	Beach Badge Inspectors	Hourly	Min. wage	\$13.00
	Lifeguard Chief	Salary	\$13,000	\$20,000
	Lifeguard Captain	Hourly	Min. wage	\$21.00
	Lifeguard Lieutenant	Hourly	Min. wage	\$19.00
	Lifeguards	Hourly	Min. wage	\$14.00
	Emergency Mgmt Coordinator	Salary	\$2,000	\$3,000
Water/Sewer Utility	Superintendent	Salary	\$2,400	\$8,000
	Director	Salary	\$100	\$4,000
	Supervisor	Salary	\$15,000	\$20,000
	Clerk	Salary	\$4,000	\$10,000
	Assistant Clerk	Hourly	Min. wage	\$22.00
	Laborer F/T	Hourly	\$10.00	\$20.00
	Laborer P/T or Seasonal	Hourly	Min. wage	\$15.00

Section 2. Ordinance 9-2017 is hereby rescinded in its entirety and all other ordinances and resolutions inconsistent with the terms hereof are hereby repealed to the extent of their inconsistency.

Section 3. Where a salary or wage range is designated rather than a specific salary or wage, the head of the appropriate department will, in writing establish a specific salary and file the same with the Chief Financial Officer.

Section 4. This Ordinance shall become effective immediately upon passage and publication according to law.

Final Adoption Vote	MOTION	SECOND	YES	NO	ABSTAIN	ABSENT
Mullock						
vanHeeswyk						
Moffatt						

ATTEST:

 Elaine L. Wallace
 Borough Clerk

 Robert Mullock, Commissioner

 Anita vanHeeswyk, Commissioner

 Robert Moffatt, Mayor

FIRST READING: June 13, 2019
 PUBLICATION: June 19, 2019
 PUBLIC HEARING: July 11, 2019
 PUBLICATION: July 17, 2019

**BOROUGH OF CAPE MAY POINT
CAPE MAY COUNTY
NEW JERSEY**

ORDINANCE NO. 07-2019

**ORDINANCE APPROPRIATING \$2,000 FROM THE CAPITAL
IMPROVEMENT FUND FOR FILING CABINETS**

BE IT ORDAINED by the Board of Commissioners of the Borough of Cape May Point, in the County of Cape May, New Jersey as follows:

Section 1. \$2,000 is hereby appropriated from the Capital Improvement Fund for purchase filing cabinets. Purchase of Real Property is a bondable capital improvement with a useful life that exceeds the minimum of five (5) years.

Section 2. The Borough hereby certifies that it has adopted a capital budget or a temporary capital budget, as applicable, The capital or temporary capital budget of the Borough is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. To the extent that the purpose authorized herein are inconsistent with the adopted capital or temporary capital budget, a revised capital or temporary capital budget has been filed with the Division of Local Government Services.

Section 3. This ordinance shall take effect after final adoption and publication and otherwise as provided by law.

Final Adoption Vote	MOTION	SECOND	YES	NO	ABSTAIN	ABSENT
Mullock						
vanHeeswyk						
Moffatt						

Robert Mullock, Commissioner

Anita vanHeeswyk, Commissioner

Robert Moffatt, Mayor

ATTEST:

Elaine L. Wallace, Borough Clerk

FIRST READING: June 13, 2019
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