

JULY 23, 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 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.

ADMINISTRATOR'S REPORT

Yale Avenue: A Municipal Aid grant application was submitted last Friday by the Borough Engineer. The roadwork component was \$373,000 with an additional \$450,000 in water improvements. The Borough is hoping, by showing a willingness to contribute more than half of the total contract price, the state will award a higher grant amount. In addition, the Borough will also apply for funding from a grant source for lead abatement.

Lake Lily: The bulkhead is complete and the final item is the storm drain work. The walkway and landscaping specifications are being worked on by the borough engineer and Bill Gibson is getting quotes for the concrete work. Landscaping

COMMISSIONERS' DISCUSSION (NEW BUSINESS/OLD BUSINESS)

Commissioner Mullock reported the fall will be busy with drainage projects on Pearl/Brainard/Yale Avenues and Ocean/Central/Pavilion Avenues. The County will also be doing work on county roads as previously discussed with County Engineer Bob Church. In addition, the Lake Lily landscaping work will be done. Mr. Mullock announced there will be a Climate Change panel at the Lower Cape May Regional High School on July 25th and encouraged the public to attend. He also showed photos of the public works employees working on a water line break the past Sunday in 100-degree heat. This is the 3rd break in the last several months so they will be keeping track to make sure it isn't becoming a recurring problem with certain lines. Lastly, he will be meeting with County Engineer Bob Church and the Sunset Blvd committee on August 13. He'll continue to monitor and participate in that project which includes the reconstruction of Sunset Boulevard and the bike path.

Mayor Moffatt reported the assistant code enforcement officer is driving around on Saturdays and Tuesdays to enforce trash container regulations. In addition, he has seen prompt dumpster enforcement when it is reported to code enforcement. Lastly, he will be pursuing some of the traffic calming measures on Cape Avenue that weren't settled with the County Engineer earlier this year. Commissioner vanHeeswyk suggested getting a petition together to have the speed limit reduced to 25 mph.

RESOLUTIONS:

82-19 Payment of Bills

Motions: vanHeeswyk, Moffatt

Roll call: all in favor

Commissioner vanHeeswyk made the motion to approved with the understanding that the payment to Westside Market be moved from the Clerk's budget to the Environmental Commission budget.

PUBLIC PORTION:

Catherine Busch commented on the NJTV Climate Change Panel being held at the Regional High School. It is free to the public. She reported the Environmental Commission has a subcommittee working on a brochure about recycling and notifying property owners about the recycling changes that will go into effect in October. She will coordinate with Commissioner Mullock and Bill Gibson. She also reported the recycling ordinance will need to be updated to reflect these changes and will that information to the Clerk and Solicitor.

Connie Campanella asked the status of the tax bills. Clerk Wallace replied the Borough is one of 6 municipalities in the county that hasn't received its tax rate from the County Tax Board. The grace period for payment will be extended for every day after July 15 that the tax bills aren't mailed. Ms. Campanella asked what concrete work is being done at Lake Lily. Only they handicap parking space will be concrete. Lastly, she asked if there is an estimate on the completion of the storm drain work. Commissioner Mullock did not have a firm date.

Ellen Pfindner suggested the Borough bring construction and zoning back under the control of the Borough and make a change in zoning enforcement. She feels there has been a dramatic increase in construction in recent years that is not being properly controlled. She suggested the Borough research permit figures and check with other towns on how the address construction and zoning. Commissioner vanHeeswyk explained the Borough has always retained its own zoning officer who has been responsible for enforcing the Borough's unique zoning regulations for more than 25 years. The construction enforcement, handled by Cape May City, is standard throughout the state and the Borough went to them for construction enforcement because there was no one available to hire when the previous employee retired. Ms. Pfindner sees inconsistency with how the zoning regulations are enforced and would like to see flexibility and sensitivity toward the homeowner when enforcing zoning. Speaking to inconsistency, she asked how a recent home could have an incorrect setback. Commissioner vanHeeswyk asked for the address and will look into it. She also explained architectural differences are what define Cape May Point, not how the buildings are similar. Solicitor Russell explained the zoning officer is a law enforcement officer and the governing body can not legally interfere with enforcement. If someone feels he makes a wrong decision, there is an appeal process that any aggrieved party can follow. He also advised bringing construction back into the Borough will have no effect on zoning. In addition, the commissioners can't discuss specific personnel matters in a public meeting. Helen Pfindner was disappointed and said she was speaking on behalf of others who have also expressed frustration with zoning and construction.

Mary Kelly, 421 Cambridge, thank the community, the Taxpayers Association, the Volunteer Fire Company, the commissioners, public works employees and the municipal clerk for their help with the Civic Club Bazaar. It was a great success this year and the Civic Club will be able to support a lot of charities. Ms. Kelly also spoke about construction and enforcement. As a result of the construction next door to her, which she says has been one problem after another disaster from the start, she has concerns about how construction and zoning are applied throughout the town. She took landscaping plans, which she obtained through an OPRA request, to the May 8th Environmental Commission meeting to ask questions about how landscaping regulations are enforced, specifically with relation to eco-pavers. She was told by the EC that they are not statutorily permitted to review and give opinions on landscaping plans unless they are part of a variance or subdivision application. Prior to going to the EC, Ms. Kelly spoke with the Zoning Officer trying to understand the 60% vegetation limit and how eco-pavers fit into that. The Zoning Officer stated eco-pavers are green and permitted for driveways but she doesn't feel they don't comply with the definition of vegetation in the code. Her purpose speaking today was two-fold. First, she sees inconsistency in applying zoning regulations. Second, she would like to see the solicitor reconsider his position on his position on allowing the Environmental Commission comment on all landscaping plans submitted. The EC is responsible for studying and making recommendations on all facts of the environment and she feels they can't do that properly if they aren't given information. Commissioner vanHeeswyk explained the difference is public vs. private lands. When zoning applications and landscaping plans are submitted, they are only for the private land. Zoning has no jurisdiction over public lands, so right-of-way areas are not addressed by zoning. Ms. Kelly asserted the state statute and local code gives the EC power to keep an index of private and public areas and to make recommendations on them from time to time. EC Chair Catherine Busch explained what she summarized refers directly to private ne public preserved open space not individual building lots. Ms. Kelly asked how the Borough ensures the water flow is not changed if no plans are submitted for public lands in front of a property. Commissioner Mullock advised the Borough will use topographic maps and has on occasion allowed water to go into streets so there isn't a series of swales. The Borough recognizes the importance of freshwater and the desire to capture it. Mary Kelly expressed frustration that nothing has been resolved and the Borough insists it is up to residents to appeal a zoning permit when they see something wrong.

Sandy Allison asked the governing body to look at information and ideas she submitted to them in 2016 and again this May to Administrator O'Connor. She is particularly concerned about construction vehicles, parking, traffic and safety, all of which are compounded by increased summer population. She expressed concern that the pedestrian crossing signs on Lincoln Avenue are dangerous. Mayor Moffatt explained they were installed in conformance with state statute by the County at residents' request. The purpose of the signs is to slow traffic but some people have parked intentionally to cause obstruction. Catherine Busch suggested the Borough require 2 off-street parking spaces before a rental permit is issued. Ms. Allison wasn't sure if that could be done on many properties. Commissioner vanHeeswyk

agreed the summer is the time when things seem the worst because of the increase in people, cars, visitors, etc. Construction is increasing due to the current socio-economic climate, which isn't necessarily a bad thing for the Borough. Administrator O'Connor asserted he was planning to address what could be addressed with Bill Gibson after the summer, but some of the concerns Ms. Allison raised today were not in the list she provided previously. Ellen Pfendner asked to have traffic speeds enforced, saying the Borough has to show it means business or it will continue to have a problem with speeding.

Mike Keosky said he thought the governing body agreed two years ago to put in a speed sign on Cape Avenue as there is on Lighthouse. He'd like to see one like the one recently installed on Seashore Road entering West Cape May. Mayor Moffatt will ask the County to place one. Dr. Moffatt has also provided the County with other suggestions for traffic calming on Cape Avenue.

When no one else wished to speak, the meeting was adjourned at 1:23 pm on motion of Commissioner Mullock, seconded by Commissioner vanHeeswyk

Respectfully submitted,

Accepted:

Elaine L. Wallace, RMC, CMR
Municipal Clerk

Commissioner Mullock

Commissioner vanHeeswyk

Mayor Moffatt