

JUNE 11, 2020
REGULAR MEETING MINUTES

The Regular Meeting of the Board of Commissioners of the Borough of Cape May Point was called to order by Clerk Wallace at 6:00 PM. The Open Public Meetings Statement was read by the Clerk who then led those present in the flag salute. Mayor Moffatt, Commissioner Mullock and Commissioner vanHeeswyk answered roll call. Also in attendance: Administrator Ed Grant, Clerk Elaine Wallace, and Solicitor Brock Russell. This meeting was held via teleconference under local operational guidance from the NJDCA, pursuant to P.L. 2020, c. 11.

ADMINISTRATOR'S REPORT:

Ed Grant prepared for his position by reading 1 ½ years' worth of minutes and financial records to have a grasp of the issues within the community. He reported he has met with department heads, began work on the JIF renewal with the clerk and reviewed the application process for employees and identified a scope of work for the seasonal code enforcement officer who will start the following week.

Sustainable Jersey: He and the Environmental Commission Chair are working on renewal of Sustainable Jersey (SJ) certification due June 14. He has also been in contact with the CFO to assess the SJ grant account and expenditures.

Triangle Park: Waiting for revised contract based on new funding source.

Traffic Calming: Waiting for County to discuss speed tables.

Beaches: He has worked on the St. Pete's beach numbers to figure out how to social distance and how to manage the beaches for the coming months.

Public Works: The rain garden sign has been ordered.

Engineer: Mr. Grant will meet with the engineer on water valve GPS project, Yale Avenue, and the NJDOT Municipal Aid grants.

COMMISSIONERS' REPORTS:

Beach Tag Discussion: Mayor Moffatt reported limiting daily tags would not have much impact on numbers on the beaches, so there will be no changes to tags being sold. St. Pete's is the busiest beach and social distancing is going to be very important. He is waiting to speak with Chief Oat and Director Garrison on where lifeguards will be placed and how taggers will be placed.

Small Cell Antenna Application – 213 Lighthouse Avenue: The Commissioners have to decide whether to approve the replacement pole in the existing location or to move it to 18" from the curb to be consistent with the Borough Code. The Commissioners preferred to keep the pole in the same location. The applicant was amendable. The

resolution to approve the application, with the exception the pole will remain in the same location, will be acted on later in the meeting.

Commissioner Mullock reported the Borough has spent almost \$15,000 less in water bills to Cape May City so far this year, but there is an ordinance on the agenda for introduction to increase the sewer rate due to County MUA charges. Mr. Mullock also spoke a little about Ed Grant's resume and qualifications for taking over administrative duties in the Borough and said he is looking forward to working with him.

Commissioner vanHeeswyk commented on how great the Coral Avenue beach entrance looks. Commissioner Mullock thanked Public Works for a great job.

PUBLIC QUESTIONS ON AGENDA ITEMS:

Sandy Allison had questions about several bill list items. She then asked about a partial double-yellow lines on part of Pearl Avenue. Commissioner Mullock explained the contractor began striping as part of the road project, but he stopped them and plans to have the striping removed. The consensus among the Commissioners is that striping causes more speeding.

Catherine Busch noticed a Zoom subscription was paid as part of the bill and asked if it was available to other Borough boards. Clerk Wallace will provide the necessary information.

APPROVAL OF MINUTES:

May 14, 2020 Regular Meeting

May 14, 2020 Closed Session

Motions: Mullock, vanHeeswyk

Roll call: all in favor

ORDINANCES FOR INTRODUCTION/PUBLICATION:

06-2020 Salary Ordinance

Motions: vanHeeswyk, Moffatt

Roll call: all in favor

RESOLUTIONS:

77-20 Reappointment of Municipal Tax Assessor Dianne Kelly

Motions: vanHeeswyk, Moffatt

Roll call: all in favor

78-20 Designating Public Agency Compliance Officer for 2020

Motions: vanHeeswyk, Mullock

Roll call: all in favor

79-20 Confirmation of Officials for Joint Insurance Fund and Municipal Excess Liability Fund

Motions: vanHeeswyk, Moffatt

Roll call: all in favor

- 80-20 Approval of Right-of-Way Permit for Small Cell Project at 213 Lighthouse Avenue
Motions: Moffatt, vanHeeswyk
Roll call: all in favor
- 81-20 Approval of Bill List
Motions: vanHeeswyk, Moffatt
Roll call: all in favor

CERTIFICATE OF RECOGNITION – Matthew Gibson – LCMR Graduation

Clerk Wallace read the certificate aloud. Commissioner Mullock announced Matt will be attending Mount Saint Mary's University in the fall.

ORDINANCES FOR SECOND READING AND PUBLIC HEARING:

- 04-2020 An Ordinance Amending Chapter 146 Water and Sewer Utility to Increase Sewer Rates

Motion to open public hearing: Mullock, vanHeeswyk
Roll call: all in favor

No one wished to speak on the ordinance

Motion to adopt: vanHeeswyk, Moffatt
Roll call: all in favor

- 05-2020 Ordinance Appropriating \$15,000 from Capital Improvement Fund

Motion to open public hearing: Mullock, vanHeeswyk
Roll call: all in favor

No one wished to speak on the ordinance

Motion to adopt: Mullock, vanHeeswyk
Roll call: all in favor

PUBLIC PORTION:

Peg Fraatz asked Commissioner Mullock if he had direct or indirect conversations with Commissioner vanHeeswyk prior to the May 14th meeting and replacement of the Borough Administrator. Commissioner Mullock responded that he did not.

Jeff Sowers noticed not all beach entrances have proper signage and hoped they would be up before the season starts. Public Works will post the signs once the final piece of information is provided. Mr. Sowers also noted trails left by the beach vehicles tearing up the edge of the dunes. He suggested lifeguards walk rather than drive on the beach. Commissioner Mullock explained the sand is much finer now so the vehicles displace a lot more than before. Mayor Moffatt will discuss the use of vehicles on the beach with Chris Garrison and Bill Oat.

Kevin Casey asked why he was told the Borough would not be paying more and getting less with a consultant as the administrator. Based on his review of the memorandum of understanding, the consultant will only work 11 hours per week. Commissioner vanHeeswyk apologized for not being clearer at the last meeting. The

overall savings between this year and next will be roughly \$8,000. Then starting in 2022, the savings would be \$14,000. The Borough will be paying less money for less hours and she felt that was a win-win for the Borough. Mr. Casey did not like the answer and considered his question unanswered. Commissioner Mullock explained Mr. Grant has been working more than 11 hours per week since starting. Mr. Casey countered such a change would have to be approved by the board and under federal standards, the contract would be deemed defective. Solicitor Russel asserted the Borough does not fall under federal contract regulations. Mr. Mullock again said Mr. Grant puts in more time even though he is limited per contract because he is a dedicated professional working for a single Borough. He did an excellent job in Cape May Point in the past and Mr. Mullock believes he will abide by the limit on the contract. Mr. Casey felt there were unspoken terms to the contract and found it unprofessional.

Connie Campanella clarified that the term “secret meeting” did not refer to the June 14th closed session, but to whatever communications took place between the other two commissioners and the solicitor prior to it. Solicitor Russell explained there were no secret meetings before the closed session. Commissioner Mullock asked him to prepare a resolution to terminate the previous administrator in preparation of the closed session discussion.

Jim Fraatz asked who reviewed the resolution and MOU once it was drafted. Commissioner Mullock reviewed it. Connie Campanella asked when he reviewed it, but Commissioner Mullock was not certain of the date and time.

Connie Campanella recalled Commissioner vanHeeswyk saying she reached out to Mr. Grant and interviewed him, so how could she say she didn't see the MOU prior to the meeting. Commissioner vanHeeswyk explained she interviewed Mr. Grant when she hired him in 2015, not this most recent time. Ms. Campanella asked what the Borough's policy would be moving forward with regard to police officers being at meetings. There is no policy to have police presence. Commissioner vanHeeswyk explained that several times over the last few years police presence was requested when the administrator position was discussed in closed session and there wasn't a big deal made of it. She wasn't sure why this time it has been viewed differently. Commissioner Mullock felt things are playing out more stringently because it is an election year. He stated there are many people who are 100% into the community, but in the past 2 years there's been a change in the atmosphere that is out of line with the traditions that have been Cape May Point. He believed people should do what is best for the community. Commissioner vanHeeswyk agreed she has never seen the community in this state before.

Jim Fraatz asked if Mr. Grant plans to use subcontractors. He does not.

Commissioner Mullock wanted to clarify that the previous administrator took a job in Wildwood, while still working here, under the same type of LLC as the current contract with Mr. Grant, so it is not unusual. Mr. Mullock stated he is dedicated to Cape May Point and wants an administrator who is equally dedicated to Cape May Point, not

working for multiple towns. The State is always looking to merge smaller towns and he'd like a team that will fight to maintain the Borough's independence. When he saw he had a chance to hire Mr. Grant, he took it and did so in the best interests of the Borough.

Peg Fraatz asked if Mr. Grant was no longer working for Wildwood Crest or Middle Township. Mr. Mullock confirmed that he only works for Cape May Point. Mrs. Fraatz asked if Commissioner vanHeeswyk was the only person to interview Mr. Grant. Mrs. vanHeeswyk stated she interviewed Mr. Grant when she originally hired him in 2015. Mrs. Fraatz then commented on the police presence at the last meeting that had the Mayor dumbfounded, particularly since he's in charge of public safety. Solicitor Russell explained he suggested the police be present because he heard members of the public wanted to attend, but could not due to the executive order. Peg Fraatz asked if there were any plans to hire a permanent administrator when the current contract expires at the end of the year. Mr. Russell believed any answer would be speculative since there is an election in November. Mrs. Fraatz stated no one was opposed to Ed Grant being in office, but were not happy with what is perceived to be meetings held behind closed doors. Commissioner vanHeeswyk asserted the proper protocol was followed as it has been in the past. She didn't understand why this time it has been so controversial. Mrs. Fraatz referred to the Mayor's statements at the last meeting saying he was blindsided. She thought the administrator's position should have been discussed by all 3 commissioners. Solicitor Russell said that discussion took place during the closed session of May 14th as required by law. Mayor Moffatt felt the outcome was predetermined. Mr. Russell asserted that was not the case but the perception of some. Although he prepared a resolution at Mr. Mullock's request, it did not have to be acted on if there wasn't a consensus reached in closed session. Mr. Mullock said he would have loved to talk to his fellow commissioners ahead of time, but by law he could not nor could it be discussed prior to serving a Rice Notice on the employee. Mrs. Fraatz asked why that couldn't have been done to which Mr. Russell replied it had been done and resulted in the May 14th closed session discussion. Any discussion prior to that would have been a violation of state laws.

Sandy Allison commended Public Works on the wonderful job they did removing the snow fencing and putting in the new split rails. She then expressed concern with cars parking at the end of Alexander and then heading to the Lower Township beaches. She was afraid it will only get worse as the word gets out. She asked if signs could be put up saying parking is only for residents and guests. Ms. Allison also hoped the signage Ed Grant is working on for the rain garden doesn't duplicate what the Environmental Commission is doing. She also asked the status of the trees that were cut on the Brainard beach ramp. Lastly, she asked for Ed Grant's email address.

Kevin Casey said he understands the Open Public Meetings Act and the need for closed session. What was concerning him was that the Mayor was blindsided. As to police presence at the meetings, no one objects to them stopping by as part of community policing, but it was distinctly different having officers there when simply locking the door would have sufficed. Mr. Casey then stated Mr. Mullock doesn't

believe part time employees can have another job elsewhere. Mr. Mullock denied saying that and asserted it is exactly those kinds of inaccurate statements that are causing discord in the community.

Mary Kelly questioned how the commissioner could have been comfortable hiring Mr. Grant without interviewing him.

Connie Campanella expressed concern that it has been acknowledged that Mr. Grant is already spending more time than the MOU allows and worries that he will ultimately request additional compensation beyond the contract amount. Solicitor Russell explained the resolution and contract set a “not to exceed” figure through December 31st and to discuss the possibility that it might be exceeded is all hypothetical at this time. Ms. Campanella argued that a “wait and see” attitude isn’t proper planning.

When no one else wished to speak, the meeting was adjourned at 7:35 pm on motion of Commissioner Mullock, seconded by Mayor Moffatt.

Respectfully submitted,

Accepted:

Elaine L. Wallace, RMC, CMR
Municipal Clerk

Commissioner Mullock

Commissioner vanHeeswyk

Mayor Moffatt