

**SEPTEMBER 10, 2020
REGULAR MEETING MINUTES**

The Regular Meeting of the Board of Commissioners of the Borough of Cape May Point was called to order by the Borough Clerk at 6:02 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 operation guidance from the NJDCA, pursuant to P.L. 2020, c. 11.

COMMISSIONERS' REPORTS:

Commissioner Mullock reported the Environmental Commission has recommended the Borough adopt an ordinance regulating bamboo based on one adopted by Linwood. He asked the Borough Solicitor to draft an ordinance for introduction at an upcoming meeting. Mr. Mullock also reported the Environmental Commission has tentatively denied a request to remove a tree at Cedar & West Lake in the Borough right-of-way. If the vines are removed from the trees, the Environmental Commission will be able to make a better determination. Lastly, he reported that Public Works has removed the lifeguard stands and boxes from the beaches.

Commissioner vanHeeswyk brought to everyone's attention an editorial from *The Star & Wave* about backyard pools and suggested everyone read it in light of ongoing discussions. She also commented on an editorial cartoon about shore communities using water from the aquifers and increasing saltwater intrusion. Commissioner Mullock opined that if the Borough were able to collect and treat just 10% of the rainfall that falls within its borders in a year, it would supply the Borough's entire annual potable water usage. Mrs. vanHeeswyk then announced tax bills will be mailed early the following week. Included with the bill will be information about flood insurance and an upcoming virtual meeting on October 21st when homeowners will be able to speak with the Borough's Floodplain Manager and local insurance to make sure their home is being rated accurately.

Mayor Moffatt announced Atlantic City Electric will be doing pruning around wires in the next few weeks. Anyone with questions can call 800-642-3780 or go online at www.ace.com/treetrimming. Lastly, he congratulated Bill Oat and Chris Garrison for getting the Borough through a difficult summer and doing it flawlessly.

ADMINISTRATOR'S REPORT:

Ed Grant and the Green Team have been working on the **Sustainable Jersey certification**. One item that seems integral is an energy audit. The last one was done in 2012, but it can't be located. He'll do some more research and then come to the Board with a recommendation on how to move forward. He is also waiting for a response on a request for an extension to the 2019 raingarden grant. Mr. Grant reported **beach revenues** were up roughly \$34,000 over last year. It was a challenging year but the beach patrol and beach taggers did a great job, and the

revenue was positive which wasn't the case in other shore towns. A property maintenance complaint was received and turned over to the inspector. The County is in the final stages of design for the **traffic calming** projects and they will be submitted to the Borough for final approval in the next 2-3 weeks. As part of that, the speed monitoring sign on Lighthouse Avenue will be replaced and moved. The Borough is waiting for final reimbursement from County Open Space for the **Lake Lily** project. The Borough is working on its asset management plan, which includes updating the water map and placing GPS on the water valve system. The Ocean/Central/Pavilion and Pearl Brainard road projects are in their final stages. Once these are finished, the grants will be closed out. Lastly, Mr. Grant advised the resolution to retain a grant consultant will be on an as-needed basis.

PUBLIC QUESTIONS ON AGENDA ITEMS:

Connie Campanella asked for elaboration on resolution 106-20. Solicitor Russell explained the background of the process and stated this is the first step in the process with Verizon. The agreement must be on file before any applications for installation of equipment can be submitted.

APPROVAL OF MINUTES:

July 28, 2020 Work Session

August 13, 2020 Regular Meeting

August 13, 2020 Closed Session

Motions: vanHeeswyk, Moffatt

Roll call: all in favor

ORDINANCES FOR INTRODUCTION/PUBLICATION:

09-2020 An Ordinance Appropriating \$26,944.95 from the Capital Surplus Fund
Second Reading and Public Hearing Oct. 8, 2020, at 6 pm

Motions: Mullock, vanHeeswyk

Roll call: all in favor

RESOLUTIONS:

103-20 Authorizing Special Event Permit - Ciarrochi

Motions: vanHeeswyk, Moffatt

Roll call: all in favor

104-20 Appointment of James M. Rutala Associates, LLC as Grant Consultant

Motions: Mullock, vanHeeswyk

Roll call: all in favor

105-20 Resolution Cancelling Unexpended Capital Balances

Motions: vanHeeswyk, Moffatt

Roll call: all in favor

106-20 Authorizing the Mayor to Sign Right-of-Way Agreement with Cellco Partnership d/b/a Verizon Wireless

Motions: vanHeeswyk, Moffatt

Roll call: all in favor

- 107-20 Appointment to Cape May Point Fire Company Number 1
Motions: Moffatt, vanHeeswyk
Roll call: all in favor
- 108-20 Approval of Bill List
Motions: vanHeeswyk, Moffatt
Roll call: all in favor

ORDINANCES FOR SECOND READING AND PUBLIC HEARING: None

PUBLIC PORTION:

Catherine Busch followed up on Ed Grant's report about Sustainable Jersey. The next deadline for submission was the following day. Four actions, comprising 40 points if approved, were completed for submission. The final deadline isn't until November so there is still time for additional actions. Ms. Busch thanked Commissioner vanHeeswyk, Ed Grant and Elaine Wallace for their contributions to the process.

Connie Campanella asked what the practice has been historically after an election, particularly during the "lame duck" session. Commissioner Mullock asserted the commissioners' must continue to do their jobs fully until December 31st for the good of the community. Since he is not running, he expects to work with any newly elected commissioners that might want to explore some of the ongoing projects and how the Borough works. Ms. Campanella expressed concern over the administrator's contract that expires December 31st. Solicitor Russell explained the appointments for professionals are done at the reorganization meeting in January, which allows those actions to be taken by the newly elected Board of Commissioners. It's one reason Mr. Grant's contract was set to expire December 31st. Ms. Campanella asked for confirmation that there are no plans to hire a new administrator between the election and the end of the current Board's term. Again, Solicitor Russell asserted the new Board would make those appointments at the January meeting. Commissioner Mullock cautioned the Taxpayers Association and its leadership that those decisions are made by the Commissioners, not the Taxpayers Association. Ms. Campanella explained she was asking questions as a citizen, and she is aware that the Taxpayers Association can not make governmental decisions. She is asking questions to understand the process. Mr. Mullock also didn't want to continue speaking about personnel matters. Ms. Campanella asserted the administrator is a contractor, not an employee, so the same restrictions do not apply. She did not appreciate getting pushback on questions about a contractor. Commissioner vanHeeswyk noted that Ms. Campanella's questions were focused on the administrator, rather than on the process for all the Borough's professionals. She also commented that Ms. Campanella reports on the meetings in the Taxpayers Bulletin so it is a fine line to try to differentiate her questions as a citizen from her questions as the president of the Taxpayers Association.

Jeff Sowers, 711 Cape Avenue, asked if the Borough is considering putting a temporary hold on any new pools pending the Planning Board's recommendations. Solicitor Russell explained doing so is not permissible by law.

Mary Kelly follow up on Mr. Sowers questions, saying it seems from the last meeting that the Borough was going to consider a moratorium. Mr. Russell again stated doing so was not legal under New Jersey case law. Even if an ordinance were introduced, any permits applied for would have to be treated under existing regulations. Ms. Kelly asked for a copy of the case law. Solicitor Russell agreed to provide it. Commissioner vanHeeswyk advised the issue has been sent to the Planning Board and will be discussed at its next meeting.

Emelia Oleson asked if AT&T has installed the new antenna by Borough Hall. Clerk Wallace advised the application was approved several months ago, but AT&T hasn't acted on it yet. Ms. Oleson asked for contact information for AT&T so she could look into it.

When no one else wished to speak, the meeting was adjourned at 6:54 pm on motion of Commissioner vanHeeswyk, seconded by Mayor Moffatt.

Respectfully submitted,

Accepted:

Elaine L. Wallace, RMC, CMR
Municipal Clerk

Commissioner Mullock

Commissioner vanHeeswyk

Mayor Moffatt