

**JANUARY 26, 2021  
WORK SESSION MINUTES**

The Work Session of the Board of Commissioners of the Borough of Cape May Point was called to order by Clerk Wallace at 12:00 PM. The Open Public Meetings Statement was read by the Clerk who then led those present in the flag salute. Mayor Moffatt, Commissioner Busch and Commissioner vanHeeswyk answered roll call. Also in attendance: Administrator Ed Grant, Clerk Elaine Wallace, and Solicitor John Amenhauser. This meeting was held electronically via Zoom under local operation guidance from the NJDCA, pursuant to P.L. 2020, c.11.

**RESOLUTION**

31-21 Award of Professional Services Contract for Borough Solicitor – The DeWeese Law Firm, P.C. – John Amenhauser, Esq.

*Motions: vanHeeswyk, Busch*

*Roll call: all in favor*

**BUDGET DISCUSSION WITH CFO JIM CRAFT:**

CFO Jim Craft and the Commissioners went through the budget work sheets and discussed each department and its proposed appropriations for 2021. As proposed, the budget calls for a tax increase of 2 cents, but most of that is due to the \$60,000 interfund transfer done from the water/sewer utility to the general fund in 2020. Mr. Craft is still waiting for final figures on surplus and water/sewer. Revenues were lower than expected in 2020, so surplus was down. Commissioner vanHeeswyk suggested everyone go through their budget again to see if anything can be cut to lessen the increase. Commissioner Busch said a rate increase in water and sewer will need to be considered, not only to help balance the budget and build the surplus which is lower than is prudent, but Cape May City has talked about increasing their rates to the Borough.

**COMMISSIONERS' DISCUSSION (NEW BUSINESS/OLD BUSINESS)**

Stormwater Control Ordinance Update Mandated by NJDEP: Borough Engineer Bruce Graham explained the NJDEP has drafted a new stormwater control ordinance, replacing the previous one which is approximately 10 years old. The purpose is to regulate major developments and how they control stormwater. The biggest change is the definition of major development, which now includes anything over ¼ acre of impervious coverage. The previous threshold was 1 acre. Mr. Graham hasn't seen any applications in the Borough that would be affected, but it could be possible, particularly if the Borough does a major project like a new Public Works/Emergency Services building. He also said there is some uncertainty on whether it would impact road paving projects if a street were widened. Commissioner vanHeeswyk asked if section 1.b could be changed to make the ordinance regulate any property over 5,000 square feet so it would apply to all lots. Mr. Graham said it might be possible to be more restrictive, but the decision should be carefully considered since it would add a layer of bureaucracy and additional expense to every project and could have unintended consequences. Commissioner Busch concurred. She attended several trainings about the matter

over the last several months and it was mentioned being more restrictive could be very tricky. She thought it might be something that could be considered in the future, but not as part of this ordinance. The Board decided to set the fine for violations of the chapter at \$1,000.

Commissioner Busch reported the Yale Avenue water project to replace all the water connections from the main, which contain lead joints, won't begin before February 8<sup>th</sup>. The contract will be awarded later in the meeting. If the project stays on schedule, it should be finished before Memorial Day. The work will cause traffic disruptions and affected property owners will be notified by the contractor in advance of having water serviced turned off or their driveway blocked. Ms. Busch also mentioned she has been included in the beach replenishment meetings by Commissioner vanHeeswyk, who has taken the lead.

Commissioner vanHeeswyk thanked Catherine for attending and felt the project should fall under her department in the future. She reported the project was supposed to be completed by December 1<sup>st</sup>, but there have been several delays. Mrs. vanHeeswyk has concerns that the contractor won't finish by March 1<sup>st</sup>, which is the hard deadline due to plover season.

Mayor Moffatt welcomed new Police Chief Dekon Fashaw. Dr. Moffatt has already met with him and thinks he will do a great job.

#### **ADMINISTRATOR'S REPORT**

Ed Grant reported he is in the beginning stages of working on an interlocal agreement for street cleaning services. The Borough will be authorizing the sale of beach tags online, but not until a decision is made on whether rates need to be increased. The Borough was recently named an "overburdened community" by the NJDEP and Mr. Grant will attend a Zoom webinar about what it means in a few weeks. The designation is primarily to protect big cities, but the Borough's census figures qualified it for the designation. Mr. Grant will attend a Zoom webinar about grants for the fire company. Lastly, Mr. Grant welcomed new solicitor John Amenhauser.

#### **ORDINANCE FOR INTRODUCTION / PUBLICATION:**

01-2021 Stormwater Control Ordinance for the Borough of Cape May Point  
*Second Reading/Public Hearing/Adoption – Feb. 11 at 6:00 pm*  
*Motions: Busch, vanHeeswyk*  
*Roll call: all in favor*

#### **RESOLUTIONS:**

32-21 Office of Emergency Management Appointments  
*Motions: Moffatt, vanHeeswyk*  
*Roll call: all in favor*

33-21 Final Acceptance of Project Pearl & Brainard Avenues Drainage & Road Project  
*Motions: Busch, vanHeeswyk*  
*Roll call: all in favor*

- 34-21 Authorizing Jersey Cape Diagnostic, Training, and Opportunity Center, Inc. to Sell Seasonal Beach Tags via Its Website  
*Motions: Moffatt, vanHeeswyk*  
*Roll call: all in favor*
- 35-21 Authorizing Participation in HGACBuy, A National Purchasing Cooperative  
*Motions: vanHeeswyk, Moffatt*  
*Roll call: all in favor*
- 36-21 Award of Contract for Yale Avenue Water System Project  
*Motions: Busch, vanHeeswyk*  
*Roll call: all in favor*
- 37-21 Approval of Bill List  
*Motions: vanHeeswyk, Moffatt*  
*Roll call: all in favor*

**MAYORAL APPOINTMENTS:**

**Environmental Commission**

- Paula Massanari – Member – unexpired 4-year term expiring 1/31/2022  
 Carol Sowers – Alternate #1 – unexpired 2-year term expiring 1/31/2022  
 Elise Geiger – Alternate #2 – 2-year term expiring 1/31/2023  
*Motions to receive and file: Busch, vanHeeswyk*  
*Roll call: all in favor*

**PUBLIC PORTION:**

Connie Campanella thanked the Borough for moving to Zoom. She asked about the traffic calming project. Ed Grant explained the final consultant report is expected in 30 days, then the County has to approve a bond ordinance.

Barb Bassett thanked the Mayor and Commissioner for their vote of confidence in appointing her as Chair of the Environmental Commission.

Mary Kelly asked why the Borough still hasn't adopted a vegetation ordinance as recommended by the Environmental Commission a year ago. Clerk Wallace explained the process has been more complicated than originally expected, but an expert will be consulted to assist. Ms. Kelly felt it really important to get it done as more properties appear to be clear cut. She was also disappointed she wasn't given a copy of the recommendations or draft when she asked. Clerk Wallace explained drafts of deliberative materials are not shared with the public, but the discussion could be found in the minutes of the Environmental Commission meetings. Ms. Kelly felt the Environmental Commissioner should have shared the information because they are supposed to advance the public's desires. Commissioner Busch explained the Environmental Commissioner makes recommendations to the governing body, not to the public and added it would be premature to share them because they could change at any time as an ordinance continues to be developed.

Helen Chezem wasn't sure how it is handled, but she saw trees along the dunes that had been topped by someone. Mayor Moffatt advised that had been addressed when it happened.

Stephanie Stec asked about the gas line moratorium. Clerk Wallace explained that once a street is paved, it is under moratorium for 5 years during which no one is allowed to open them to install any services. Ms. Stec then asked how it is handled when a property line is under a dune. Commissioner vanHeeswyk explained property owners would need to obtain a CAFRA permit, and CAFRA draws specific lines that cannot be crossed by any building. Ms. Stec asked if that limited the permitted square footage of a house. Ms. vanHeeswyk explained that is determined by the size of the lot, the line drawn by CAFRA and all other bulk requirements, so a single answer isn't possible.

Sandy Allison expressed concern with the lay of the land on the 300 block of Alexander this coming spring and summer when lots of construction is anticipated. She expects lots of land clearing, port-a-potties, cars from contractors and rentals on both sides of the street. She felt something should be done to prevent all that.

When no one else wished to speak, the meeting was adjourned at 1:08 pm on motion of Commissioner vanHeeswyk, seconded by Mayor Moffatt.

Respectfully submitted,

Accepted:

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Elaine L. Wallace, RMC, CMR  
Municipal Clerk

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Commissioner Busch

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Mayor Moffatt

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Commissioner vanHeeswyk