

APRIL 27, 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 Mayor 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.

COMMISSIONERS' DISCUSSION (NEW BUSINESS/OLD BUSINESS)

Hot Tubs and Pool Maintenance: Mayor Moffatt would like the Board to reconsider allowing hot tubs and spas. Commissioner vanHeeswyk was in favor of permitting them for therapeutic reasons with limitations on size, and using the same process that is used for getting a permit to install a handicapped ramp without having to get a variance. Commissioner Busch was not on the Board when the original ordinance was passed, but she was chair of the Environmental Commission when they sent Avalon's pool regulations to the Planning Board for consideration. That sample did not include hot tubs and she was unsure why the ordinance adopted last year prohibited them. She was open to considering allowing above ground hot tubs with consideration on their effect on lot coverage and neighbors. She also thought the regulations for existing pools should be considered again as requested by the public. Mayor Moffatt agreed with considering above ground hot tubs. Commissioner Busch will speak with the Borough Engineer about dewatering and discharge issues with regard to pool maintenance before the topic is discussed again.

Environmental Commission Logo: Commissioner vanHeeswyk loved option #1 so much that she thought it would be a great new logo format for the Borough, too. Commissioner Busch asked if there was any prohibition against an official body using a separate logo. Solicitor Amenhauser was unaware of anything prohibiting it, but will confirm to be sure. The Board approved the EC use of the new logo, as long as the attorney didn't find a prohibition against it, and also approved using the new logo for the Borough. The Borough Clerk will check to make sure the creator has no objection.

Commissioner Busch reported the Yale Avenue project is ongoing and still scheduled to finish on time, the week before Memorial Day. This week water services will be run beginning with the first block. Dewatering is ongoing and necessary to insure the safety of the workers and to prevent trenches from collapsing. As a result, a lot of water is being discharged into the lake. There have been complaints about the water and the smell, which is similar to the marsh at low tide because the ground water is brackish. She also reported she and the Environmental Commission will be talking about work at Lake Lily at the June meeting. Lastly, she reported on the April 24th beach cleanup that was organized by Bob Mullock and his family. There was no advertising done this year, particularly in light of COVID-19 restrictions, but more than enough people turned out to volunteer.

Commissioner vanHeeswyk announced the audit report is almost complete.

Mayor Moffatt complemented this year's beach cleanup and this year's pastries. He also announced the new electric vehicle for the beach tag program has been ordered.

ADMINISTRATOR'S REPORT

Ed Grant reported the first meeting on the employee manual took place, the next step is tracking change format. The Pearl and Brainard Avenue NJDOT grant closeout is almost complete. He followed up with Atlantic City Electric on new rate options, but decided not to change because there would be an additional \$10,000 cost for changing formats. Lastly, he has been and will continue to be attending multiple JIF- and state-led trainings over the next few months. There are also some JIF trainings that Borough employees will need to take.

PUBLIC QUESTIONS ON AGENDA ITEMS: None

ORDINANCES FOR INTRODUCTION:

03-2021 Ordinance by the Borough of Cape May Point in the County of Cape May and State of New Jersey Prohibiting the Operation of Any Class of Cannabis Businesses within Its Geographical Boundaries and Amending Section 150-4 of the Borough of Cape May Point Municipal Code - *Second Reading/Public Hearing/Consideration for Adoption – June 10th at 6 pm*

Motions: vanHeeswyk, Moffatt

Roll call: all in favor

04-2021 Ordinance Amending Chapter 146 Water and Sewer Utility of the Borough of Cape May Point Municipal Code - *Second Reading/Public Hearing/Consideration for Adoption – May 13th at 6 pm*

Motions: Busch, vanHeeswyk

Roll call: all in favor

RESOLUTIONS:

63-21 Authorizing the Application for and the Execution of a Subcontract for the Municipal Alliance Program

Motions: vanHeeswyk, Moffatt

Roll call: all in favor

64-21 Authorizing Special Event Permit for Michael Gazzara

Motions: vanHeeswyk, Moffatt

Roll call: all in favor

65-21 Resolution Acknowledging Closure of Certain Developer's Escrow Accounts and Authorizing Refunds as Necessary as Recommended by the Planning Board

Motions: vanHeeswyk, Moffatt

Roll call: all in favor

- 66-21 Authorizing Addendum to Interlocal Services Agreement with Cape May City for Bulk Water Rate Adjustment
Motions: Busch, Moffatt
Roll call: all in favor
- 67-21 Authorizing Special Event Permit for Riley Hollandsworth
Motions: vanHeeswyk, Moffatt
Roll call: all in favor
- 68-21 Resolution Endorsing Fair Elections
Motions: vanHeeswyk, Moffatt
Roll call: all in favor
- 69-21 Approval of Bill List
Motions: vanHeeswyk, Moffatt
Roll call: all in favor

PUBLIC PORTION:

Mary Vanderhoof thanked the commissioners for taking up the matter again on spas and hot tubs and hoped they are excluded from the prohibitions. She also like the recognition of above ground being different from inground. She agreement with Commissioner Busch's comment that more study is needed. Ms. Vanderhoof said her point, in November and in her email, was that the decision should be based on evidence and data. She asked the commissioners to contact the right professionals and look at other towns' ordinances and to take their time to read her email containing lots of facts, research, and NJDEP data.

Helen Chezem had been surprised that hot tubs were added to the ordinance banning pools and was glad the commissioners are looking into it. She also suggested they look into how the waters can be handled. Her lake community had an issue with hot tubs and one recommendation was to allow them to run for 3 days without adding chlorine to allow it to dissipate. Then they will be left with gray water.

Mary Kelly followed up on whether or not commissioners are going to record meetings so people can see them and have ready access to information. She previously provided information on what other towns are doing and digital law information, and noted that taking the action could support Citizen Engagement portion of Sustainable Jersey certification. Administrator Grant has spoken individually with the commissioners and there are a number of issues – manpower, COVID-19 restrictions, logistics issue that would be present when in-person meetings resume, expense of equipment – that would need further investigation. There are other priorities that are timelier at this point. And, since meetings are being done via Zoom, providing more access than ever before to the public, there isn't a great deal of urgency to the request. In addition, the Clerk gets the minutes posted on the website and they are very thorough and complete. Clerk Wallace reported the Borough currently meets the requirements for the Citizen Engagement action item of Sustainable Jersey. Ms. Kelly agreed the minutes are sufficient to get

a feel for what happened, but her opinion is that meetings are reported on by several parties and they often don't match because people bring their own perspective to what they are writing. On a different topic, she asked the Borough to support the SALT caucus to take back full deductibility of property taxes. The Borough passed a resolution of support in February.

Mary Vanderhoof asked the Borough to continue using Zoom after in-person meetings resume because it opens the meetings to people who can't be here. Commissioner vanHeeswyk said she preferred doing Zoom meetings over live one because it allows so many more people to attend. The Borough will look into what would be needed to facilitate having Zoom during in-person meetings.

When no one else wished to speak, the meeting was adjourned at 12:44 pm on motion of Commissioner vanHeeswyk, seconded by Mayor Moffatt.

Respectfully submitted,

Accepted:

Elaine L. Wallace, RMC, CMR
Municipal Clerk

Commissioner Busch

Mayor Moffatt

Commissioner vanHeeswyk