

In compliance with COVID-19 guidelines this meeting will be conducted via electronic conferencing using Zoom <https://www.zoom.us/> or by phone +1 646 558 8656 US (New York)
Meeting ID: 822 6744 6171 Passcode: 132692

Direct link: <https://us02web.zoom.us/j/82267446171?pwd=Wm1JR0M3VjVJQUxLUDhsTUhmOXlvZz09>

In addition, members of the public may send questions or comments for inclusion during the public portion to the Borough Clerk at ewallace@capemaypoint.org by 12:00 PM the Wednesday before the meeting.

**AGENDA
BOROUGH OF CAPE MAY POINT
BOARD OF COMMISSIONERS**

BOROUGH MEETING – OCTOBER 13, 2022 – 6:00 PM

MEETING CALLED TO ORDER / SUNSHINE STATEMENT / FLAG SALUTE

In compliance with the Open Public Meetings Act, Chapter 231, Public Laws of 1975, this meeting was properly advertised in the annual notice and this agenda was properly distributed and duly posted on the Borough Hall bulletin board as the required notice under the Statute.

ROLL CALL: Commissioner Busch, Mayor Moffatt, Commissioner vanHeeswyk

COMMISSIONERS' REPORTS/DISCUSSION

ADMINISTRATOR'S REPORT

PUBLIC COMMENT ON AGENDA ITEMS ONLY

APPROVAL OF MINUTES

September 8, 2022 Regular Meeting
September 27, 2022 Work Session

ORDINANCES FOR INTRODUCTION / PUBLICATION - None

RESOLUTIONS

- 115-22 Authorizing the Participation of the Borough of Cape May Point in the South Jersey Power Co-operative Contract with UGI Energy Services to Furnish and Deliver Natural Gas
- 116-22 Authorizing Special Event Permit for Cape May Running LLC
- 117-22 Approval of Bill List
- 118-22 Authorizing Executive/Closed Session in Accordance with the Provisions of the Open Public Meetings Act N.J.S.A. 10:4-12(b) - Potential Litigation – water/sewer billing and Borough easement

ORDINANCES FOR SECOND READING / PUBLIC HEARING / ADOPTION - None

PUBLIC PORTION

ADJOURNMENT

The Board of Commissioners welcomes the participation of interested parties during the public portions of its meetings. For the Board to conduct the business of the Borough in the most productive and open manner possible, questions and comments may be limited to four (4) minutes per person. In addition, each person may only speak once per meeting on a single topic. If you wish to address the Board, please raise your hand and the moderator will try to accommodate everyone in the order in which they are recognized.

**BOROUGH OF CAPE MAY POINT
COUNTY OF CAPE MAY
STATE OF NEW JERSEY**

RESOLUTION 115-22

**AUTHORIZING THE PARTICIPATION OF THE BOROUGH OF CAPE MAY POINT
IN THE SOUTH JERSEY POWER CO-OPERATIVE CONTRACT WITH
UGI ENERGY SERVICES TO FURNISH AND DELIVER NATURAL GAS**

WHEREAS, the Borough of Cape May Point participates in the South Jersey Power Co-Operative (SJPC) which received bids for the provision of natural gas on September 13, 2022; and

WHEREAS, the bid of UGI Energy Services was the lowest responsible bid received for the South Jersey Gas accounts in bid groups 3A and 4A; and

WHEREAS, the County of Camden, as lead agency, awarded a contract on September 13, 2022 with UGI Energy Services, One Meridian Blvd, Suite 2C01, Wyomissing, PA 19610. The utility rate is \$12.334 per dekatherm for bid group 3A accounts and \$11.228 per dekatherm for bid group 4A accounts, in accordance with the specifications to furnish and deliver natural gas to the lead agency locations and the participating cooperative members; and

WHEREAS, N.J.A.C. 5:34-7.11 permits a municipality to participate in said contract as a registered member of the system and has received the approval of the lead agency and contractor.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Borough of Cape May Point, County of Cape May and State of New Jersey, does hereby participate in the contract for the purchase of natural gas as a participating contracting unit of the South Jersey Power Co-Operative for a one -year term beginning December 1, 2022 and ending November 30, 2023, at the dekatherm prices above, in an amount not to exceed \$12,000 annually, dependent upon certification of funds by the Chief Financial Officer.

	MOTION	SECOND	YES	NO	ABSTAIN	ABSENT
Busch						
Moffatt						
vanHeeswyk						

CERTIFICATION OF AVAILABILITY OF FUNDS

I, James V. Craft, Chief Finance Officer of the Borough of Cape May Point, hereby certify that funds are available in the Current Fund Account 2-01-31-430-021, Utilities OE, to authorize the participation in the South Jersey Power Co-Operative contract with UGI Energy Services to furnish and deliver natural gas for an amount not to exceed \$12,000.00 starting December 1, 2022.

I further certify that this commitment together with all previously made commitments does not exceed the appropriation balance available for this purpose.

Dated: October 13, 2022

Signed: James V. Craft

James V. Craft

Chief Financial Officer

I hereby certify that the foregoing is a true copy of a Resolution duly passed and adopted by a majority of full membership of the Board of Commissioners of the Borough of Cape May Point, County of Cape May, New Jersey, at a meeting held on October 13, 2022.

Municipal Clerk

**BOROUGH OF CAPE MAY POINT
COUNTY OF CAPE MAY
STATE OF NEW JERSEY**

RESOLUTION 116-22

**AUTHORIZING SPECIAL EVENT PERMIT
FOR CAPE MAY RUNNING LLC**

WHEREAS, the Cape May Running LLC has applied for a Special Event Permit for a half marathon race that will be on Borough streets (Cape, to Alexander, to Crystal, to Stites, to Pearl, to Cape, to Ocean, to Harvard, to Lehigh, to Lincoln, to Lighthouse to Seagrove) on Saturday, October 29, 2022 between 8:30 am and 12:30 pm; and

WHEREAS, the applicant has supplied all documentation required under Ordinance No. 551-08, including the requisite Certificate of Insurance, and has further pledged to comply with all applicable rules and regulations pertaining to the conduct of said Special Event.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Borough of Cape May Point, County of Cape May, New Jersey that the Borough Clerk is hereby authorized to issue a Special Event Permit to Cape May Running LLC for half marathon on various Borough streets listed above on Saturday, October 29, 2022 between 8:30 am and 12:30 pm.

	MOTION	SECOND	YES	NO	ABSTAIN	ABSENT
Busch						
Moffatt						
vanHeeswyk						

I hereby certify that the foregoing is a true copy of a Resolution duly passed and adopted by a majority of full membership of the Board of Commissioners of the Borough of Cape May Point, County of Cape May, New Jersey, at a meeting held on October 13, 2022.

Municipal Clerk

**BOROUGH OF CAPE MAY POINT
COUNTY OF CAPE MAY
STATE OF NEW JERSEY**

RESOLUTION 117-22

APPROVAL OF BILL LIST

WHEREAS, the Borough of Cape May Point has received certain claims against it by way of voucher, which have been duly reviewed by the Board of Commissioners.

NOW THEREFORE BE IT RESOLVED, by the Board of Commissioners of the Borough of Cape May Point, County of Cape May, State of New Jersey that the attached claims are hereby approved for payment in the total amount of \$ 139,321.41.

	MOTION	SECOND	YES	NO	ABSTAIN	ABSENT
Busch						
Moffatt						
vanHeeswyk						

I hereby certify that the foregoing is a true copy of a Resolution duly passed and adopted by a majority of full membership of the Board of Commissioners of the Borough of Cape May Point, County of Cape May, New Jersey, at a meeting held on October 13, 2022.

Municipal Clerk

**BOROUGH OF CAPE MAY POINT
COUNTY OF CAPE MAY
STATE OF NEW JERSEY**

RESOLUTION NO. 118-22

**AUTHORIZING EXECUTIVE/CLOSED SESSION IN ACCORDANCE WITH THE
PROVISIONS OF THE OPEN PUBLIC MEETINGS ACT N.J.S.A. 10:4-12(b)**

WHEREAS, the Open Public Meetings Act (N.J.S.A. 10:4-6 et. seq.) requires all meetings of the Board of Commissioners of the Borough of Cape May Point to be held in public, except that N.J.S.A. 10:4-12(b) sets forth nine (9) types of matters that may lawfully be discussed in "Executive or Closed Session," i.e., without the public being permitted to attend; and

WHEREAS, the Board of Commissioners of the Borough of Cape May Point has determined that **ONE (1)** issue is permitted by N.J.S.A. 10:4-12(b) to be discussed without the public in attendance during the Executive or Closed Session to be held on **Thursday, October 13, 2022 at approximately 6:30 PM.**; and

WHEREAS, the nine (9) exceptions to public meetings set forth in N.J.S.A. 10:4-12(b) are listed below, and next to each exception is a box within which the number of issues to be privately discussed that fall within that exception shall be written, and after each exception is a space where additional information that will disclose as much information about the discussion as possible without undermining the purpose of the exception shall be written:

_____ **"(1) Any matter which, by express provision of Federal law, State statute or rule of court shall be rendered confidential or excluded from public discussion."** The legal citation to the provision(s) at issue is: _____ and the nature of the matter, described as specifically as possible without undermining the need for confidentiality is _____

_____ **"(2) Any matter in which the release of information would impair a right to receive funds from the state or federal government."** The nature of the matter, described as specifically as possible without undermining the need for confidentiality is _____

_____ **"(3) Any material the disclosure of which constitutes an unwarranted invasion of individual privacy such as any records, data, reports, recommendations, or other personal material of any educational, training, social service, medical, health, custodial, child protection, rehabilitation, legal defense, welfare, housing, relocation, insurance and similar program or institution operated by a public body pertaining to any specific individual admitted to or served by such institution or program, including but not limited to information relative to the**

individual's personal and family circumstances, and any material pertaining to admission, discharge, treatment, progress or condition of any individual, unless the individual concerned (or, in the case of a minor or incompetent, his guardian) shall request in writing that the same be disclosed publicly." The nature of the matter, described as specifically as possible without undermining the need for confidentiality is _____

_____ **"(4) Any collective bargaining agreement, or the terms and conditions of which are proposed for inclusion in any collective bargaining agreement, including the negotiation of terms and conditions with employees or representatives of employees of the public body."** The collective bargaining contract(s) discussed are between the Borough and _____

_____ **"(5) Any matter involving the purchase, lease or acquisition of real property with public funds, the setting of bank rates or investment of public funds where it could adversely affect the public interest if discussion of such matters were disclosed."** The nature of the matter, described as specifically as possible without undermining the need for confidentiality is _____

_____ **"(6) Any tactics and techniques utilized in protecting the safety and property of the public provided that their disclosure could impair such protection. Any investigations of violations or possible violations of the law."** The nature of the matter, described as specifically as possible without undermining the need for confidentiality is _____

_____ **X** **"(7) Any pending or anticipated litigation or contract negotiation in which the public body is or may become a party. Any matters falling within the attorney-client privilege, to the extent that confidentiality is required in order for the attorney to exercise his ethical duties as a lawyer."** The parties to and docket numbers of each item of litigation and/or the parties to each contract discussed is Potential Litigation: water/sewer billing; Borough easement

_____ **"(8) Any matter involving the employment, appointment, termination of employment, terms and conditions or employment, evaluation of the performance, promotion or disciplining of any specific prospective public officer or employee or current public officer or employee employed or appointed by the public body, unless all individual employees or appointees whose rights could be adversely affected request, in writing, that such matter or matters be discussed at a public meeting."** Subject to the balancing of the public's interest and the employee's privacy rights under *South Jersey Publishing Co. v. New Jersey*

Expressway Authority, 124 N.J. 478, the employee(s) and nature of the discussion, described as specifically as possible without undermining the need for confidentiality is _____

“(9) Any deliberation of a public body occurring after a public hearing that may result in the imposition of a specific civil penalty upon the responding party or the suspension or loss of a license or permit belonging to the responding party as a result of an act or omission for which the responding party bears responsibility.” The nature of the matter, described as specifically as possible without undermining the need for confidentiality is _____

WHEREAS, the Board of Commissioners shall reconvene the public meeting at the conclusion of the authorized closed or executive session, which may or may not include formal action as a result of the discussion(s) held.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Borough of Cape May Point, assembled in public session on the date of the meeting of the governing body set forth herein above, that a closed session shall be held for the discussion of matters relating to the specific items designated above involving the Borough of Cape May Point. The governing body shall convene a closed session discussion immediately upon passage of this resolution and it is anticipated that the deliberations conducted in closed session shall be disclosed to the public upon conclusion of the matter and/or after determination of the Board of Commissioners that the public interest will no longer be served by such confidentiality and that the meeting will return to open session at the conclusion of the discussion and formal action may be taken if/as authorized.

BE IT FURTHER RESOLVED that the Municipal Clerk, at the present public meeting, shall read aloud enough of this resolution so that members of the public in attendance can understand, as precisely as possible, the nature of the matters that will be privately discussed.

BE IT FURTHER RESOLVED that the Municipal Clerk, on the next business day following this meeting, shall furnish a copy of this resolution to any member of the public who requests one at the fees authorized by N.J.S.A. 47:1A-1, et. seq.

	MOTION	SECOND	YES	NO	ABSTAIN	ABSENT
Busch						
Moffatt						
vanHeeswyk						

I hereby certify that the foregoing is a true copy of a Resolution duly passed and adopted by a majority of full membership of the Board of Commissioners of the Borough of Cape May Point, County of Cape May, New Jersey, at a meeting held on October 13, 2022.

Municipal Clerk

Range of Checking Accts: OTHER to OTHER Range of Check Ids: 16973 to 17008
Report Type: All Checks Report Format: Condensed Check Type: Computer: Y Manual: Y Dir Deposit: Y

Check #	Check Date	Vendor	Reconciled/Void	Ref Num
PO #	Description	Amount Paid	Contract	
16973	10/13/22	ABS01 ABS ELECTRIC, INC.		1879
22-00509	SERVICE CALL	225.30		
16974	10/13/22	ACM01 ACMJIF		1879
22-00520	4TH QU BILLING	10,834.00		
16975	10/13/22	ATL01 ATLANTIC CITY ELECTRIC		1879
22-00510	ELECTRIC BILLS	2,871.05		
16976	10/13/22	AUT02 AUTO ZONE, INC.		1879
22-00472	STATEMENT	28.96		
16977	10/13/22	CAP01 CAPE MAY POINT BOE		1879
22-00508	2022-2023 SCHOOL TAX LEVY	51,559.00		
16978	10/13/22	CAP03 CAPE MAY STAR & WAVE		1879
22-00497	LEGAL ADVERTISING	8.50		
16979	10/13/22	CAP31 CAPE MINING & RECYCLING LLC		1879
22-00492	STUMPS/TREE PARTS	25.00		
22-00506	STUMPS/TREE PARTS	25.00		
22-00516	ASPHALT, STUMPS, TREE PARTS	610.61		
		<u>660.61</u>		
16980	10/13/22	CAS01 CASA PAYROLL SERVICE		1879
22-00503	PAYROLL	295.50		
16981	10/13/22	CHE03 CHESAPEAKE SCREEN PRINTING		1879
22-00517	LIGEGUARD SHIRTS/HOODIE	1,568.85		
16982	10/13/22	CIT03 CITY OF CAPE MAY		1879
22-00499	2022 AUGUST WATER	45,707.90		
16983	10/13/22	COPIE005 COPIERS PLUS		1879
22-00494	COPIER	50.68		
16984	10/13/22	COR01 CORELOGIC CENTRALIZED REFUNDS		1879
22-00514	REFUND	938.63		
16985	10/13/22	COU03 COUNTY OF CAPE MAY		1879
22-00504	FUEL AUGUST 2022	1,102.26		
16986	10/13/22	DAT01 DATA NETWORK SOLUTIONS		1879
22-00502	TELEPHONE	310.11		
16987	10/13/22	GENER010 GENERAL CODE		1879
22-00498	2022 ECODE ANNUAL MAINTENANCE	1,195.00		
16988	10/13/22	GOLDM005 GOLD MEDAL ENVIRONMENTAL		1879
22-00521	TRASH/RECYCLING	5,283.33		

Check #	Check Date	Vendor	Reconciled/Void	Ref Num
PO #	Description	Amount Paid	Contract	
16989	10/13/22	GREEN005 GREENMAN-PEDERSEN, INC. 22-00490 ENGINEERING	4,860.50	1879
16990	10/13/22	GRR01 GRR CONSULTING SERVICES LLC 22-00518 CONSULTING SERVICES	3,150.00	1879
16991	10/13/22	HOOPE005 HOOPER, INC. 22-00493 TRUCK AND TRAVEL CHARGES	488.00	1879
16992	10/13/22	JAC01 J & A CLEANING SERVICE 22-00505 CLEANING	300.00	1879
16993	10/13/22	LOW01 LOWE'S 22-00526 STATEMENT	150.19	1879
16994	10/13/22	NJS01 NJ ST. LEAGUE OF MUNICIPALITIE 22-00515 LEAGUE REGISTRATION	360.00	1879
16995	10/13/22	ONE02 ONE CALL CONCEPTS 22-00522 MARK OUTS	18.59	1879
16996	10/13/22	PIN01 PINELANDS NURSERY 22-00489 VARIOUS PLANTS	371.86	1879
16997	10/13/22	PRO02 PRO PET DISTRIBUTORS 22-00507 DOGIPOT SMART LINER BAGS	902.40	1879
16998	10/13/22	REE01 REEL FIRE PROTECTION INV. 22-00468 FIRE ANNUAL CERTIFICATION	1,043.00	1879
16999	10/13/22	SEAGE005 SEA GEAR OUTFITTERS 22-00467 FIRE EXTING	59.78	1879
17000	10/13/22	SOU06 SOUTH JERSEY GAS 22-00512 GAS BILLS	165.10	1879
17001	10/13/22	STA03 STATE OF NEW JERSEY 22-00525 ASSESSMENT BILL	103.50	1879
17002	10/13/22	SWA01 SWAIN'S ACE HARDWARE 22-00513 STATEMENT	295.26	1879
17003	10/13/22	TUCKA005 TUCKAHOE NURSERIES, INC. 22-00465 ARONIA ARB ETC	316.00	1879
17004	10/13/22	VAN01 VAN NOTE-HARVEY ASSOCIATES 22-00406 YALE AVENUE WATER SYSTEM CNT 22-00500 WATER SYSTEM MAPPING	2,453.50 <u>763.75</u> 3,217.25	1879
17005	10/13/22	VER01 VERIZON 22-00511 PHONE BILLS	241.34	1879

Check #	Check Date	Vendor	Reconciled/Void	Ref Num
PO #	Description	Amount Paid	Contract	
17006	10/13/22	VER03 VERIZON WIRELESS		1879
22-00523	CELL PHONE	80.02		
17007	10/13/22	VIL01 NAPA AUTO PARTS		1879
22-00491	SPARK PLUGS/BATTERY	356.94		
17008	10/13/22	WALTE005 WALTER RENOVATIONS, LLC		1879
22-00501	COAH REFUND	202.00		

Report Totals	<u>Paid</u>	<u>Void</u>	<u>Amount Paid</u>	<u>Amount Void</u>
Checks:	36	0	139,321.41	0.00
Direct Deposit:	0	0	0.00	0.00
Total:	<u>36</u>	<u>0</u>	<u>139,321.41</u>	<u>0.00</u>

Totals by Year-Fund					
Fund Description	Fund	Budget Total	Revenue Total	G/L Total	Total
CURRENT	2-01	80,870.40	0.00	0.00	80,870.40
	2-05	<u>54,526.01</u>	<u>0.00</u>	<u>0.00</u>	<u>54,526.01</u>
Year Total:		135,396.41	0.00	0.00	135,396.41
	C-04	3,723.00	0.00	0.00	3,723.00
TRUST ACCOUNT EXPENDITURES	T-13	202.00	0.00	0.00	202.00
Total of All Funds:		<u>139,321.41</u>	<u>0.00</u>	<u>0.00</u>	<u>139,321.41</u>