

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 (New York), Meeting ID: 869 0277 0723 Passcode: 287008

Direct link: <https://us02web.zoom.us/j/86902770723?pwd=SUVieUNMZVJucU1WWE1IRXpTVkZrZz09>

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 Noon the Monday before the meeting.

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

BOROUGH MEETING OF APRIL 14, 2022 – 6:00 PM

MEETING CALLED TO ORDER / SUNSHINE STATEMENT / FLAG SALUTE

In compliance with the Open Public Meeting 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 law.

ROLL CALL: Commissioner Busch, Mayor Moffatt, Commissioner vanHeeswyk

COMMISSIONERS' DISCUSSION (NEW BUSINESS / OLD BUSINESS)

ADMINISTRATOR'S REPORT

2022 BUDGET:

Presentation on Budget by Borough Auditor Mike Garcia

ORDINANCE FOR SECOND READING / PUBLIC HEARING

01-2022 Calendar Year 2022 Ordinance to Exceed the Municipal Budget Appropriation Limits and Establish a Cap Bank

BUDGET RESOLUTIONS AND PUBLIC HEARING

51-22 Read by Title Only and Open a Public Hearing on 2022 Municipal Budget
52-22 Adoption of 2022 Municipal Budget

PUBLIC QUESTIONS ON AGENDA ITEMS ONLY

MINUTES:

February 10, 2022 Regular Meeting
February 22, 2022 Work Session
March 10, 2022 Regular Meeting
March 22, 2022 Work Session

ORDINANCES FOR INTRODUCTION AND PUBLICATION: None

RESOLUTIONS

53-22 Authorizing and Directing Payment Plans for Pandemic-Related Water and Sewer Arrearages
54-22 Opposing NJDEP's Proposed Coastal Regulations
55-22 Approval of Bill List

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
NEW JERSEY**

ORDINANCE 01-2022

**CALENDAR YEAR 2022
ORDINANCE TO EXCEED THE MUNICIPAL BUDGET
APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK
(N.J.S.A. 40A: 4-45.14)**

WHEREAS, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget up to 2.5% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

WHEREAS, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

WHEREAS, the Borough Commission of the Borough of Cape May Point in the County of Cape May finds it advisable and necessary to increase its CY 2022 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

WHEREAS, the Borough Commission hereby determines that a 1.0% increase in the budget for said year, amounting to \$12,283.09 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

WHEREAS the Borough Commission hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW THEREFORE BE IT ORDAINED, by the Borough Commission of the Borough of Cape May Point, in the County of Cape May, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2022 budget year, the final appropriations of the Borough of Cape May Point shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.5 %, amounting to \$42,990.82, and that the CY 2022 municipal budget for the Borough of Cape May Point be approved and adopted in accordance with this ordinance; and,

BE IT FURTHER ORDAINED, that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

Final Adoption Vote	MOTION	SECOND	YES	NO	ABSTAIN	ABSENT
Busch						
vanHeeswyk						
Moffatt						

Catherine Busch, Commissioner

Anita vanHeeswyk, Commissioner

Robert Moffatt, Mayor

ATTEST:

Elaine L. Wallace, Borough Clerk

FIRST READING: March 10, 2022

PUBLICATION: March 16, 2022

PUBLIC HEARING: April 14, 2022

PUBLICATION: April 20, 2022

I hereby certify that the foregoing is a true copy of an Ordinance adopted by a majority of the 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 April 14, 2022.

Elaine L. Wallace, RMC, CMR
Municipal Clerk

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

RESOLUTION 51-22

**READ BY TITLE ONLY AND OPEN PUBLIC HEARING
ON 2022 MUNICIPAL BUDGET**

WHEREAS, N.J.S.A. 40A: 4-8 provides that the budget may be read by title only at the time of the public hearing if a resolution is passed by not less than a majority of the full governing body, providing that at least ten (10) days prior to the date of the hearing, a publication by summary of the budget has been advertised and copies have been made available by the Clerk to persons requesting them.

NOW, THEREFORE, BE IT RESOLVED that the conditions of N.J.S.A. 40A:4-8 have been met and the budget shall be read by title only.

	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 April 14, 2022.

Municipal Clerk

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

RESOLUTION 52-22

ADOPTION OF MUNICIPAL BUDGET FOR THE YEAR 2022

NOW, THEREFORE, BE IT RESOLVED, this 14th day of April, 2022 by the Board of Commissioners of the Borough of Cape May Point, County of Cape May, the governing body thereof, that the Municipal Budget for 2022 be and is hereby adopted and shall constitute an appropriation for the purposes stated of the sums therein set forth as appropriations, and authorization of the amount of \$1,558,675.00 to be raised by taxes for municipal purposes.

	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 April 14, 2022.

Municipal Clerk

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

RESOLUTION 53-22

**AUTHORIZING AND DIRECTING PAYMENT PLANS FOR
PANDEMIC-RELATED WATER AND SEWER ARREARAGES**

WHEREAS, P.L. 2021 c. 317 has established various relief measures under State law for residential customers of local government water, sewer and electric services; and

WHEREAS, P.L. 2021 c. 317 provides municipalities shall offer each residential ratepayer an installment plan to satisfy the balance of their government water and sewer charges for the period between March 9, 2020, and March 15, 2022 (“the period”); and,

WHEREAS, P.L. 2021 c. 317 provides that the mandatory installment plan for arrearages accruing between March 9, 2020, and March 15, 2022, shall have a minimum twelve (12) month duration (unless the residential customer requests a shorter payback period), but shall not exceed five (5) years; and,

WHEREAS, the Borough will provide written notice to those residential ratepayers eligible for the payment plan; and,

WHEREAS, each residential ratepayer having arrearages for the period will be required to make timely payments on all current water and sewer charges to maintain the payment plan for the period; and,

WHEREAS, having reviewed the matter, the Borough of Cape May Point believes it is in the Borough’s best interest to adopt a twelve (12) month payment plan for eligible arrearages accrued over the period; and,

NOW, THEREFORE, BE IT RESOLVED, this 14th day of April, 2022 Board of Commissioners of the Borough of Cape May Point, County of Cape May, the governing body thereof, as follows:

1. The averments of the preamble are incorporated into this Resolution.
2. The Borough shall notify all eligible residents of the availability of a 12-month installment plan to satisfy arrearages for water and sewer charges accrued between March 9, 2020, and March 15, 2022.
4. This Resolution shall not impact sewer liens sold before January 1, 2022, in accordance with P.L. 2021 c. 317.

5. Late interest, fees or charges may be enforced against arrearages accruing before March 9, 2020, and after March 15, 2022.
6. This Resolution shall take effect immediately, according to law.

	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 April 14, 2022.

Municipal Clerk

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

RESOLUTION 54-22

RESOLUTION OPPOSING NJDEP'S PROPOSED COASTAL REGULATIONS

WHEREAS, climate change and sea level rise are a documented threat to New Jersey and its barrier island communities; requiring a thoughtful and well-reasoned response from all levels of government; and

WHEREAS, Governor Murphy has by Executive Order directed the New Jersey Department of Environmental Protection (NJDEP) to research and develop regulations to address the threats from climate change and sea level rise; and

WHEREAS, NJDEP is planning to adopt new regulations commonly known as the "PACT" regulations ("Protecting Against Climate Threats") that will, if implemented, significantly devalue land, stymie construction, and alter the quaint seashore cottage environment in the Borough of Cape May Point; and

WHEREAS, the PACT Rules will require that new construction in flood zones be elevated five (5) feet above the base flood elevation for new construction; and

WHEREAS, elevating new and substantially improved homes an additional five feet will be prohibitively expensive for our residents and may not even be feasible on many sites; and

WHEREAS, historically when NJDEP issues new rules they have been promulgated pursuant to legislation; and

WHEREAS, in this case there is no legislation that has authorized the NJDEP to require more stringent requirements than the federal regulations that are now in place; and

WHEREAS, according to scientific studies commissioned by NJDEP, the prospective five-foot freeboard requirement is based on sea level rise projections for the year 2100 that have an occurrence probability of only 17%, and

WHEREAS, Municipalities are required by the Municipal Land Use Law to prepare Master Plans using a 20- or 30-year planning horizon, as a consequence of which the Borough of Cape May Point strongly suggests that the State use the same time horizon that municipalities are required by law to use; and

WHEREAS, the science behind these 80-year projections have been questioned as reported in a guest editorial in the Press of Atlantic City on Sunday, February 28, 2021; and

WHEREAS, there has been no public discussion whatsoever concerning the magnitude of the economic impact of these proposed regulations or how to assist residents who will be negatively impacted. NJDEP's proposed regulatory re-alignment is expected to result in extensive and immediate economic impacts. NJDEP must engage in a meaningful, holistic economic impact analysis, and not simply rely on a one-sided analysis of potential economic impacts from future, projected climate change related threats; and

WHEREAS, NJDEP is currently requiring municipalities to adopt a new model Flood Damage Protection Ordinance that appears to require that municipalities automatically impose the NJ PACT regulations prior to their adoption through the State rule making process; and

WHEREAS, the new model Flood Damage Protection Ordinance also requires that road and parking areas proposed in the flood hazard be constructed at least one foot above the Flood Hazard Area Design elevation, that flood permits be required for ordinary maintenance and minor work that does not require a building permit under the Uniform Construction Code, that seasonally occupied structures be built on a foundation even though no such requirement exists in the Uniform Construction Code, among other new regulations.

NOW, THEREFORE, BE IT RESOLVED, the Board of Commissioners of the Borough of Cape May Point opposes the adoption of the PACT Regulations and the State's proposed Flood Damage Protection Ordinance as currently presented.

BE IT FURTHER RESOLVED, the NJDEP's decision to use sea level rise projections with only a 17% confidence level be subject to a scholarly peer review prior to commencing the rule making process.

BE IT FURTHER RESOLVED, the PACT regulations be based on a 20- or 30-year timeframe and adjusted over time to address then current science and resiliency measures, rather than be based on an 80-year projection.

BE IT FURTHER RESOLVED, the NJDEP seek the counsel from an independent economist to consider potential economic impacts prior to release of the NJ PACT proposals, so as to better understand the economic impact to coastal communities.

BE IT FURTHER RESOLVED, the NJDEP follow the same practice as FEMA and provide detailed maps so that communities and residents can clearly understand how these regulations will impact specific properties.

BE IT FURTHER RESOLVED, the Legislature be encouraged to exercise its legislative oversight authority to review and approve the PACT Regulations prior to their adoption so as to ensure the fairness and the maximum public acceptance of those regulations.

BE IT FURTHER RESOLVED, the NJDEP abandoned all efforts to require the adoption of the current proposed local Flood Damage Protection Ordinance until such time as the NJ PACT regulations are approved by the State Legislature.

BE IT FURTHER RESOLVED a copy of this resolution be sent to Governor Phil Murphy, Lt. Governor Sheila Oliver, New Jersey Department of Environmental Protection Commissioner Shawn LaTourette, Senate President Nicholas Scutari, Assembly Speaker Craig Coughlin, Senator Vince Polistina, Senator Michael Testa, Assemblyman Don Guardian, Assemblywoman Clair Swift, Assemblyman Eric Simonsen, and Assemblyman Antwan McClellan.

	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 April 14, 2022.

Municipal Clerk

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

RESOLUTION 55-22

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 \$121,222.54.

	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 April 14, 2022.

Municipal Clerk

Range of Checking Accts: OTHER to OTHER Range of Check Ids: 16645 to 16677
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	
16645	04/14/22	ASS02 ASSN. CERTIFIED ASSESSORS CMCO 22-00155 2022 DUES	330.00	1867
16646	04/14/22	AUT02 AUTO ZONE, INC. 22-00120 STATEMENT	75.37	1867
16647	04/14/22	BAR02 BARBER CONSULTING SERVICES LLC 22-00154 MONTHLY MIS SERV 2022	4,800.00	1867
16648	04/14/22	CAP03 CAPE MAY STAR & WAVE 22-00164 LEGAL ADVERTISING	75.00	1867
16649	04/14/22	CAP31 CAPE MINING & RECYCLING LLC 22-00166 STUMPS/TREE PARTS	60.60	1867
16650	04/14/22	CAS01 CASA PAYROLL SERVICE 22-00159 PAYROLL	142.25	1867
16651	04/14/22	CHR01 CHRISTOPHER GARRISON 22-00152 CHANGE FUND	1,000.00	1867
16652	04/14/22	CIT02 CITY OF CAPE MAY 22-00149 POLICE PROTECTIONS 1ST QU 2022	79,514.50	1867
16653	04/14/22	CMP01 CM POINT VOLUNTEER FIRE CO #1 22-00153 2021 LEASE PAYMENT	3,600.00	1867
16654	04/14/22	COPIE005 COPIERS PLUS 22-00147 COPIER METER	114.78	1867
16655	04/14/22	COU03 COUNTY OF CAPE MAY 22-00165 FEBRUARY FUEL	223.36	1867
16656	04/14/22	DAT01 DATA NETWORK SOLUTIONS 22-00161 PHONE BILL	310.11	1867
16657	04/14/22	EDM01 EDMUNDS GOVTECH 22-00157 2022 MAINTENANCE CNT	4,804.95	1867
16658	04/14/22	GAR01 GARDEN STATE HIGHWAY PRODUCTS 22-00145 STOP SIGNS	704.25	1867
16659	04/14/22	GARDE005 GARDEN STATE LABORATORIES, INC 22-00141 WATER TESTING	120.00	1867
16660	04/14/22	GOLDM005 GOLD MEDAL ENVIRONMENTAL 22-00158 TRASH/RECYCLING	5,283.33	1867
16661	04/14/22	GRR01 GRR CONSULTING SERVICES LLC 22-00163 CONSULTING SERVICES	3,075.00	1867

Check #	Check Date	Vendor	Reconciled/Void	Ref Num
PO #	Description	Amount Paid	Contract	
16662	04/14/22	JAC01 J & A CLEANING SERVICE 22-00151 CLEANING	375.00	1867
16663	04/14/22	JDLCO005 JDL CONCRETE 22-00169 DEV ESCROW SOMEWHERE IN TIME	4,000.00	1867
16664	04/14/22	JER0 JERSEY CAPE HOME HEALTH SERV. 22-00018 BEACH TAGS	4,748.75	1867
16665	04/14/22	LOW01 LOWE'S 22-00171 STATEMENT	470.92	1867
16666	04/14/22	NJC01 NJ CONFERENCE OF MAYORS 22-00156 2022 DUES	295.00	1867
16667	04/14/22	ORIGI005 ORIGINAL WATERMEN, INC. 22-00137 UNIFORMS/ESTIMATE	917.98	1867
16668	04/14/22	REN01 RENTAL COUNTRY INC. 22-00168 STATEMENT	772.71	1867
16669	04/14/22	SITE0005 SITEONE LANDSCAPE SUPPLY 22-00119 INVOICE FOR PARKS	1,284.52	1867
16670	04/14/22	SWA01 SWAIN'S ACE HARDWARE 22-00170 MARCH 2022	570.08	1867
16671	04/14/22	TRE02 TREASURER ST OF NEW JERSEY 22-00167 STORMWATER DISCHARGE PERMIT	600.00	1867
16672	04/14/22	USA01 USA BLUE BOOK 22-00162 METER SETTER DUEL CHECK	2,010.50	1867
16673	04/14/22	VEC01 VECTOR SECURITY, INC. 22-00150 SERVICE	133.00	1867
16674	04/14/22	VER01 VERIZON 22-00144 PHONE BILLS	224.36	1867
16675	04/14/22	VER03 VERIZON WIRELESS 22-00143 CELL PHONE	113.50	1867
16676	04/14/22	VIL01 NAPA AUTO PARTS 22-00118 STATEMENT	349.96	1867
16677	04/14/22	VIT01 VITAL COMMUNICATIONS INC 22-00131 PRINT CHAP 75 CARDS	122.76	1867

Check #	Check Date	Vendor		Reconciled/Void	Ref Num
PO #		Description	Amount Paid		Contract

16677		VITAL COMMUNICATIONS INC		Continued		
Report Totals			<u>Paid</u>	<u>Void</u>	<u>Amount Paid</u>	<u>Amount Void</u>
		Checks:	33	0	121,222.54	0.00
		Direct Deposit:	0	0	0.00	0.00
		Total:	33	0	121,222.54	0.00

Totals by Year-Fund Fund Description	Fund	Budget Total	Revenue Total	G/L Total	Total
CURRENT	1-01	3,600.00	0.00	0.00	3,600.00
CURRENT	2-01	108,330.87	0.00	0.00	108,330.87
	2-05	<u>5,291.67</u>	<u>0.00</u>	<u>0.00</u>	<u>5,291.67</u>
Year Total:		113,622.54	0.00	0.00	113,622.54
TRUST ACCOUNT EXPENDITURES	T-13	4,000.00	0.00	0.00	4,000.00
Total of All Funds:		<u>121,222.54</u>	<u>0.00</u>	<u>0.00</u>	<u>121,222.54</u>