

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 – MAY 12, 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

ORDINANCES FOR INTRODUCTION / PUBLICATION - None

RESOLUTIONS

- 59-22 Approving Flood Insurance Promotion Activity with the Atlantic-Cape Multi-Jurisdictional Program for Public Information
- 60-22 Resolution Requesting Permission for the Dedication by Rider for Donations – Acceptance of Bequests and Gifts - Community Tree Fund as Required by N.J.S.A. 40A:5-29
- 61-22 Declaring the Official Opening Date of Cape May Point Beaches to Bathing and Fishing for 2022 Season
- 62-22 Authorizing an Application to Sustainable Jersey for a NJ Urban & Community Forestry Grant
- 63-22 Authorizing Special Event Permit for Kerry Durkan Braun and The ALS Association – Greater Philadelphia
- 64-22 Authorizing Special Event Permit for Christopher Hewitt
- 65-22 Approval of Bill List
- 66-22 Authorizing an Executive/Closed Session in Accordance with the Provisions of the Open Public Meetings Act N.J.S.A. 10:4-12(b) – Attorney/Client Privilege and Contract Negotiations
 - Bequest to CMPTA
 - Pending OPRA Litigation Update
 - Fence Replacement on Borough Right of Way

ORDINANCES FOR SECOND READING / PUBLIC HEARING / ADOPTION - None

MAYORAL APPOINTMENTS

Planning Board

Joseph Remy - Class IV – 4-year term expiring 4/8/2026

Ellen Pfendner – Class IV – 4-year term expiring 4/8/2026

Jeffrey Sowers – Class IV – 4-year term expiring 4/8/2026

William Wallace – Alternate #1 - 2-year term expiring 4/8/2024

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
CAPE MAY COUNTY
STATE OF NEW JERSEY**

RESOLUTION 59-22

APPROVING FLOOD INSURANCE PROMOTION ACTIVITY WITH THE ATLANTIC-CAPE MULTI-JURISDICTIONAL PROGRAM FOR PUBLIC INFORMATION

WHEREAS, as an active participant in FEMA’s Community Rating System (CRS) program, the Borough of Cape May Point has determined that it is necessary to participate in the New Jersey Coastal Coalition’s Atlantic-Cape Multi-Jurisdictional Public Information (MJPPI), consisting of municipal officials and community stakeholders, to assist in evaluating existing public information disseminated by the Borough, other Municipalities and regional stakeholders regarding floodplain management, and to develop new public information needs; and

WHEREAS, the MJPPI coordinates all of the flood-related public information in the community and the surrounding areas, both public and private; and

WHEREAS, the MJPPI was expanded to include the Flood Insurance Promotion CRS activity in 2020 and needs to be updated based on FEMA’s 2021 update; and

WHEREAS, the Borough of Cape May Point will distribute a letter from the governing body to the residents in the Special Flood Hazard Zone which will include an Insurance Brochure, participate in a community outreach meeting to help promote flood insurance, distribute an Insurance Brochure with all construction permits in the Special Flood Hazard Zone and work with our Insurance Stakeholders to provide technical assistance to our residents; and

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Borough of Cape May Point, in the County of Cape May and State of New Jersey, as follows:

1. The allegations of the preamble are incorporated herein by this reference.
2. The Borough hereby formally supports participation in the Flood Insurance Promotion CRS activity as proposed by the updated MJPPI.
3. All Borough officials, officers and employees are empowered to take such action as may be necessary or advisable in order to carry out the intent and purpose of this Resolution.

	MOTION	SECOND	YES	NO	ABSTAIN	ABSENT
Mullock						
vanHeeswyk						
Moffatt						

Certification

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 March 12, 2022.

Municipal Clerk

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

RESOLUTION 60-22

**RESOLUTION REQUESTING PERMISSION FOR THE DEDICATION BY RIDER
FOR DONATIONS – ACCEPTANCE OF BEQUESTS AND GIFTS - COMMUNITY
TREE FUND AS REQUIRED BY N.J.S.A. 40A:5-29**

WHEREAS, permission is required of the Director of the Division of Local Government Services for approval as a dedication by rider of revenues received by a municipality when the revenue is not subject to reasonably accurate estimates in advance; and

WHEREAS, N.J.S.A. 40A:5-29 provides for receipt of donations – bequests, legacies, and gifts - by the municipality to provide for the operating costs to administer this act, provided they indicate the specific use of the funds; and

WHEREAS, N.J.S.A. 40A:4-39 provides the dedicated revenues anticipated from Donations – Acceptance of Bequests and Gifts - Community Tree Fund are hereby anticipated as revenue and are hereby appropriated for the purpose to which said revenue is dedicated by statute or other legal requirement.

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 as follows:

1. The Governing Body does hereby request permission of the Director of the Division of Local Government Services to pay expenditures of the Donations – Acceptance of Bequests and Gifts - Community Tree Fund.
2. The Clerk of the Borough of Cape May Point, County of Cape May is hereby directed to forward two certified copies of this Resolution to the director of The Division of Local Government Services.

	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 May 12, 2022.

Municipal Clerk

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

RESOLUTION NO. 61-22

**DECLARING THE OFFICIAL OPENING DATE OF CAPE MAY POINT
BEACHES TO BATHING AND FISHING FOR 2022 SEASON**

WHEREAS, Section 58-11B of the annotated code of the Borough of Cape May Point requires that the commissioners declare by resolution which beaches are open or closed to swimming, fishing and kayaking, and

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Borough of Cape May Point as follows:

1. The beaches shall open on Saturday, June 18, 2022.
2. Bathing/swimming is allowed on protected beaches and within the designated areas only between the hours of 10 A.M. and 5 P.M. daily.
3. A Protected Beach is defined as one with a Lifeguard stand on the beach occupied by a Borough of Cape May Point certified lifeguard. The Coral Avenue beach will be protected based on the availability of beach patrol staff. **No swimming shall be permitted on unprotected beaches. The Beach Patrol will endeavor to open as many beaches as possible contingent upon the availability of beach patrol staff and the conditions of specific beaches that compromise public safety**
4. All beaches are subject to closure at any time during the summer months at the discretion of the Beach Patrol Chief or his designee.
5. The beaches at Whilldin, Lighthouse and Alexander Avenues are designated as UNPROTECTED and swimming is prohibited at all times. Whilldin will be an unprotected beach due to the short distance to the beach-saver reef. The beach may be occupied; however, no swimming will be allowed at any time. Coral Avenue may be determined unsafe for similar reasons. The Alexander Avenue beach has been declared unsafe for swimming due to unseen, underwater hazards.
6. Additionally, Alexander is designated as a Precautionary Zone by the U.S Department of Fish and Wildlife and the New Jersey Department of Fish and Wildlife. The beach may be occupied; however, no swimming and other restrictions will be enforced as deemed necessary.

7. Launching of Kayak's is permitted from the Alexander Avenue beach. Beach tags are required.
8. Fishing from the beach is allowed in all non-bathing areas during regular operating hours from 10 A.M. to 5 P.M. Beach tags are required.
9. All activities described above require beach tags. No person 12 years or older shall bathe at or otherwise use the beaches set forth and in Section 58-7B without having first acquired and then having in his/her possession a proper and effective badge.
10. All or part of the activities may be closed due to no-population or weather, especially lightning, and/or high or dangerous waves, at the discretion of the Chief of the Beach Patrol or his designee. Rules determining the above activities are described in Section 58 of the Code Book and the Operating Manual for the Beach Patrol.
11. All off-duty working members of the beach patrol do not require beach tags as they are 'on-call' at all times. On-call is defined as assisting emergency situations as needed on the lifeguards' days off.

	MOTION	SECOND	YES	NO	ABSTAIN	ABSENT
Busch						
Moffatt						
vanHeeswyk						

Certification

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Municipal Clerk

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

RESOLUTION 62-22

**AUTHORIZING AN APPLICATION TO NEW JERSEY FORESTRY SERVICE FOR A
NJ URBAN AND COMMUNITY FORESTRY GREEN COMMUNITIES GRANT**

WHEREAS, the State has established a New Jersey Shade Tree and Community Forestry program; has declared that shade trees and forests are a necessary and important part of community and urban environments; provides technical and financial assistance to county and municipal governments to care for and manage their shade trees; that properly planned and implemented local community forestry programs can provide the necessary basis for local governments to reduce or eliminate liability associated with local tree care programs; and provide grants to local governments for financial assistance in the development and implementation of a comprehensive community forestry plan; and

WHEREAS, the New Jersey Forest Service, through the New Jersey Urban and Community Forestry Program (NJUCF) works to encourage, promote, and support the local stewardship and effective management of trees and forest ecosystems in New Jersey's communities through technical and financial assistance; and

WHEREAS, as part of its mission, the NJUCF has an Urban and Community Forestry Green Communities Grant Program to provide funding to municipalities to assist in implementing local management plans for trees and forests through such projects as community tree and forest inventories, risk tree assessments, and tree planting, among others; and

WHEREAS, the Borough of Cape May Point community cherishes the public trees in public gardens, dedicated open space, dunes, and street rights-of-way; and

WHEREAS, the Cape May Point Environmental Commission has recommended the Board of Commissioners to consider applying to the NJUCF for a Green Communities Grant to hire a tree and forestry professional to assist the Borough in developing its first 5-year Community Forestry Management Plan; and

WHEREAS, an approved Community Forestry Management Plan will guide the Borough to establish and maintain a healthy, safe and sustainable urban and community forest and is the first step in affording the Borough increased liability protection;

NOW, THEREFORE, BE IT RESOLVED, that the Board of Commissioners of the Borough of Cape May Point, County of Cape May, State of New Jersey, authorizes the submission of an application to the New Jersey Forestry Service for a NJ Urban and Community Forestry Green Communities Grant in the amount of \$3,000.

	MOTION	SECOND	YES	NO	ABSTAIN	ABSENT
Busch						
Moffatt						
vanHeeswyk						

Certification

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 May 12, 2022.

Municipal Clerk

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

RESOLUTION 63-22

**AUTHORIZING SPECIAL EVENT PERMIT FOR KERRY DURKAN BRAUN AND THE
ALS ASSOCIATION – GREATER PHILADELPHIA**

WHEREAS, Kerry Durkan Braun, on behalf of The ALS Association – Greater Philadelphia, has applied for a Special Event Permits for the purpose of a having a charity bike ride on Saturday, June 11, 2022, with a section of the route traveling through the Borough, roughly between 10:30 am and 2:00 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 Special Event Permit to Kerry Durkan Braun and the ALS Association – Greater Philadelphia for a bike ride on Saturday, June 11, 2022 on Borough streets between 10:30 am and 2:00 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 May 12, 2022.

Municipal Clerk

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

RESOLUTION 64-22

AUTHORIZING SPECIAL EVENT PERMIT FOR CHRISTOPHER HEWITT

WHEREAS, Christopher Hewitt has applied for a Special Event Permits for a wedding on St. Pete’s Beach on Saturday, September 24, 2022 from 1:30 pm to 5:30 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 Special Event Permits to Christopher Hewitt for a wedding on Saturday, September 24th from 1:30 pm to 5:30 pm on St. Pete’s Beach.

	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 May 12, 2022.

Municipal Clerk

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

RESOLUTION 65-22

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 \$446,249.80.

	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 May 12, 2022.

Municipal Clerk

Range of Checking Accts: OTHER to OTHER Range of Check Ids: 16702 to 16729
Report Type: All Checks Report Format: Condensed Check Type: Computer: Y Manual: Y Dir Deposit: Y

Check #	Check Date	Vendor	Amount Paid	Reconciled/Void	Ref Num
PO #	Description				Contract
16702	05/12/22	ACCES005 ACCESSREC			1869
22-00209	BEACH MATS		7,770.93		
16703	05/12/22	ARBOR005 ARBORCARE HORTICULTURAL SERV			1869
22-00183	MANAGEMENT PLAN		96.00		
16704	05/12/22	CAP03 CAPE MAY STAR & WAVE			1869
22-00213	LEGAL ADVERTISING		67.50		
16705	05/12/22	CAP14 CAPE MAY COUNTY MUA			1869
22-00201	WASTEWATER MANAGEMENT		23,509.00		
16706	05/12/22	CAP31 CAPE MINING & RECYCLING LLC			1869
22-00206	STUMPS/TREE PARTS		506.20		
22-00212	STUMPS/TREE PARTS		21.90		
			<u>528.10</u>		
16707	05/12/22	CAS01 CASA PAYROLL SERVICE			1869
22-00211	PAYROLL		256.00		
16708	05/12/22	CAT02 CATARINA SUPPLY INC.			1869
22-00192	SUPPLIES		5,321.94		
16709	05/12/22	CIT02 CITY OF CAPE MAY			1869
22-00205	1ST QU 2022 EMS SERV		7,648.04		
16710	05/12/22	COPIE005 COPIERS PLUS			1869
22-00208	COPY MAINTENANCE		46.12		
16711	05/12/22	COU02 COURT HOUSE OFFICE SUPPLIES			1869
22-00188	OFFICE SUPPLIES		722.80		
22-00247	OFFICE SUPPLIES		99.90		
			<u>822.70</u>		
16712	05/12/22	COU03 COUNTY OF CAPE MAY			1869
22-00210	MARCH 2022 FUEL		511.03		
22-00216	2ND QUARTER TAXES		363,880.46		
			<u>364,391.49</u>		
16713	05/12/22	DOCUV005 VAULT SOLUTIONS, LLC			1869
22-00229	SHREDDING		41.95		
16714	05/12/22	DUSTI005 DUSTIN WELCH			1869
22-00207	CONSULTATIONS		317.00		
16715	05/12/22	FOR01 FORD SCOTT AND ASSOCIATES, LLC			1869
22-00231	AUDIT SERVICES		9,000.00		
16716	05/12/22	GENER010 GENERAL CODE			1869
22-00196	CODE ANALYSIS		2,676.00		

Check #	Check Date	Vendor	Amount Paid	Reconciled/Void	Ref Num
PO #	Description				Contract
16717	05/12/22	GOLDM005 GOLD MEDAL ENVIRONMENTAL			1869
22-00219	TRASH/RECYCLING		5,283.33		
16718	05/12/22	GRR01 GRR CONSULTING SERVICES LLC			1869
22-00228	CONSULTING APRIL 2022		3,637.50		
16719	05/12/22	JAC01 J & A CLEANING SERVICE			1869
22-00204	CLEANING		300.00		
16720	05/12/22	LAW01 LAWN DOCTOR OF S. CAPE MAY CO			1869
22-00178	PARKS		850.00		
16721	05/12/22	LOW01 LOWE'S			1869
22-00226	STATEMENT		966.79		
16722	05/12/22	MIT02 MITCHELL HUMPHREY & CO.			1869
22-00202	ANNUAL MAINTENANCE		1,590.00		
16723	05/12/22	NJD05 NJ DEPT OF HEALTH & SENIOR SER			1869
22-00248	DOG REPORT FEB - APRIL		4.60		
16724	05/12/22	RIO01 RIO SUPPLY, INC			1869
22-00214	METER 5/8 X 3/4		5,820.00		
16725	05/12/22	STA08 STATE OF NEW JERSEY			1869
22-00220	HEALTH BENEFITS		2,489.99		
16726	05/12/22	TRE07 TREASURER, STATE OF NEW JERSEY			1869
22-00187	2022 1ST QU MARRIAGE		25.00		
16727	05/12/22	USA01 USA BLUE BOOK			1869
22-00217	FLOAT SWITCH		2,439.81		
16728	05/12/22	USBAN005 US BANK EQUIPMENT FINANCE			1869
22-00241	COPIER MAINTENANCE		310.00		
16729	05/12/22	VER03 VERIZON WIRELESS			1869
22-00218	CELL PHONE		40.01		

Report Totals	Paid	Void	Amount Paid	Amount Void
Checks:	28	0	446,249.80	0.00
Direct Deposit:	0	0	0.00	0.00
Total:	28	0	446,249.80	0.00

Totals by Year-Fund Fund Description	Fund	Budget Total	Revenue Total	G/L Total	Total
CURRENT	2-01	409,159.05	0.00	0.00	409,159.05
	2-05	37,090.75	0.00	0.00	37,090.75
Total of All Funds:		<u>446,249.80</u>	<u>0.00</u>	<u>0.00</u>	<u>446,249.80</u>

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

RESOLUTION NO. 66-22

**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 **THREE (3)** issues are 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, May 12, 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 are Attorney-client Privilege and/or Contract Negotiation: Beguest to CMPTA; Pending OPRA Litigation Update; Fence Replacement on Borough Right of Way

“(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 May 12, 2022.

Municipal Clerk