

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: 869 5269 5930 Passcode: 375247

Direct link: <https://us02web.zoom.us/j/86952695930?pwd=ekZlcVZ6WFZBYUxuL3BMRENqNG5nQT09>

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 12, 2023 – 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' DISCUSSION/REPORTS

ADMINISTRATOR'S REPORT

PUBLIC COMMENT ON AGENDA ITEMS ONLY

APPROVAL OF MINUTES

September 26, 2023 Work Session

ORDINANCES FOR INTRODUCTION / PUBLICATION

Second Readings / Public Hearings / Consideration for Adoption – Nov. 9, 2023 at 6 pm

07-2023 Bond Ordinance Appropriating \$925,000, and Authorizing the Issuance of \$878,750 Bonds or Notes of the Borough, for the Purchase of a Fire Truck by the Borough of Cape May Point in the County of Cape May, New Jersey

08-2023 And Ordinance Amending the Code of the Brough of Cape May Point to Repeal Chapter 90; to Adopt a New Chapter 90 "Flood Damage Prevention"

RESOLUTIONS

106-23 Authorization to Accept the Audit Report for 2022

107-23 Adopting Revised Personnel Policies and Procedures Manual and Revised Employee Handbook of the Borough of Cape May Point

108-23 Authorizing the Zoning Officer to Refund the Overpayment of Zoning Fees

109-23 Authorizing Special Event Permit – Cape May Bird Observatory/NJ Audubon

110-23 Authorizing Award of Contract for Collection and Disposal of Solid Waste and Recycling to Pinelands Construction, LLC

111-23 Approval of the 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
STATE OF NEW JERSEY**

RESOLUTION 106-23

AUTHORIZATION TO ACCEPT THE AUDIT REPORT FOR 2022

WHEREAS, N.J.S.A. 40A:5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions; and

WHEREAS, the Annual Report of Audit for the year 2022 has been filed by a Registered Municipal Accountant with the Municipal Clerk as per the requirements of N.J.S.A. 40A:5-6, and a copy has been received by each member of the governing body; and

WHEREAS, the Local Finance Board of the State of New Jersey is authorized to prescribe reports pertaining to the local fiscal affairs, as per R.S. 52:27BB-34; and

WHEREAS, the Local Finance Board has promulgated a regulation requiring that the governing body of each municipality shall by resolution certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled:

**GENERAL COMMENTS
RECOMMENDATIONS**

and;

WHEREAS, the members of the governing body have personally reviewed, as a minimum, the sections of the Annual Audit entitled:

**GENERAL COMMENTS
RECOMMENDATIONS**

As evidenced by the group affidavit form of the governing body; and

WHEREAS, such resolution of certification shall be adopted by the governing body no later than forty-five (45) days after the receipt of the annual audit, as per the regulations of the Local Finance Board; and

WHEREAS, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board; and

WHEREAS, failure to comply with the promulgations of the Local Finance Board of the State of New Jersey may subject members of the local governing body to the penalty provisions of R.S. 52:27BB-52, to wit: R.S. 52:27BB-52 – “A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Governing Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one (1) year, or both, and in addition shall forfeit his office.”

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, hereby states that it has complied with the promulgations of the Local Finance Board of the State of New Jersey dated July 30, 1968 and does hereby submit a certified copy of this Resolution and the required affidavit to said Board to demonstrate evidence of said compliance.

| | 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 October 12, 2023.

Municipal Clerk

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

RESOLUTION 107-23

**ADOPTING REVISED PERSONNEL POLICIES AND PROCEDURES MANUAL
AND REVISED EMPLOYEE HANDBOOK OF THE BOROUGH OF CAPE MAY POINT**

WHEREAS, the Board of Commissioners of the Borough of Cape May Point has previously adopted both a Policies and Procedures Manual and an Employee handbook; and

WHEREAS, the Borough is insured through the Atlantic County Municipal Joint Insurance Fund and the Municipal Excess Liability Joint Insurance Funds, which have recommended changes to the policy manual and employee handbook to bring them into compliance with current employment standards; and

WHEREAS, the Borough has incorporated the recommended changes into the previously approved manual and handbook.

NOW THEREFORE, BE IT RESOLVED the Board of Commissioners of the Borough of Cape May Point, County of Cape May, State of New Jersey hereby adopts the revised Personnel Policies and Procedures Manual and the revised Employee Handbook to remain compliant with Atlantic County Municipal Joint Insurance Fund and Municipal Excess Liability Joint Insurance Fund recommendations.

| | 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 108-23

**AUTHORIZING THE ZONING OFFICER TO REFUND THE
OVERPAYMENT OF ZONING FEE**

BE IT RESOLVED by the Board of Commissioners of the Borough of Cape May Point, County of Cape May, State of New Jersey, that overpaid zoning fees paid in error in the amount of \$20.00, as recommended by the zoning officer, be authorized as follows:

| <u>ADDRESS</u> | <u>NAME</u> | <u>AMOUNT</u> |
|----------------|----------------------------|---------------|
| 317 Ocean | John Bryan & Nancy Winkler | \$20.00 |

| | MOTION | SECOND | YES | NO | ABSTAIN | ABSENT |
|------------|--------|--------|-----|----|---------|--------|
| Busch | | | | | | |
| Moffatt | | | | | | |
| vanHeeswyk | | | | | | |

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Municipal Clerk

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

RESOLUTION 109-23

**AUTHORIZING SPECIAL EVENT PERMIT FOR
CAPE MAY BIRD OBSERVATORY / NEW JERSEY AUDUBON**

WHEREAS, the Cape May Bird Observatory (CMBO)/New Jersey Audubon Society has applied for a Special Event Permit for an educational session on overwintering habitat at Triangle Park on Saturday, October 28, 2023 from 1:00 pm to 2:30 pm; and

WHEREAS, the CMBO has respectfully requested the Governing Body waive the usual facilities use fees as they are a non-profit organization located within the municipality which benefits the community of Cape May Point; and

WHEREAS, the applicant has supplied documentation required under Ordinance No. 551-08 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 for an educational session at Triangle Park on Saturday, October 28, 2023 from 1:00 pm to 2:30 pm.

| | MOTION | SECOND | YES | NO | ABSTAIN | ABSENT |
|------------|--------|--------|-----|----|---------|--------|
| Busch | | | | | | |
| Moffatt | | | | | | |
| vanHeeswyk | | | | | | |

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Municipal Clerk

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

RESOLUTION 110-23

**AUTHORIZING AWARD OF CONTRACT FOR COLLECTION AND DISPOSAL OF
SOLID WASTE AND RECYCLING TO PINELANDS CONSTRUCTION, LLC**

WHEREAS, the Borough of Cape May Point advertised for bids on August 2, 2023, and received bids on October 4, 2023, for Collection and Disposal of Solid Waste and Recycling; and

WHEREAS, one bid was received which has been reviewed by the Qualified Purchasing Agent and Borough Solicitor for form and legal sufficiency; and

WHEREAS, the Commissioner of Public Works, Parks, and Public Property has reviewed the bid and has decided that it is in the best interests of the Borough to award the contract for Collection and Disposal of Solid Waste and Recycling to Pineland Construction, LLC.

NOW, THEREFORE, BE IT RESOLVED the Board of Commissioners of the Borough of Cape May Point, County of Cape May, State of New Jersey, hereby awards a five-year contract for Collection of Solid Waste and Recycling to Pinelands Construction, LLC beginning January 1, 2024 with the first-year cost of \$116,160.

BE IT FURTHER RESOLVED this contract is contingent upon certification of funds by the Borough's Chief Financial Officer.

BE IT FURTHER RESOLVED that the Mayor, Borough Clerk and other appropriate Borough officials are hereby authorized to take all steps necessary to finalize this contract.

| | MOTION | SECOND | YES | NO | ABSTAIN | ABSENT |
|------------|--------|--------|-----|----|---------|--------|
| Busch | | | | | | |
| Moffatt | | | | | | |
| vanHeeswyk | | | | | | |

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Municipal Clerk

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

RESOLUTION 111-23

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 \$54,327.84.

| | MOTION | SECOND | YES | NO | ABSTAIN | ABSENT |
|------------|--------|--------|-----|----|---------|--------|
| Busch | | | | | | |
| Moffatt | | | | | | |
| vanHeeswyk | | | | | | |

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Municipal Clerk

Range of Checking Accts: OTHER to OTHER Range of Check Ids: 17627 to 17649
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 | |
| 17627 | 10/12/23 | ACM01 ACMJIF | | 1905 |
| 23-00542 | 2023 4TH QU ASSESSMENT | 13,566.00 | | |
| 17628 | 10/12/23 | ATL01 ATLANTIC CITY ELECTRIC | | 1905 |
| 23-00556 | ELECTRIC BILLS | 1,995.33 | | |
| 17629 | 10/12/23 | CAP31 CAPE MINING & RECYCLING LLC | | 1905 |
| 23-00533 | STUMPS/TREE PARTS | 25.00 | | |
| 23-00550 | STUMPS/TREE PARTS | 25.00 | | |
| | | 50.00 | | |
| 17630 | 10/12/23 | CAS01 CASA PAYROLL SERVICE | | 1905 |
| 23-00548 | PAYROLL | 169.50 | | |
| 17631 | 10/12/23 | CMP01 CM POINT VOLUNTEER FIRE CO #1 | | 1905 |
| 23-00552 | 2023 ANNUAL AID | 15,000.00 | | |
| 17632 | 10/12/23 | COD01 CODY'S POWER EQUIPMENT | | 1905 |
| 23-00539 | OIL/BLADE/AIR FILTER | 278.03 | | |
| 17633 | 10/12/23 | COPIE005 COPIERS PLUS | | 1905 |
| 23-00534 | COPIER MAINTENANCE | 25.34 | | |
| 17634 | 10/12/23 | COU03 COUNTY OF CAPE MAY | | 1905 |
| 23-00537 | AUGUST 2023 FUEL | 919.30 | | |
| 17635 | 10/12/23 | DAV01 DAVE'S TRASH REMOVAL | | 1905 |
| 23-00545 | DUMP FEE | 575.84 | | |
| 17636 | 10/12/23 | GOLDM005 GOLD MEDAL ENVIRONMENTAL | | 1905 |
| 23-00541 | TRASH/RECYCLING | 5,283.33 | | |
| 17637 | 10/12/23 | GRR01 GRR CONSULTING SERVICES LLC | | 1905 |
| 23-00549 | CONSULTING SEPT 2023 | 3,262.50 | | |
| 17638 | 10/12/23 | LOW01 LOWE'S | | 1905 |
| 23-00567 | STATEMENT | 208.14 | | |
| 17639 | 10/12/23 | NJS01 NJ ST. LEAGUE OF MUNICIPALITIE | | 1905 |
| 23-00551 | LEAGUE REGISTRATION | 540.00 | | |
| 17640 | 10/12/23 | NJSHA005 NJ SHADE TREE FEDERATION | | 1905 |
| 23-00540 | ANNUAL CONFERENCE | 480.00 | | |
| 17641 | 10/12/23 | ONE02 ONE CALL CONCEPTS | | 1905 |
| 23-00511 | MARK OUTS | 41.47 | | |
| 17642 | 10/12/23 | PAULE005 PAUL E. DIETRICH, SR. PE | | 1905 |
| 23-00532 | CRS COORDINATOR/FLOODPLAIN | 5,000.00 | | |

October 10, 2023
11:23 AM

BOROUGH OF CAPE MAY POINT
Check Register By Check Id

Page No: 2

| Check # | Check Date | Vendor | Reconciled/Void | Ref Num | |
|----------------------|-----------------|---|---|--------------------|--------------------|
| PO # | Description | Amount Paid | Contract | | |
| 17643 | 10/12/23 | PIN01 PINELANDS NURSERY 23-00547 PLANTS | 463.91 | 1905 | |
| 17644 | 10/12/23 | SEA05 SEA GEAR MARINE 23-00544 STATEMENT | 92.64 | 1905 | |
| 17645 | 10/12/23 | SHE01 SHEPANSKI'S AUTO REPAIR 23-00553 SERVICE | 2,517.06 | 1905 | |
| 17646 | 10/12/23 | STA02 STATE OF NEW JERSEY PWT 23-00535 WATER TAX 3RD QU 2023 | 9.39 | 1905 | |
| 17647 | 10/12/23 | TUCKA005 TUCKAHOE NURSERIES, INC. 23-00546 PLANTS | 162.00 | 1905 | |
| 17648 | 10/12/23 | UNI03 UNIVERSAL SUPPLY COMPANY 23-00512 WATER PUMP 23-00523 SUPPLIES 23-00538 SUPPLIES | 1,795.04 707.01 <u>1,088.03</u> 3,590.08 | 1905 | |
| 17649 | 10/12/23 | WEI01 WEINSTEIN SUPPLY CORPORATION 23-00500 DWV 2 WAY | 97.98 | 1905 | |
| Report Totals | | | | | |
| | | <u>Paid</u> | <u>Void</u> | <u>Amount Paid</u> | <u>Amount Void</u> |
| | Checks: | 23 | 0 | 54,327.84 | 0.00 |
| | Direct Deposit: | <u>0</u> | <u>0</u> | <u>0.00</u> | <u>0.00</u> |
| | Total: | <u>23</u> | <u>0</u> | <u>54,327.84</u> | <u>0.00</u> |

Totals by Year-Fund
Fund Description

| Fund | Budget Total | Revenue Total | G/L Total | Total |
|----------------------------|-------------------------|--------------------|--------------------|-------------------------|
| CURRENT | | | | |
| 3-01 | 45,289.06 | 0.00 | 0.00 | 45,289.06 |
| 3-05 | <u>8,574.87</u> | <u>0.00</u> | <u>0.00</u> | <u>8,574.87</u> |
| Year Total: | 53,863.93 | 0.00 | 0.00 | 53,863.93 |
| TRUST ACCOUNT EXPENDITURES | | | | |
| T-13 | 463.91 | 0.00 | 0.00 | 463.91 |
| Total of All Funds: | <u><u>54,327.84</u></u> | <u><u>0.00</u></u> | <u><u>0.00</u></u> | <u><u>54,327.84</u></u> |