

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: 819 6696 5626 Passcode: 004714

Direct link: <https://us02web.zoom.us/j/81966965626?pwd=N29ZRHJXOTIOWE5VnZSTXAzMGhhUT09>

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 FEBRUARY 21, 2023 – 12:00 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/REPORTS

- 2023 Budget Discussion with CFO Jim Craft
- Cape May Bird Observatory Springwatch Migration Count

ADMINISTRATOR'S REPORT

PUBLIC QUESTIONS ON AGENDA ITEMS ONLY

APPROVAL OF MINUTES

February 9, 2023 Regular Meeting

ORDINANCES FOR INTRODUCTION AND PUBLICATION: None

RESOLUTIONS

- 38-23 Authorizing the Amendment to the 2023 Temporary Budget
- 39-23 Authorizing Special Event Permit for Good Day for a Run
- 40-23 Recycling Tonnage Grant Application 2022
- 41-23 Award of Contract - Beach Patrol Pole Barn
- 42-23 Authorizing Application for a Cape May County American Rescue Plan Act (ARPA) Infrastructure Grant
- 43-23 Authorizing Special Event Permit to Cape May Bird Observatory / New Jersey Audubon Society
- 44-23 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
STATE OF NEW JERSEY**

RESOLUTION 38-23

AUTHORIZING THE AMENDMENT TO THE 2023 TEMPORARY BUDGET

WHEREAS, N.J.S.A. 40A:4-20 provides for the adoption of emergency temporary appropriations in addition to temporary appropriations necessary for the period between the beginning of the current fiscal year and the date of the adoption of the Local Budget for the Year 2023;

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 following amendments to the temporary appropriations be made in the amounts and for the purposes herein set forth for the period between January 1st, 2023 and the adoption of the Local Budget for the Borough of Cape May Point, County of Cape May and State of New Jersey for the fiscal Year 2023:

1. An emergency temporary appropriation be and the same is hereby made for:

Description	Amount
Capital Improvement Fund:	
Public Works – Pole Barn	\$173,500.00
Total Emergency Temporary Appropriation	\$173,500.00

2. That said emergency temporary appropriation will be provided in the 2023 Municipal Budget as adopted.
- 3.
4. That one certified copy of this Resolution be filed with the Director of Division of Local Government Services.

	MOTION	SECOND	YES	NO	ABSTAIN	ABSENT
Busch						
Moffatt						
vanHeeswyk						

Certification

I hereby certify that the foregoing is a true and exact 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 January 24, 2023.

Municipal Clerk

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

RESOLUTION 39-23

AUTHORIZING SPECIAL EVENT PERMIT FOR GOOD DAY FOR A RUN

WHEREAS, Good Day for a Run, LLC has applied for a Special Event Permits for the purpose of a having a race on Sunday, April 16, 2023 from 9:00 am to 12:00 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 Good Day for a Run for a race on Sunday, April 16, 2023 from 9:00 am to 12:00 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 February 21, 2023.

Municipal Clerk

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

RESOLUTION NO. 40-23

RECYCLING TONNAGE GRANT APPLICATION 2022

WHEREAS, The Mandatory Source Separation and Recycling Act, P.L. 1987,c.102, has established a recycling fund from which tonnage grant may be made to municipalities in order to encourage local source separation and recycling programs; and

WHEREAS, it is the intent and the spirit of the Mandatory Source Separation and Recycling Act to use the tonnage grants to develop new municipal recycling programs and to continue and to expand existing programs; and

WHEREAS, the New Jersey Department of Environmental Protection has promulgated recycling regulations to implement the Mandatory Source Separation and Recycling Act; and

WHEREAS, the recycling regulations impose on municipalities certain requirements as a condition for applying for tonnage grants, including but not limited to, making and keeping accurate, verifiable records of materials collected and claimed by the municipality; and

WHEREAS, a resolution authorizing this municipality to apply for the 2022 Recycling Tonnage Grant will memorialize the commitment of this municipality to recycling and to indicate the assent of the governing body to the efforts undertaken by the municipality and the requirements contained in the Recycling Act and recycling regulations; and

WHEREAS, such a resolution should designate the individual authorized to ensure the application is properly completed and timely filed.

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 that Cape May Point hereby endorses the submission of the recycling tonnage grant application to the New Jersey Department of Environmental Protection and designates **Linda Thomas** as recycling coordinator to ensure that the application is properly filed; and

BE IT FURTHER RESOLVED that the monies received from the 2022 recycling tonnage grant be deposited in a dedicated recycling trust fund to be used solely for the purposes of recycling.

	MOTION	SECOND	YES	NO	ABSTAIN	ABSENT
Busch						
Moffatt						
vanHeeswyk						

I hereby certify 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 February 21, 2023.

Municipal Clerk

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

RESOLUTION 41-23

AWARD OF CONTRACT - BEACH PATROL POLE BARN

WHEREAS, a request for bids for the Beach Patrol Pole Barn was advertised in the January 11, 2023 edition of the Cape May Star and Wave; and

WHEREAS, in response to said request, sealed bids were received, opened and publicly read by the Municipal Clerk, Elaine Wallace at 11:00 a.m. February 8, 2023; and

WHEREAS, Straga Brothers, Inc. of Glassboro, NJ, submitted the lowest of two (2) bids received, which are summarized as follows:

Bidder	Total
Straga Brothers, Inc.	\$173,500.00
Marino General Construction, Inc.	\$312,676.00

WHEREAS, the Borough Engineer has determined the bid of Straga Brothers, Inc. has been submitted in proper form and the contractor appears qualified to perform the work anticipated under this contract.

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 said contract to Straga Brothers, Inc. in the amount of \$173,500, and authorizes the Mayor and Clerk to execute the contract for same.

	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 Current Fund account 3-01-44-905-137 to award a contract for \$173,500.00 for Beach Patrol Pole Barn with Straga Brothers, Inc.

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

Dated: February 21, 2023

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 February 21, 2023.

Municipal Clerk

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

RESOLUTION 42-23

**AUTHORIZING AN APPLICATION FOR A COUNTY OF CAPE MAY
AMERICAN RESCUE PLAN ACT (ARPA) INFRASTRUCTURE GRANT**

WHEREAS, the County of Cape May has established an American Rescue Plan Act (ARPA) Infrastructure Grant program that allows each municipality to apply for up to \$400,000 as a sub-recipient of ARPA funds to perform projects for drinking water, sanitary sewer, or stormwater infrastructure; and

WHEREAS, the Borough of Cape May Point wishes to apply for funds through the above referenced grant program to perform upgrades to the water utility pump station and to replace cast iron water mains with possible lead fittings on Lehigh Avenue and Ocean Avenue between Yale Avenue and Lincoln Avenue.

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 authorizes the submission of an application to Cape May County for funds through its American Rescue Plan Act Infrastructure Grant program in the amount of \$400,000 to perform upgrades to the water utility pump station and to replace cast iron water mains with possible lead fittings on Lehigh Avenue and Ocean Avenue between Yale Avenue and Lincoln Avenue.

	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 February 21, 2023.

Municipal Clerk

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

RESOLUTION 43-23

**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 the purpose of continuing an ongoing research project documenting bird migration which would be conducted at the Coral Avenue dune platform from March 1, 2023 through May 31, 2023 for a minimum of four (4) hours each morning beginning at sunrise; and

WHEREAS, the CMBO has respectfully requested the Governing Body waive the usual facilities use fees as they are a non-profit organization 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 use of the Coral Avenue dune platform to the Cape May Bird Observatory/New Jersey Audubon Society for the Springwatch migration count starting March 1, 2023 through May 31, 2023 for four (4) hours each morning beginning at sunrise, dependent upon receipt of the requisite Certificate of Insurance as required by Ordinance No. 551-08.

	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 February 21, 2023.

Municipal Clerk

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

RESOLUTION 44-23

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 \$19,354.77.

	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: 17217 to 17231
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	
17217	02/21/23	ATL01 ATLANTIC CITY ELECTRIC			1890
23-00113	ELECTRIC BILLS		1,594.10		
17218	02/21/23	CAP03 CAPE MAY STAR & WAVE			1890
23-00089	LEGAL ADVERTISING		8.00		
17219	02/21/23	CAP14 CAPE MAY COUNTY MUA			1890
23-00101	SOLID WASTE DUMP FEE JAN 2023		678.60		
17220	02/21/23	CAP31 CAPE MINING & RECYCLING LLC			1890
23-00102	STUMPS/TREE PARTS		227.50		
17221	02/21/23	CAPIT005 CAPITAL ONE TRADE CREDIT			1890
23-00093	NORTHERN TOOL		87.99		
17222	02/21/23	CAS01 CASA PAYROLL SERVICE			1890
23-00098	PAYROLL		132.50		
17223	02/21/23	CIT02 CITY OF CAPE MAY			1890
23-00055	EMS 4TH QU 2022		4,817.11		
17224	02/21/23	COU02 COURT HOUSE OFFICE SUPPLIES			1890
23-00090	OFFICE SUPPLIES		87.83		
17225	02/21/23	FPM01 FP MAILING SOLUTIONS			1890
23-00106	POSTAGE MACHINE		126.00		
17226	02/21/23	GARDE005 GARDEN STATE LABORATORIES, INC			1890
23-00097	WATER TESTING		120.00		
17227	02/21/23	GOLDM005 GOLD MEDAL ENVIRONMENTAL			1890
23-00094	TRASH/RECYCLING		5,283.33		
17228	02/21/23	LCBSE005 LCB SERVICES			1890
23-00100	NOTARY TRAINING WEBINAR		45.00		
17229	02/21/23	SOU06 SOUTH JERSEY GAS			1890
23-00066	GAS BILLS		2,121.78		
17230	02/21/23	STA11 STATE OF NEW JERSEY			1890
23-00103	UNEMPLOYMENT COMP FUND		3,986.20		
17231	02/21/23	XTE01 XTEL COMMUNICATIONS INC			1890
23-00092	TELEPHONE		38.83		

Check # PO #	Check Date Description	Vendor	Amount Paid	Reconciled/Void	Ref Num Contract
17231 XTEL COMMUNICATIONS INC					
Continued					
Report Totals			<u>Amount Paid</u>	<u>Amount Void</u>	
			<u>Paid</u>	<u>Void</u>	
	Checks:		15	0	19,354.77
	Direct Deposit:		0	0	0.00
	Total:		15	0	19,354.77

Totals by Year-Fund					
Fund Description	Fund	Budget Total	Revenue Total	G/L Total	Total
CURRENT	2-01	4,817.11	0.00	0.00	4,817.11
CURRENT	3-01	9,620.81	0.00	0.00	9,620.81
	3-05	<u>930.65</u>	<u>0.00</u>	<u>0.00</u>	<u>930.65</u>
Year Total:		10,551.46	0.00	0.00	10,551.46
TRUST ACCOUNT EXPENDITURES	T-13	3,986.20	0.00	0.00	3,986.20
Total of All Funds:		<u>19,354.77</u>	<u>0.00</u>	<u>0.00</u>	<u>19,354.77</u>