

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](mailto:ewallace@capemaypoint.org) by 12:00 PM the Wednesday before the meeting.

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

**BOROUGH MEETING – MARCH 9, 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**

February 21, 2023 Work Session

**ORDINANCES FOR INTRODUCTION / PUBLICATION**

- 02-2023 Calendar Year 2023 Ordinance to Exceed the Municipal Budget Appropriation Limits and to Establish a Cap Bank (NJSA 40A:4-45.14)  
*Second Reading, Public Hearing, Consideration for Adoption – April 13<sup>th</sup> at 6 pm*
- 03-2023 Salary Ordinance  
*Second Reading, Public Hearing, Consideration for Adoption – April 13<sup>th</sup> at 6 pm*

**RESOLUTIONS**

- 45-23 Approval of Change Order #1 Final for Reconstruction of Yale Avenue
- 46-23 Authorizing Special Event Permit for Cape May Point Taxpayers Association
- 47-23 Introduction of the 2023 Municipal Budget
- 48-23 Salary Resolution 2023
- 49-23 Approval of Bill List
- 50-23 Authorizing Executive/Closed Session in Accordance with the Provisions of the Open Public Meetings Act NJSA 10:4-12(b) - Potential Litigation re: borough easement

**ORDINANCES FOR SECOND READING / PUBLIC HEARING / ADOPTION**

- 01-2023 An Ordinance Amending Chapter 126 "Rental Licenses" of the Code of the Borough of Cape May Point

## **TAX COLLECTOR'S 2022 ANNUAL REPORT**

### **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 45-23**

**APPROVAL OF CHANGE ORDER #1 FINAL  
FOR RECONSTRUCTION OF YALE AVENUE**

**WHEREAS**, South State, Inc. was previously awarded a contract for the Reconstruction of Yale Avenue in the amount of \$569,638.81; and

**WHEREAS**, during the course of work on the project, field conditions necessitated changes to the bid quantities resulting in a net increase of \$14,723.50; and

**WHEREAS**, the work is complete and it is necessary to adjust the contract amount to increase the total by \$14,723.50 (a 2.58% increase) as shown on Change Order #1 Final.

**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 approves Change Order #1 Final which increases the contract by \$14,723.50, making the new total contract amount \$584,362.31.

**BE IT FURTHER RESOLVED** the project is hereby declared to be complete and the Board of Commissioners hereby authorizes final payment in the amount of \$68,259.95.

	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 3-01-44-905-210, to authorize change order #1 for \$14,723.50 bringing the amended contract South State, Inc. to \$584,362.31.

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

Dated: March 9, 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 March 9, 2023.

\_\_\_\_\_  
Municipal Clerk

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

**RESOLUTION 46-23**

**AUTHORIZING SPECIAL EVENT PERMIT FOR CAPE MAY POINT  
TAXPAYERS ASSOCIATION**

**WHEREAS**, the Cape May Point Taxpayers Association has applied for a Special Event Permits for an ice cream social in Pavilion Circle on Saturday, May 27, 2023 from 3:00 pm to 7:00 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.

**WHEREAS**, the Taxpayers' Association has respectfully requested that the Governing Body waive the usual facilities use fees as they are a non-profit organization which benefits the taxpayers and community of Cape May Point; and

**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 the Cape May Point Taxpayers Association for an ice cream social on Saturday, May 23, 2023 from 3:00 pm to 7:00 pm in Pavilion Circle.

**BE IT FURTHER RESOLVED** that the fees for the permit have been waived.

	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 March 9, 2023.

\_\_\_\_\_  
Municipal Clerk

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

**RESOLUTION 47-23**

**INTRODUCTION OF THE 2023 MUNICIPAL BUDGET**

**NOW, THEREFORE, BE IT RESOLVED**, this 9<sup>th</sup> day of March, 2023 by the Board of Commissioners of the Borough of Cape May Point, governing body of the Borough of Cape May Point, County of Cape May, State of New Jersey, does hereby authorize the Introduction of the Municipal Budget for the Year 2023.

	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 March 9, 2023.

\_\_\_\_\_  
Municipal Clerk

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

**RESOLUTION NO. 48-23**

**SALARY RESOLUTION 2023**

**WHEREAS**, the Board of Commissioners desires to provide the exact salary of each officer and employee by resolution on an annual basis and as needed from time to time during the year; and

**NOW, THEREFORE, BE IT RESOLVED**, by the Commissioners of the Borough of Cape May Point, County of Cape May, that the Commissioners approve the attached Schedule A constituting the salaries and wages of the officers and employees of the Borough of Cape May Point for the year 2023.

	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 March 9, 2023.

\_\_\_\_\_  
Municipal Clerk

## **SCHEDULE "A"**

<b>Name</b>	<b>Title</b>	<b>Salary</b>
Anita vanHeeswyk	Commissioner	\$10,000.00
Robert Moffatt	Commissioner	\$10,000.00
Catherine Busch	Commissioner	\$11,000.00
Catherine Busch	Water Sewer Director	\$ 1,000.00
James Craft	CFO	\$20,000.00
James Craft	Purchasing Agent	\$ 1,500.00
Elaine Wallace	Municipal Clerk	\$54,800.00
Elaine Wallace	Elections Clerk	\$ 2,500.00
Elaine Wallace	Registrar	\$ 3,500.00
Elaine Wallace	Assessment Search Officer	\$ 2,700.00
Elaine Wallace	Assistant Water Clerk	\$ 4,000.00
Kelly Redington	Deputy Clerk	\$19,000.00
Kelly Redington	Deputy Registrar	\$ 1,500.00
Kelly Redington	Assistant Water Clerk	\$11,000.00
Kelly Redington	Environ. Comm. Sec.	\$ 500.00
Dianne Kelly	Tax Assessor	\$16,025.00
Kim Stevenson	Tax Collector	\$16,025.00
Marie Hood	Bookkeeper	\$13,500.00
John McGraw	Zoning Officer & Clerk	\$19,500.00
William Gibson	Public Works Supervisor	\$71,689.00
	Water/Sewer Supervisor (35 % allocation)	
William Gibson	OEM Coordinator	\$2,550.00
Brendan Bencivengo	Public Works Laborer	\$17.00/ hour
	(35% allocated to W/S)	
Anthony Famiano	Public Works Laborer	\$19.70/ hour
	(35% allocated to W/S)	
Anthony Famiano	Assistant DPW Supervisor	\$8,000.00
	(100% allocated to W/S)	
(SEASONAL)	Public Works Laborer	\$15.00/hour to \$20.00/hour
David Carrick	Water Superintendent	\$8,500.00
	W/S Clerk	\$10,000.00
Rhiannon Worthington	Planning Board Sec.	\$7,250.00
Kate Dunn	Assist. Planning Bd. Sec.	\$7,250.00

Brady Schoenrock	Code Compliance Official	\$8,500.00
	Rental Inspector	\$3,500.00
(SEASONAL)	Code Enforcement Assistant	\$14.13/hour to \$25.00/hour
Ben Swan	Beach Patrol Chief	\$21,600.00
	Lieutenant	\$13,500.00
	Non-Lieutenant EMT Cert	\$ 1.00/hour
	Senior Guard	\$ 1.25/hour
Lifeguards	1 <sup>st</sup> Year	\$14.00/hour
	2 <sup>nd</sup> Year	\$14.25/hour
	3 <sup>rd</sup> Year	\$14.50/hour
	4 <sup>th</sup> Year	\$14.75/hour
	5 <sup>th</sup> Year	\$15.00/hour
	6 <sup>th</sup> Year	\$15.25/hour
	7 <sup>th</sup> Year	\$15.50/hour
	8 <sup>th</sup> Year	\$15.75/hour
	9 <sup>th</sup> Year	\$16.00/hour
	10 <sup>th</sup> Year	\$16.25/hour
Chris Garrison	Beach Director	\$16,700.00
Tag Inspectors	1 <sup>st</sup> Year	\$13.50/hour
	2 <sup>nd</sup> Year	\$13.75/hour
	3 <sup>rd</sup> Year	\$14.00/hour
	4 <sup>th</sup> Year	\$14.25/hour
	5 <sup>th</sup> Year	\$14.50/hour
	6 <sup>th</sup> Year	\$14.75/hour
	7 <sup>th</sup> Year	\$15.00/hour
	8 <sup>th</sup> Year	\$15.25/hour
Tagger Supervisor	1 <sup>st</sup> Year	\$16.75/hour
	2 <sup>nd</sup> Year	\$17.00/hour
	3 <sup>rd</sup> Year	\$17.25/hour
	4 <sup>th</sup> Year	\$17.50/hour
	5 <sup>th</sup> Year	\$17.75/hour
	6 <sup>th</sup> Year	\$18.00/hour
	7 <sup>th</sup> Year	\$18.25/hour



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

**RESOLUTION 49-23**

**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 \$101,446.67.

	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 March 9, 2023.

\_\_\_\_\_  
Municipal Clerk

March 8, 2023  
10:37 AM

BOROUGH OF CAPE MAY POINT  
Check Register By Check Id

Page No: 1

Range of Checking Accts: OTHER to OTHER Range of Check Ids: 17232 to 17263  
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	
17232	03/09/23	ATL06 ATLANTIC CITY CYCLE CENTER		1891
	22-00656 Parts for Polaris	2,568.15		
17233	03/09/23	AUT02 AUTO ZONE, INC.		1891
	23-00105 STATEMENT	251.54		
17234	03/09/23	BOR04 BOROUGH OF WEST CAPE MAY		1891
	23-00096 2008 Dodge 5500 Small Packer	20,000.00		
17235	03/09/23	CAP03 CAPE MAY STAR & WAVE		1891
	23-00129 LEGAL ADVERTISING	15.00		
17236	03/09/23	CAP31 CAPE MINING & RECYCLING LLC		1891
	23-00114 STUMPS/TREE PARTS	914.35		
	23-00142 STUMPS/TREE PARTS	39.55		
		<u>953.90</u>		
17237	03/09/23	CARAH005 CARAHSOFT TECHNOLOGY CORP		1891
	23-00015 Security Cameras/Equipment	52,432.85		
17238	03/09/23	CAS01 CASA PAYROLL SERVICE		1891
	23-00143 PAYROLL	125.00		
17239	03/09/23	CIT03 CITY OF CAPE MAY		1891
	23-00138 JANUARY 2023 WATER	4,105.50		
17240	03/09/23	COM01 COMCAST		1891
	23-00124 215 LIGHTHOUSE	131.90		
17241	03/09/23	COU03 COUNTY OF CAPE MAY		1891
	23-00141 JANUARY 2023 FUEL	1,009.54		
17242	03/09/23	DAT01 DATA NETWORK SOLUTIONS		1891
	23-00118 TELEPHONE	310.11		
17243	03/09/23	DIS01 DISCOUNT HYDRAULICS CORP		1891
	23-00116 SUPPLIES	51.89		
17244	03/09/23	DOCUV005 VAULT SOLUTIONS, LLC		1891
	23-00140 FEBRUARY 2023 SHREDDING	68.45		
17245	03/09/23	ELAIN005 ELAINE WALLACE		1891
	23-00139 REIMBURSEMENT	107.94		
17246	03/09/23	GOLDM005 GOLD MEDAL ENVIRONMENTAL		1891
	23-00133 TRASH/RECYCLING	5,283.33		
17247	03/09/23	GREEN005 GREENMAN-PEDERSEN, INC.		1891
	22-00350 Engineering - Pole Barn	2,355.50		

March 8, 2023  
10:37 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	
17247		GREENMAN-PEDERSEN, INC. Continued		
	23-00126	BOROUGH ENGINEER	958.53	
			<u>3,314.03</u>	
17248	03/09/23	GRR01 GRR CONSULTING SERVICES LLC		1891
	23-00127	CONSULTING SERVICES	3,300.00	
17249	03/09/23	JAC01 J & A CLEANING SERVICE		1891
	23-00128	CLEANING	300.00	
17250	03/09/23	MGL01 MGL PRINTING SOLUTIONS		1891
	23-00104	RENTAL PERMIT LABELS	838.00	
17251	03/09/23	NAT04 VAN EMBDEN, NATHAN, ESQUIRE		1891
	23-00130	SOLICITOR ADMIN BILLING	300.00	
17252	03/09/23	NJD05 NJ DEPT OF HEALTH & SENIOR SER		1891
	23-00099	JANUARY DOG LICENSES 2023	6.00	
17253	03/09/23	ONE02 ONE CALL CONCEPTS		1891
	23-00134	MARK OUTS	17.16	
17254	03/09/23	PHOEN005 PHOENIX ADVISORS LLC		1891
	23-00132	2020 DISCLOSURE AGENT SERVICES	1,150.00	
17255	03/09/23	PUB01 PUBLIC WORKS ASSOC OF NJ		1891
	23-00045	2023 DUES	75.00	
17256	03/09/23	RIO01 RIO SUPPLY, INC		1891
	23-00123	ANTENNA	817.80	
17257	03/09/23	SOU06 SOUTH JERSEY GAS		1891
	23-00122	GAS BILLS	1,470.37	
17258	03/09/23	STA11 STATE OF NEW JERSEY		1891
	23-00121	REIMBURSEMENT CHARGE	5.00	
17259	03/09/23	SWA01 SWAIN'S ACE HARDWARE		1891
	23-00136	STATEMENT FEBRUARY 2023	439.03	
17260	03/09/23	VER01 VERIZON		1891
	23-00125	PHONE BILLS	232.73	
17261	03/09/23	VER03 VERIZON WIRELESS		1891
	23-00115	CELL PHONE/CAMERAS	508.59	
17262	03/09/23	VIL01 NAPA AUTO PARTS		1891
	23-00109	STATEMENT	520.58	
17263	03/09/23	WES02 WESTERN TERMITE & PEST CONTROL		1891
	23-00107	ANNUAL MAINTENANCE	737.28	

March 8, 2023  
10:37 AM

BOROUGH OF CAPE MAY POINT  
Check Register By Check Id

Page No: 3

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

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17263 WESTERN TERMITE & PEST CONTROL Continued

Report Totals	<u>Paid</u>	<u>Void</u>	<u>Amount Paid</u>	<u>Amount Void</u>
Checks:	32	0	101,446.67	0.00
Direct Deposit:	<u>0</u>	<u>0</u>	<u>0.00</u>	<u>0.00</u>
Total:	<u>32</u>	<u>0</u>	<u>101,446.67</u>	<u>0.00</u>

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Totals by Year-Fund					
Fund Description	Fund	Budget Total	Revenue Total	G/L Total	Total
CURRENT	2-01	17,568.15	0.00	0.00	17,568.15
	2-05	<u>1,150.00</u>	<u>0.00</u>	<u>0.00</u>	<u>1,150.00</u>
Year Total:		18,718.15	0.00	0.00	18,718.15
CURRENT	3-01	37,365.80	0.00	0.00	37,365.80
	3-05	<u>5,045.87</u>	<u>0.00</u>	<u>0.00</u>	<u>5,045.87</u>
Year Total:		42,411.67	0.00	0.00	42,411.67
	C-04	39,788.35	0.00	0.00	39,788.35
ANIMAL CONTROL TRUST	T-12	6.00	0.00	0.00	6.00
TRUST ACCOUNT EXPENDITURES	T-13	<u>522.50</u>	<u>0.00</u>	<u>0.00</u>	<u>522.50</u>
Year Total:		528.50	0.00	0.00	528.50
Total of All Funds:		<u>101,446.67</u>	<u>0.00</u>	<u>0.00</u>	<u>101,446.67</u>

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

**RESOLUTION NO. 50-23**

**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, March 9, 2023 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: 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 March 9, 2023.

\_\_\_\_\_  
Municipal Clerk



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

**ORDINANCE NO. 01-2023**

**AN ORDINANCE AMENDING CHAPTER 126 “RENTAL LICENSES” OF THE CODE  
OF THE BOROUGH OF CAPE MAY POINT**

**WHEREAS**, Chapter 126 of the Code of the Borough of Cape May Point regulate the Rental Permit process; and

**WHEREAS**, due to a New Jersey state law, all rental properties must register with the municipality and provide proof of certain minimum liability insurance, the Board of Commissioners wishes to increase the annual rental permit fee to compensate for additional processing time; and

**WHEREAS**, the Borough wishes to change the license year to May 1<sup>st</sup> to April 30<sup>th</sup> to ensure there is adequate time to effectively process the applications and allow adequate time for code enforcement during the height of the summer season; and

**WHEREAS**, the Board of Commissioners has decided to waive the additional \$50 in 2023 to off-set the loss of one month~~s~~ from the 2022-2023 license year.

**NOW, THEREFORE, BE IT ORDAINED** by the Board of Commissioners of the Borough of Cape May Point, County of Cape May, New Jersey, the governing body thereof, that Chapter 126 “Rental Licenses” be and is hereby amended as follows (additions in underline, deletions in ~~striketthrough~~):

**SECTION I**

126-3        DEFINITIONS.

LICENSE YEAR

Shall mean ~~the license year shall mean June 1<sup>st</sup> to May 31<sup>st</sup>~~ May 1<sup>st</sup> to April 30<sup>th</sup> of the following year or any portion thereof.

126-7        PROCEDURE FOR OBTAINING LICENSE.

The owner of a rental until shall submit to the Licensing Clerk a registration form, ~~and a license application together with the required fee to the Licensing Clerk, and a copy of the liability insurance certificate or insurance policy declaration page covering the property, the amount of which shall be, at minimum, that which is required by the laws of the State of New Jersey.~~

126-12 LICENSE TERM.

The license term shall be from ~~June 1<sup>st</sup> to May 31<sup>st</sup>~~ May 1<sup>st</sup> to April 30<sup>th</sup>.

126-14 FEES.

126-14.1 Rental License Registration Fees.

a. Rental Properties:

~~\$150.00~~ \$200.00 per unit if license purchased on or before April 30<sup>th</sup> May 31<sup>st</sup> or ~~\$250.00~~ \$300.00 thereafter. If a property owner purchases a property after April 30<sup>th</sup> and wishes to begin renting the property, the initial registration fee will be \$200.00.

b. Hotels, Motels, Multiple Dwellings and Retreat Lodging Facilities:

~~\$150.00~~ \$200.00 per unit for up to three (3) units in one (1) structure if the license is purchased on or before April 30<sup>th</sup> May 31<sup>st</sup> or \$250.00 per unit thereafter. And in either case \$50.00 for each additional unit exceeding three (3).

126-15 VIOLATIONS AND PENALTIES.

a. Any person, firm, association, or corporation violating any of the provisions of this chapter shall, upon conviction, be subject to one or more of the following:

1. A fine not to exceed the sum of \$1,000 for each separate violation for which they are convicted; and/or
2. A period of community service for a period not exceeding 90 days.

**SECTION 2**

All ordinances inconsistent with this ordinance are hereby repealed to the extent of such inconsistency.

**SECTION 3**

Should any provision of this ordinance be deemed invalid for any reason that invalidity shall not affect the remaining provisions of the ordinance, and the provisions and sections of the ordinance are hereby declared to be severable with respect to their validity.

**SECTION 4**

After introduction and passage upon first reading, this ordinance shall be referred to the Planning Board of the Borough of Cape May Point for review and comment in accordance with the Municipal Land Use Law.

**SECTION 5**

This ordinance shall take effect twenty (20) days after final passage, according to

law.

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

ATTEST:

\_\_\_\_\_  
Elaine L. Wallace  
Borough Clerk

\_\_\_\_\_  
Catherine Busch, Commissioner

\_\_\_\_\_  
Anita vanHeeswyk, Commissioner

\_\_\_\_\_  
Robert Moffatt, Mayor

FIRST READING: February 9, 2023  
PUBLICATION: February 15, 2023  
PUBLIC HEARING: March 9, 2023  
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