

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 – JUNE 8, 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

May 23, 2023 Work Session

ORDINANCES FOR INTRODUCTION / PUBLICATION:

RESOLUTIONS

- 72-23 Resolution Requesting Approval for the Inclusion of Revenue: American Rescue Plan Act Infrastructure Grant from Cape May County in the Amount of \$400,000
- 73-23 Authorizing the Borough Engineer to Provide Engineering Services for Lehigh Avenue & Ocean Avenue Water Main Replacement & Resurfacing Improvements for a Total Cost Not to Exceed \$37,000.00
- 74-23 Authorizing the Borough Engineer to Provide Engineering Services for Utility Control Project for a Cost Not to Exceed
- 75-23 Approval of Bill List

ORDINANCES FOR SECOND READING / PUBLIC HEARING / ADOPTION

- 05-2023 Amending and Supplementing Chapter 142 "Vehicles and Traffic" of the Code of the Borough of Cape May Point to Prohibit Exhibition Driving

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 NO. 72-23

**RESOLUTION REQUESTING APPROVAL FOR THE INCLUSION OF REVENUE:
AMERICAN RESCUE PLAN ACT INFRASTRUCTURE GRANT FROM CAPE MAY
COUNTY IN THE AMOUNT OF \$400,000.00**

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount there of was not determined at the time of the adoption of the budget, and

WHEREAS, the Director may also approve that insertion of any item of appropriation for an equal amount, and

NOW, THEREFORE, BE IT RESOLVED, that the Commissioners of the Borough of Cape May Point, New Jersey, hereby request the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2023 in the total sum of \$400,000.00 now available as a revenue pursuant to the provisions of the statute under the State of New Jersey.

Revenue: **American Rescue Plan Act Infrastructure Grant from Cape May County**

BE IT FURTHER RESOLVED, that the like sum of \$400,000.00 is hereby appropriated under the caption of:

Appropriation: Public and Private Programs Offset by Revenues: **American Rescue Plan Act Infrastructure Grant from Cape May County**

	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 June 8, 2023.

Municipal Clerk

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

RESOLUTION 73-23

**AUTHORIZING THE BOROUGH ENGINEER TO PROVIDE
ENGINEERING SERVICES FOR LEHIGH AVENUE & OCEAN AVENUE WATER
MAIN REPLACEMENT & RESURFACING IMPROVEMENTS
FOR A TOTAL COST NOT TO EXCEED \$37,000.00**

BE IT RESOLVED, by the Board of Commissioners of the Borough of Cape May Point, County of Cape May, State of New Jersey, that Greenman Pedersen, Inc. be and is hereby authorized to provide engineering services for Lehigh Avenue & Ocean Avenue Water Main Replacement & Resurfacing Improvements in an amount not to exceed \$37,000; and

BE IT FURTHER RESOLVED the award is contingent upon the issuance of a certificate of availability of funds by the Chief Financial Officer; and

BE IT FURTHER RESOLVED the proper Borough officials be and are hereby authorized to do all things necessary to carry out the intent of this Resolution.

	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 June 8, 2023.

Elaine L. Wallace, Municipal Clerk

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

RESOLUTION 75-23

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 \$81,144.89.

	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 June 8, 2023.

Municipal Clerk

Range of Checking Accts: OTHER to OTHER Range of Check Ids: 17408 to 17429
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
17408	06/08/23	ARTHU005 ARTHUR MCCLOSKEY			1897
23-00302		LIGHTBULBS FOR CIRCLE	93.23		
17409	06/08/23	BILLO005 BILLOWS ELECTRIC SUPPLY			1897
23-00288		SUPPLIES	312.00		
17410	06/08/23	CAP03 CAPE MAY STAR & WAVE			1897
23-00287		LEGAL ADVERTISING	20.00		
23-00307		LEGAL ADVERTISING	<u>11.50</u>		
			31.50		
17411	06/08/23	CAP14 CAPE MAY COUNTY MUA			1897
23-00290		2ND QU WASTEWATER MGMT	55,562.25		
23-00294		SOLID WASTE DUMP FEE APRIL 23	<u>743.01</u>		
			56,305.26		
17412	06/08/23	CAP31 CAPE MINING & RECYCLING LLC			1897
23-00295		STUMPS/TREE PARTS	88.90		
23-00309		STUMPS/TREE PARTS	<u>25.00</u>		
			113.90		
17413	06/08/23	CAS01 CASA PAYROLL SERVICE			1897
23-00304		PAYROLL	344.50		
17414	06/08/23	CATHE005 CATHERINE BUSCH			1897
23-00313		REIMBURSEMENT	164.21		
17415	06/08/23	CHU01 CHURCH'S GARDEN CENTER & FARM			1897
23-00278		PLANTS	265.32		
17416	06/08/23	COAST005 COASTAL LANDSCAPING			1897
23-00297		REPAIRS LEAK	631.80		
17417	06/08/23	COPIE005 COPIERS PLUS			1897
23-00299		COPIER MAINTENANCE	47.73		
17418	06/08/23	COU02 COURT HOUSE OFFICE SUPPLIES			1897
23-00312		OFFICE SUPPLIES	222.74		
17419	06/08/23	COU03 COUNTY OF CAPE MAY			1897
23-00308		FUEL APRIL 2023	575.44		
17420	06/08/23	DAT01 DATA NETWORK SOLUTIONS			1897
23-00300		TELEPHONE	310.11		
17421	06/08/23	DUSTI005 DUSTIN WELCH			1897
23-00276		NATIVE PLANTS	186.00		
17422	06/08/23	FOR01 FORD SCOTT AND ASSOCIATES, LLC			1897
23-00310		AUDIT/2023 BUDGET	9,000.00		

June 6, 2023
12:12 PM

BOROUGH OF CAPE MAY POINT
Check Register By Check Id

Check #	Check Date	Vendor	Reconciled/Void	Ref Num
PO #	Description	Amount Paid	Contract	
17423	06/08/23	GREEN005 GREENMAN-PEDERSEN, INC. 22-00349 Eng-PW Building Addition/Reno	2,370.50	1897
17424	06/08/23	GRR01 GRR CONSULTING SERVICES LLC 23-00328 CONSULTING MAY 2023	4,125.00	1897
17425	06/08/23	JAC01 J & A CLEANING SERVICE 23-00311 CLEANING	375.00	1897
17426	06/08/23	SHE01 SHEPANSKI'S AUTO REPAIR 23-00303 NEW TIRES DUMP TRUCK	633.90	1897
17427	06/08/23	THEDE005 The DeWeese Law Firm, P.C. 23-00305 SOLICITOR	3,033.50	1897
17428	06/08/23	TRE02 TREASURER ST OF NEW JERSEY 23-00289 AIR QUALITY PERMITS	1,770.00	1897
17429	06/08/23	VER01 VERIZON 23-00292 PHONE BILLS	233.25	1897

Report Totals	<u>Paid</u>	<u>Void</u>	<u>Amount Paid</u>	<u>Amount Void</u>
Checks:	22	0	81,144.89	0.00
Direct Deposit:	0	0	0.00	0.00
Total:	22	0	81,144.89	0.00

Totals by Year-Fund					
Fund Description	Fund	Budget Total	Revenue Total	G/L Total	Total
CURRENT	3-01	17,723.47	0.00	0.00	17,723.47
	3-05	<u>61,050.92</u>	<u>0.00</u>	<u>0.00</u>	<u>61,050.92</u>
Year Total:		78,774.39	0.00	0.00	78,774.39
	C-04	2,370.50	0.00	0.00	2,370.50
Total of All Funds:		<u><u>81,144.89</u></u>	<u><u>0.00</u></u>	<u><u>0.00</u></u>	<u><u>81,144.89</u></u>

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

ORDINANCE NO. 05-2023

**AMENDING AND SUPPLEMENTING CHAPTER 142 “VEHICLES AND TRAFFIC”
OF THE CODE OF THE BOROUGH OF CAPE MAY POINT
TO PROHIBIT EXHIBITION DRIVING**

WHEREAS, for the past several years the Borough of Cape May Point (the “Borough”) has seen an increase in sanctioned and unsanctioned events in neighboring municipalities, including the City of Wildwood, centering around the display and operation of motor vehicles of various ages, makes and models; and

WHEREAS, along with these events, participants have engaged in “exhibition driving” which is the operation of a motor vehicle in a manner that results in excessive, abrupt acceleration or deceleration of the motor vehicle, as well as skidding, squealing, burning, or smoking of tires of the motor vehicle; and

WHEREAS, the operation of vehicles in such a manner creates a substantial risk to public safety; and

WHEREAS, this type of activity also serves no benefit to the public and Board of Commissioners seeks to prohibit exhibition driving throughout the Borough of Cape May Point.

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

Section 1. Chapter 142 of the Borough of Cape May Point Code regarding “Vehicles and Traffic” shall be amended to include the following **NEW SECTION**:

ARTICLE V – Exhibition Driving Prohibited

§ 142-42 Exhibition Driving Prohibited.

No person shall engage in exhibition driving within the Borough of Cape May Point. “Exhibition driving” shall mean:

- A. The operation of a motor vehicle in a manner that results in:
 - 1. The excessive, abrupt acceleration or deceleration of the motor vehicle;
 - 2. The skidding, squealing, burning, or smoking of the tires of the motor vehicle;

3. The swerving or swaying of the motor vehicle from side to side while skidding;
 4. The engine of the motor vehicle producing an unreasonably loud, raucous, or disturbing noise;
 5. The grinding of the gears of the motor vehicle or the backfiring of the engine of the motor vehicle; or
 6. Any of the wheels of the motor vehicle losing contact with the ground;
 7. Participating in a race or speed contest; or
- B. The transportation of a passenger on or in an area of a motor vehicle that is not designed or intended for passenger transport such as the hood or roof.
- C. The activity described above is hereby deemed a public nuisance.

§ 142-43 Penalties

Unless another penalty is expressly provided by Title 39 of the Laws of the State of New Jersey (Motor Vehicle and Traffic Regulations) or other express provisions of New Jersey Statutes, any person violating or failing to comply with any provision of § 142-42 shall, upon conviction thereof, be liable for a penalty of not more than \$2,000, and/or provide such community service not to exceed 90 days as is deemed appropriate, and/or by imprisonment for a term not to exceed 90 days, or by such fine and/or community service and/or imprisonment, at the discretion of the Court. The continuation of such violation for each successive day shall constitute a separate offense, and the person or persons allowing or permitting the continuation of the violation may be punished as provided above for each separate offense.

§ 142-44 Authority to Impound Vehicles

The following provisions are not dependent upon the presence of the owner or authorized user.

- A. A motor vehicle may be seized and impounded when it is determined that:
1. There is probable cause to believe the vehicle is unregistered on a public highway or public property, or quasi-public area authorized under N.J.S.A. 39:5A-1 et seq.;
 2. The vehicle's registration is suspended in accordance with N.J.S.A. 39:3-40 and the vehicle is parked on a public highway, public property, or quasipublic area authorized under N.J.S.A. 39: 5A-1 et seq.

3. The vehicle is unlawfully obstructing traffic or in a specially designated or restricted area or zone.

4. Reasonable grounds exist to believe that the vehicle is in violation of N.J.S.A. 39:4-136, which reads in pertinent part:

Any vehicle, upon a roadway, which is disabled to the extent that the operator cannot move it, or any unoccupied vehicle parked or standing in violation of this chapter shall be deemed a nuisance and a menace to the safe and proper regulation of traffic and any peace officer may provide for the removal of such vehicle.

5. The vehicle is mechanically defective and creates a threat to public safety or is a nuisance and menace to the safe and proper regulation of traffic. This includes, but is not limited to, if there are reasonable grounds to believe a vehicle is being operated in violation of § 7-58 above.

6. Removal is necessary in the interest of public safety because of fire, flood, storm, snow, or other civil emergency reasons.

7. Removal or impoundment is authorized pursuant to any other applicable law, code, or regulation.

B. Unless otherwise directed by State Law, a motor vehicle impounded under the provisions of this section shall be removed to storage space or garage and its registration certificate and registration plates seized. The registrant shall be responsible for the cost of the removal and storage of the impounded motor vehicle.

1. If the registrant fails to claim the motor vehicle and pay the reasonable costs of removal and storage by midnight of the 30th day following impoundment, along with a fine of \$50 to cover the administrative costs of the municipality wherein the violation occurred, the municipality may sell the motor vehicle at public auction. The municipality shall give notice of the sale by certified mail to the registrant of the motor vehicle and to the holder of any security interest filed with the director, and by publication in a form to be prescribed by the director by one insertion, at least five days before the date of the sale, in one or more newspapers published in this State and circulating in the municipality in which the motor vehicle has been impounded.

2. At any time prior to the sale, the registrant or other person entitled to the motor vehicle may reclaim possession of it upon payment of the

reasonable costs of removal and storage of the motor vehicle and any outstanding fines or penalties; provided, however, if the other person entitled to the motor vehicle is a lessor or the holder of a lien on the motor vehicle, he may reclaim the motor vehicle without payment. In such cases, the violator shall be liable for all outstanding costs, fines and penalties, and the municipality shall have a lien against the property and income of that violator for the total amount of those outstanding costs, fines and penalties.

3. Any proceeds obtained from the sale of a motor vehicle at public auction pursuant to paragraph (1) of this subsection in excess of the amount owed to the municipality for the reasonable costs of removal and storage of the motor vehicle and any outstanding fines or penalties shall be returned to the registrant of the vehicle.

- C. The authority to impound set forth herein is in addition to, and not to the exclusion of, the penalties set forth in § 142-43.

Section 2. All other ordinances in conflict or inconsistent with this Ordinance are hereby repealed, to the extent of such conflict or inconsistency. Should any portion of this Ordinance be adjudged by a court of competent jurisdiction to be invalid, such judgment shall not affect, impair or repeal the remainder of this Ordinance.

Section 3. This ordinance shall take effect 20 days after passage and publication, according to law.