

**FEBRUARY 27, 2024  
WORK SESSION MINUTES**

The Work Session of the Board of Commissioners of the Borough of Cape May Point was called to order by Clerk Wallace at 12:00 PM. The Open Public Meetings Statement was read by the Clerk who then led those present in the flag salute. Mayor Moffatt, Commissioner Busch and Commissioner vanHeeswyk answered roll call. Also in attendance: Administrator Ed Grant, Clerk Elaine Wallace, and Solicitor John Amenhauser. This meeting was held electronically via ZOOM under local operation guidance from the NJDCA pursuant to P.L. 2020, c.11.

**COMMISSIONERS' DISCUSSION/REPORTS:**

**2024 Budget Discussion with CFO Jim Craft**

CFO Jim Craft and the commissioners went through the budget worksheets, discussing each department and its proposed appropriations for 2024. As proposed, the budget called for a tax increase of .0145 cents to .348 cents. The budget will be introduced at the March 14<sup>th</sup> meeting, with the second reading and public hearing on April 11<sup>th</sup>. The commissioners thanked Mr. Craft for his work on the budget.

Commissioner Busch reported public works had begun removing hazardous, dead trees on the street side of the dunes and along the beach entrances. Dead trees in the middle of the dunes that pose no hazard to the public will be left standing. Public works are also cutting invasive trees including selected smaller Japanese Black Pines in areas where the trees will kill native dune vegetation such as bayberries, beach plum, cedar trees, and dune grasses. The borough will be working with the Cape May Point Taxpayers Association to replant selected areas on Dune Day. In Pavilion Circle, public works has begun pruning larger trees to remove dead and hazardous limbs. They will be looking to plant some more trees this spring and will address fertilizing the larger trees.

Commissioner vanHeeswyk and Mayor Moffatt had no additional report.

**ADMINISTRATOR'S REPORT:** No Report

**PUBLIC QUESTIONS ON AGENDA ITEMS ONLY:** None

**APPROVAL OF MINUTES:**

February 8, 2024

*Motion: vanHeeswyk, Moffatt*

*Roll call: all in favor*

**ORDINANCES FOR INTRODUCTION AND PUBLICATION:** None

**RESOLUTIONS:**

38-24 Authorizing Closure of Petty Cash Bank for Beach Patrol

*Motion: vanHeeswyk, Moffatt*

*Roll call: all in favor*

- 39-24 Recycling Tonnage Grant Application 2023  
*Motion: Busch, vanHeeswyk*  
*Roll call: all in favor*
- 40-24 Authorizing the Disposal of Surplus Property  
*Motion: Busch, vanHeeswyk*  
*Roll call: all in favor*
- 41-23 Authorizing Purchase of Vermeer Vac Model VX50 Vacuum Excavator through Sourcewell National Coop  
*Motion: Busch, vanHeeswyk*  
*Roll call: all in favor*
- 42-24 Resolution Authorizing Contracts with Certain Approved State Contract Vendors for Contracting Units Pursuant to N.J.S.A. 40A:11-12a  
*Motion: vanHeeswyk, Moffatt*  
*Roll call: all in favor*
- 43-24 Authorizing Purchase of Utility Truck Equipment and Accessories through Educational Services Commission of New Jersey Cooperative Pricing System  
*Motion: Busch, vanHeeswyk*  
*Roll call: all in favor*
- 44-24 Authorizing Closure of Developer's Escrow Account and Refund of Unexpended Fees and Application Fee as Recommended by the Planning Board  
*Motion: vanHeeswyk, Moffatt*  
*Roll call: all in favor*
- 45-24 2024 Salary Resolution  
*Motion: vanHeeswyk, Moffatt*  
*Roll call: all in favor*
- 46-24 Approval of Bill List  
*Motion: vanHeeswyk, Moffatt*  
*Roll call: all in favor*

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

- 03-2024 An Ordinance Amending the Code of the Borough of Cape May Point, Chapter 94 "Garbage, Rubbish and Refuse", Chapter 109 "Litter; Maintenance of Property" to Require Certain Trash and Recycling Containers

*Motion to open public hearing: Busch, vanHeeswyk*  
*Roll call: all in favor*

Jean Biesecker asked why the ordinance caps recycling cans at 48 gallons, but trash cans at 96 gallons, when the recent flyer limited both at 96. Clerk Wallace explained the 48-gallon limit was preexisting, but the commissioners agreed to amend the ordinance to allow the larger size for both trash and recycling.

When no one else wished to speak, the ordinance was amended.

*Motion to amend: Busch, vanHeeswyk*

*Roll call: all in favor*

Then the public hearing was closed.

*Motion to close: Moffatt, Busch*

*Roll call: all in favor*

Clerk Wallace announced a public hearing would be held on the amendment at the March 14<sup>th</sup> regular meeting at 6 pm after which the ordinance would be considered for adoption.

04-2024 An Ordinance Amending the Code of the Borough of Cape May Point Chapter 58 “Beaches”, Section 14 “Prohibited Conduct”

*Motion to open public hearing: vanHeeswyk, Moffatt*

*Roll call: all in favor*

Jean Biesecker asked for the definition of a protected beach in section q. Clerk Wallace explained the “protected beach during operating hours” meant while lifeguards are present. The limits always apply in the precautionary zone. Lastly, between March 15 and August 31, the activities are prohibited anywhere within 200 meters of posted nesting areas regardless of location. Commissioner Busch further explained the changes are to bring the borough’s ordinance into conformance with the beach management plan as required by NJDEP, NJFW, and USFW. The management plan already prohibited kites, but drones were added in the most recent plan. Ms. Biesecker asked why kites aren’t permitted but footballs, frisbees, and darts are. She wondered why kites were considered more dangerous and would like to see them permitted. Administrator Grant said he and the Mayor would speak with the lifeguards and look into it.

When no one wished to speak, the public hearing was closed.

*Motion to adopt: vanHeeswyk, Moffatt*

*Roll call: all in favor*

05-2024 An Ordinance Amending Chapter 120, Article 1 (“Peace and Good Order – Disorderly Conduct”), of the Code of the Borough of Cape May Point

*Motion to open public hearing: vanHeeswyk, Moffatt*

*Roll call: all in favor*

Jean Biesecker asked if the ordinance would encompass outdoor entertainment and related noise. Solicitor Amenhauser stated it could fall under the ordinance if it creates unreasonable noise. Ms. Biesecker was very interested in how an open dialogue could be held on outdoor entertainment setups where people put big screen TVs outside and make a lot of noise. Commissioner vanHeeswyk suggested it might be most appropriate for her and Mayor Moffatt to bring the questions to the planning board to start a conversation. Mayor Moffatt was in favor of doing so.

When no one wished to speak, the public hearing was closed.

*Motion to adopt: vanHeeswyk, Moffatt*

*Roll call: all in favor*

**PUBLIC PORTION:**

Helen Chezem asked if she would have to save anything that doesn't fit inside a trash can for bulk trash day or take care of it herself. She was informed that was the case. Only items inside cans will be collected by the contractor. Commissioner vanHeeswyk found the 96-gallon cans would fit pretty large items but would not be too hard to manage because of the wheels. It might be a solution for larger, bulkier items.

Jean Beisecker asked how to create a town hall environment so everyone can come together and have a conversation for their vision of the Point. She worried that, with the changes that are happening in the neighborhood, the borough couldn't wait 5 years for the next master plan examination to take action. She felt some of the newer homes with their highly-lit, larger footprints are contrary to the good work being done at the Science Center and the Nature Conservancy. Ms. Beisecker felt it is clear from reading the borough's code that conservation of resources, wildlife and habitats are important in the Point. She felt new construction and how people are starting to use their properties are inconsistent with those goals. Commissioner vanHeeswyk explained the appropriate place for such discussion is at the Planning Board. The master plan is a living document and can be changed at any time. The borough is a government entity, while the other entities Ms. Beisecker mentioned are private organizations and don't drive the borough's policies. The proper process is to start with the planning board.

Barb Bassett advised the Environmental Commission has been working on making recommendations on lighting. She also explained that when certain variance applications are received, the Environmental Commission is asked to comment. Lastly, the Planning Board has made a recommendation to the commissioners regarding vegetative coverage.

When no one else wished to speak, the meeting was adjourned at 12:57 pm on motion of Commissioner vanHeeswyk, seconded by Mayor Moffatt.

Respectfully submitted,

Accepted:

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Elaine L. Wallace, RMC, CMR  
Municipal Clerk

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Commissioner Busch

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Mayor Moffatt

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Commissioner vanHeeswyk