

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: 860 4443 4025 Passcode: 003379

Direct link: <https://us02web.zoom.us/j/86044434025?pwd=UVlvU0ZlaTJ4d1pCTDd6TVlyTFVxUT09>

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 – FEBRUARY 8, 2024 – 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

January 23, 2024

ORDINANCES FOR INTRODUCTION / PUBLICATION

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

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

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

Second Readings, Public Hearings, Consideration for Adoption – February 27, 2024

RESOLUTIONS

32-24 Resolution for Member Participation in a Cooperative Pricing System and Authorizing the Borough of Cape May Point to Enter into a Cooperative Pricing Agreement

33-24 Authorizing Release and Refund of Performance Guarantee in the Amount of \$10,000 for Street Opening Permits for Block 49, Lots 10 & 11, Harvard Avenue

- 34-32 Authorizing Special Event Permit for Cape May Bird Observatory/New Jersey Audubon
- 35-24 Authorizing Special Event Permit for Cape May Point Taxpayers Association
- 36-24 Authorizing Execution of Memorandum of Agreement with the U.S. Fish and Wildlife Service, NJ Department of Environmental Protection and the Borough of Cape May Point to adopt the Updated Beach Management Plan
- 37-24 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 32-24

**RESOLUTION FOR MEMBER PARTICIPATION
IN A COOPERATIVE PRICING SYSTEM AND AUTHORIZING THE
BOROUGH OF CAPE MAY POINT TO ENTER INTO A COOPERATIVE PRICING
AGREEMENT**

WHEREAS, N.J.S.A. 40A:11-11(5) authorizes contracting units to establish a Cooperative Pricing System and to enter into Cooperative Pricing Agreements for its administration; and

WHEREAS, the Educational Services Commission of New Jersey, hereinafter referred to as the "Lead Agency " has offered voluntary participation in a Cooperative Pricing System for the purchase of goods and services;

WHEREAS, the Board of Commissioners of the Borough of Cape May Point, County of Cape May, State of New Jersey duly considered participation in a Cooperative Pricing System for the provision and performance of goods and services;

NOW, THEREFORE BE IT RESOLVED the Board of Commissioner of the Borough of Cape May Point hereby enters into the Cooperative Pricing Agreement with the Lead Agency and authorizes the Mayor and Clerk to execute same pursuant to the provisions of N.J.S.A. 40A:11-11(5)

BE IT FURTHER RESOLVED the Lead Agency shall be responsible for complying with the provisions of the *Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.)* and all other provisions of the revised statutes of the State of New Jersey.

BE IT FURTHER RESOLVED this resolution shall take effect immediately upon passage.

	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 8, 2024.

Elaine L. Wallace, Municipal Clerk

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

RESOLUTION 33-24

**AUTHORIZING RELEASE AND REFUND OF PERFORMANCE GUARANTEE
IN THE AMOUNT OF \$10,000 FOR STREET OPENING PERMITS
BLOCK 49, LOTS 10 & 11, HARVARD AVENUE**

WHEREAS, a performance guarantee, in the form of a check in the amount of \$10,000.00 was provided by Sisters of Saint Joseph in connection with street opening permits for Block 49 Lots 10 and 11 on Harvard Avenue; and

WHEREAS, the Borough’s Street Opening regulations require the performance guarantee to remain in place for one year after completion of the road restoration, after which time, with the Borough Engineer’s approval, it can be released.

WHEREAS, the street opening work on Harvard Avenue was completed and the road restored in September 2022;

WHEREAS, the Borough Engineer did a final inspection as of November 27, 2023 and found the restoration to be acceptable and, therefore, recommends the release of the performance guarantee.

NOW, THEREFORE, BE IT RESOLVED, the Board of Commissioners of the Borough of Cape May Point, County of Cape May, State of New Jersey, the governing body thereof, does hereby approve the release of the performance guarantee and refund of \$10,000 to the Sisters of Saint Joseph in connection with the street opening permits for Block 49, lots 10 & 11.

	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 34-24

**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, 2024 through May 31, 2024 for a minimum of four (4) hours each morning beginning at sunrise; 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.

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

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, 2024 through May 31, 2024 for four (4) hours each morning beginning at sunrise.

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

	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 35-24

**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 25, 2024 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 25, 2024 from 3:00 pm to 7:00 pm in Pavilion Circle.

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

	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 36-24

AUTHORIZING EXECUTION OF MEMORANDUM OF AGREEMENT WITH U.S. FISH AND WILDLIFE SERVICE, NJ DEPARTMENT OF ENVIRONMENTAL PROTECTION AND THE BOROUGH OF CAPE MAY POINT TO ADOPT THE UPDATED BEACH MANAGEMENT PLAN

WHEREAS, the Board of Commissioners of the Borough of Cape May Point desires to enter into a Memorandum of Agreement (MOA) with the U.S. Fish and Wildlife Service and the New Jersey Department of Environmental Protection (hereinafter referred to as “Service” and “NJDEP” respectively) to mutually adopt the provisions of the updated Beach Management Plan for the protection of federally and State-listed species on the beaches within Cape May Point.

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

1. The Memorandum of Understanding between the Borough, the Service and NJDEP is hereby approved.
2. The Mayor is hereby authorized to execute same.

	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 37-24

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 \$.

	MOTION	SECOND	YES	NO	ABSTAIN	ABSENT
Busch						
Moffatt						
vanHeeswyk						

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Municipal Clerk