

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: 891 1354 7943 Passcode: 578389

Direct link: <https://us02web.zoom.us/j/89113547943?pwd=UDVjKytZUW5UTjczWENKVnZRdEs0Zz09>

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 MARCH 26, 2024 – 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

ADMINISTRATOR'S REPORT

Veteran's Memorial Concept Discussion

PUBLIC QUESTIONS ON AGENDA ITEMS ONLY

APPROVAL OF MINUTES

March 14, 2024

March 14, 2024 Closed Session

ORDINANCES FOR INTRODUCTION AND PUBLICATION:

09-2024 An Ordinance Amending Chapter 146, Article II ("Water") and Article III ("Sewers"), of the Code of the Borough of Cape May Point
Second Reading, Public Hearing, Consideration to Adopt – April 11th at 6 pm

10-2024 An Ordinance Amending Chapter 130, Article I ("Streets and Sidewalks") of the Code of the Borough of Cape May Point
Second Reading, Public Hearing, Consideration to Adopt – April 11th at 6 pm

11-2024 An Ordinance Amending Chapter 150, Section 150-21 ("Landscaping and Vegetation Plan") of the Code of the Borough of Cape May Point Chapter
Second Reading, Public Hearing, Consideration to Adopt – May 9th at 6 pm

RESOLUTIONS

52-24 Salary Resolution Amendment

53-24 Authorizing Sale of Equipment to the Cape May Point Volunteer Fire Company

54-24 Approval of Bill List

55-24 Authorizing Executive/Closed Session in Accordance with the Provisions of the Open Public Meetings Act N.J.S.A. 10:4-12(b) – Contract Negotiations for Municipal Court Agreement

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 NO. 52-24

SALARY RESOLUTION AMENDMENT

WHEREAS, the Board of Commissioners adopted Resolution 45024 establishing the salaries for all employees for 2024; and

WHEREAS, the Board wishes to correct an error that was made on the original resolution.

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 2024 Salary Resolution Schedule A be amended as follows: Lieutenant - \$22.50/hour.

	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 26, 2024.

Municipal Clerk

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

RESOLUTION NO. 53-24

**AUTHORIZING SALE OF EQUIPMENT TO THE CAPE MAY POINT
VOLUNTEER FIRE COMPANY**

WHEREAS, in the past, the Borough of Cape May Point Volunteer Fire Company (“Fire Company”) purchased certain equipment, and then registered said equipment in the name of the Borough of Cape May Point; and

WHEREAS, some of the equipment has reached the end of its useful life and the Fire Company has asked the Borough to transfer ownership of the following pieces of equipment back to the Fire Company so that they may sell it:

2007 Yamaha Wave Runner	HIN YAMA2302K607
2004 Chevy Pickup	VIN 1GCHK23U44F175622
1999 GMC Suburban	VIN 1GKFK16R7XJ733378

WHEREAS, pursuant to N.J.S.A. 40A:12-21, the Borough is permitted to enter into an agreement with a duly incorporated volunteer fire company for the sale of personal property/equipment without a requirement for public bidding; and

WHEREAS, pursuant to N.J.S.A. 40A:12-21.1, the Borough has determined that the aforementioned equipment is no longer required for municipal purposes and has determined to sell such equipment to the Fire Company for nominal consideration of \$1.00 per article of personal property/equipment listed herein.

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 Borough is authorized to sell the above listed equipment to the Cape May Point Volunteer Fire Company for the sum of \$1.00 per article of personal property/equipment.

	MOTION	SECOND	YES	NO	ABSTAIN	ABSENT
Busch						
Moffatt						
vanHeeswyk						

Certification

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Municipal Clerk

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

RESOLUTION 54-24

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 \$116,350.94.

	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: 17918 to 17938
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	
17918	03/26/24	AMERIO05 AMERICAN BANKERS INSURANCE CO		1920
24-00088	FLOOD INSURANCE	2,023.00		
17919	03/26/24	ATL01 ATLANTIC CITY ELECTRIC		1920
24-00155	ELECTRIC BILLS	2,531.30		
17920	03/26/24	CAP31 CAPE MINING & RECYCLING LLC		1920
24-00152	STUMPS/TREE PARTS	70.00		
17921	03/26/24	CAT02 CATARINA SUPPLY INC.		1920
24-00129	VALVE/BIKE GRATE	2,456.00		
17922	03/26/24	CMC04 C.M.COUNTY CLERK'S ASSN.		1920
24-00154	MINI CONFERENCE	40.00		
17923	03/26/24	DAT01 DATA NETWORK SOLUTIONS		1920
24-00116	TELEPHONE	310.11		
17924	03/26/24	GT MID005 GT MID ATLANTIC		1920
24-00162	RENTAL EQUIPMENT	4,950.00		
17925	03/26/24	MOBIL005 MOBILE DEDGING & VIDEO PIPE		1920
24-00139	EMERGENCY ROAD REPAIR	4,200.00		
17926	03/26/24	NAT04 VAN EMBDEN, NATHAN, ESQUIRE		1920
24-00153	SOLICITOR ADMIN BILLING	770.00		
17927	03/26/24	SAM01 SAMPLE MEDIA, INC		1920
24-00127	LEGAL AD	83.16		
17928	03/26/24	SEAGE005 SEA GEAR OUTFITTERS		1920
24-00146	STATEMENT	269.96		
17929	03/26/24	SHE01 SHEPANSKI'S AUTO REPAIR		1920
24-00148	FORD F350 REPAIRS	1,891.24		
17930	03/26/24	SOU06 SOUTH JERSEY GAS		1920
24-00158	GAS BILLS	1,489.82		
17931	03/26/24	STA02 STATE OF NEW JERSEY PWT		1920
24-00151	WATER TAX 1ST QU 2024	40.33		
17932	03/26/24	STA12 STATE OF NEW JERSEY TREASURER		1920
24-00156	FIRE REG RENEWAL FEE	191.00		
17933	03/26/24	USA01 USA BLUE BOOK		1920
24-00150	LOCKER	504.89		
17934	03/26/24	VEC01 VECTOR SECURITY, INC.		1920
24-00157	BATTERY	242.00		

March 25, 2024
12:10 PM

BOROUGH OF CAPE MAY POINT
Check Register By Check Id

Page No: 2

Check # PO #	Check Date	Vendor Description	Amount Paid	Reconciled/Void	Ref Num Contract
17935 24-00159	03/26/24	VER01 VERIZON TELEPHONE BILLS	246.44		1920
17936 24-00160	03/26/24	VER03 VERIZON WIRELESS CELL PHONE	331.82		1920
17937 24-00108	03/26/24	VER04 VERMEER VZ50-500LT VX50 49HP Kubota	93,270.90		1920
17938 24-00149	03/26/24	VIL01 NAPA AUTO PARTS STATEMENT	438.97		1920

Report Totals	<u>Paid</u>	<u>Void</u>	<u>Amount Paid</u>	<u>Amount Void</u>
Checks:	21	0	116,350.94	0.00
Direct Deposit:	0	0	0.00	0.00
Total:	<u>21</u>	<u>0</u>	<u>116,350.94</u>	<u>0.00</u>

Totals by Year-Fund					
Fund Description	Fund	Budget Total	Revenue Total	G/L Total	Total
CURRENT	4-01	14,562.91	0.00	0.00	14,562.91
	4-05	8,447.13	0.00	0.00	8,447.13
Year Total:		<u>23,010.04</u>	<u>0.00</u>	<u>0.00</u>	<u>23,010.04</u>
	C-06	68,270.90	0.00	0.00	68,270.90
	G-02	25,070.00	0.00	0.00	25,070.00
Total of All Funds:		<u><u>116,350.94</u></u>	<u><u>0.00</u></u>	<u><u>0.00</u></u>	<u><u>116,350.94</u></u>

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

RESOLUTION 55-24

**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 **Tuesday, March 26, 2024 at approximately 12:30 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 _____

Contract Negotiations: Municipal Court Contract

“(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						

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Municipal Clerk