

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 – APRIL 11, 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

2024 BUDGET:

Presentation on Budget by Borough Auditor Mike Garcia

ORDINANCE FOR SECOND READING/PUBLIC HEARING

08-2024 Calendar Year 2024 Ordinance to Exceed the Municipal Budget Appropriation Limits and Establish a Cap Bank (NJSA 40A:4-45.14)

BUDGET RESOLUTIONS AND PUBLIC HEARING

56-24 Read by Title Only and Open a Public Hearing on 2024 Municipal Budget

57-24 Local Unit Self-Examination of Budget

58-24 Adoption of Municipal Budget for the Year 2024

COMMISSIONERS' DISCUSSION/REPORTS

ADMINISTRATOR'S REPORT

PUBLIC COMMENT ON AGENDA ITEMS ONLY

APPROVAL OF MINUTES

March 26, 2024

March 26, 2024 Closed Session

ORDINANCES FOR INTRODUCTION / PUBLICATION - None

RESOLUTIONS

59-24 Authorizing Special Event Permit for Cape May Point Taxpayers Association

60-24 Authorizing Special Event Permit for Cape May Point Taxpayers Association

- 61-24 Applicant's Resolution LEAP Implementation Grant
- 62-24 Participant's Resolution for LEAP Implementation Grant
- 63-24 Payment of Bills
- 64-24 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
- 65-24 Authorizing Disposal of Surplus Property

ORDINANCES FOR SECOND READING / PUBLIC HEARING / ADOPTION

- 06-2024 An Ordinance Amending the Code of the Borough of Cape May Point Chapter 90 "Flood Damage Prevention", Section 4.1 "Establishment of Development Permit" to Include an Application Fee
- 07-2024 Salary Ordinance
- 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

MAYORAL APPOINTMENTS

Planning Board

Gary Murphy – Class IV – 4-year term expiring April 8, 2028

Andy Rusnak – Alt. #1 – 2-year term expiring April 8, 2026

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
NEW JERSEY**

ORDINANCE 08-2024

**CALENDAR YEAR 2024
ORDINANCE TO EXCEED THE MUNICIPAL BUDGET
APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK
(N.J.S.A. 40A: 4-45.14)**

WHEREAS, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget up to 2.5% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and

WHEREAS, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

WHEREAS, the Borough Commission of the Borough of Cape May Point in the County of Cape May finds it advisable and necessary to increase its CY 2024 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

WHEREAS, the Borough Commission hereby determines that a 1.0% increase in the budget for said year, amounting to \$13,267.85 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

WHEREAS the Borough Commission hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW THEREFORE BE IT ORDAINED, by the Borough Commission of the Borough of Cape May Point, in the County of Cape May, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2024 budget year, the final appropriations of the Borough of Cape May Point shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.5 %, amounting to \$46,437.49, and that the CY 2024 municipal budget for the Borough of Cape May Point be approved and adopted in accordance with this ordinance; and,

BE IT FURTHER ORDAINED, that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

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

Catherine Busch, Commissioner

Anita vanHeeswyk, Commissioner

Robert Moffatt, Mayor

ATTEST:

Elaine L. Wallace, Borough Clerk

FIRST READING: March 14, 2024

PUBLICATION: March 20, 2024

PUBLIC HEARING: April 11, 2024

PUBLICATION: April 17, 2024

I hereby certify that the foregoing is a true copy of an Ordinance adopted by a majority of the 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 April 11, 2024.

Elaine L. Wallace, RMC, CMR
Municipal Clerk

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

RESOLUTION 56-24

**READ BY TITLE ONLY AND OPEN PUBLIC HEARING
ON 2024 MUNICIPAL BUDGET**

WHEREAS, N.J.S.A. 40A: 4-8 provides that the budget may be read by title only at the time of the public hearing if a resolution is passed by not less than a majority of the full governing body, providing that at least ten (10) days prior to the date of the hearing, a publication by summary of the budget has been advertised and copies have been made available by the Clerk to persons requesting them.

NOW, THEREFORE, BE IT RESOLVED that the conditions of N.J.S.A. 40A:4-8 have been met and the budget shall be read by title only.

	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 April 11, 2024.

Municipal Clerk

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

RESOLUTION 57-24

LOCAL UNIT SELF-EXAMINATION OF BUDGET

WHEREAS, N.J.S.A. 40A:4-78b has authorized the Local Finance Board to adopt rules that permit municipalities in sound fiscal condition to assume the responsibility, normally granted to the Director of the Division of Local Government Services, of conducting the annual budget examination; and

WHEREAS, N.J.A.C. 5:30-7 was adopted by the Local Finance Board on February 11, 1997; and

WHEREAS, pursuant to N.J.A.C. 5:30-7.2 through 7.5, the Borough of Cape May Point has been declared eligible to participate in the program by the Division of Local government Services, and the Chief Financial officer has determined that the local government meets the necessary conditions to participate in the program for the 2024 budget year.

NOW THEREFORE BE IT RESOLVED by the Board of Commissioners of the Borough of Cape May Point that in accordance with N.J.A.C. 5:30-7.6a & 7.6b and based upon the Chief Financial Officer's certification, the governing body has found the budget has met the following requirements:

1. That with reference to the following items, the amounts have been calculated pursuant to law and appropriated as such in the budget:
 - a. Payment of interest and debt redemption charges
 - b. Deferred charges and statutory expenditures
 - c. Cash deficit of preceding year
 - d. Reserve for uncollected taxes
 - e. Other reserves and non-disbursement items
 - f. Any inclusions of amounts required for school purposes.

2. That the provisions relating to limitation on increases of appropriations pursuant to N.J.S.A. 40A:4-45.2 and appropriations for exceptions to limits on appropriations found at N.J.S.A. 40A:4-45.3 et seq., are fully met (complies with CAP law).

3. That the budget is in such form, arrangement, and content as required by the Local Budget Law and N.J.A.C. 5:30-4 and 5:30-5.

4. That pursuant to the Local Budget Law:
 - a. All estimates of revenue are reasonable, accurate and correctly stated,
 - b. Items of appropriation are properly set forth
 - c. In itemization, form, arrangement and content, the budget will permit the exercise of the comptroller function within the municipality.

5. The budget and associated amendments have been introduced and publicly advertised in accordance with the relevant provisions of the Local Budget Law, except that failure to meet the deadlines of N.J.S.A. 40A:4-5 shall not prevent such certification.

6. That all other applicable statutory requirements have been fulfilled.

BE IT FURTHER RESOLVED that a copy of this resolution will be forwarded to the Director of the Division of Local Government Services upon adoption.

	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 April 11, 2024.

Municipal Clerk

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

CERTIFICATION OF APPROVED BUDGET

It is hereby certified that the Approved Budget complies with the requirements of law and approval is given pursuant to N.J.S.A. 40A:4-78(b) and N.J.A.C. 5:30-7.

It is further certified that the municipality has met the eligibility requirements of N.J.A.C. 5:30-7.4 and 7.5, and that I, as Chief Financial Officer, have completed the local examination in compliance with N.J.A.C. 5:30-7.6.

Dated: _____

By: _____
James Craft, Chief Financial Officer

This certification form and resolution of the governing body executing such certification should be annexed to the adopted budget (N.J.A.C. 5:30-7.6(e))

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

RESOLUTION 58-24

ADOPTION OF MUNICIPAL BUDGET FOR THE YEAR 2024

NOW, THEREFORE, BE IT RESOLVED, this 11th day of April, 2024 by the Board of Commissioners of the Borough of Cape May Point, County of Cape May, the governing body thereof, that the Municipal Budget for 2024 be and is hereby adopted and shall constitute an appropriation for the purposes stated of the sums therein set forth as appropriations, and authorization of the amount of \$1,704,431.58 to be raised by taxes for municipal purposes.

	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 April 11, 2024.

Municipal Clerk

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

RESOLUTION 59-24

**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 a residents' summer beach party at Coral Avenue Beach on Saturday, July 27, 2024 from 5:00 pm to 9:00 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 a Special Event Permit to the Cape May Point Taxpayers Association for a residents' summer beach party on Saturday, July 27, 2024 from 5:00 pm to 9:00 pm on Coral Avenue Beach.

BE IT FURTHER RESOLVED 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 April 11, 2024.

Municipal Clerk

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

RESOLUTION 60-24

**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 a Labor Day concert at Pavilion Circle on Saturday, August 31, 2024 from 3:30 pm to 7:30 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 a Special Event Permit to the Cape May Point Taxpayers Association for a Labor Day Concert on Saturday, August 31, 2024 from 3:30 pm to 7:30 pm at Pavilion Circle.

BE IT FURTHER RESOLVED 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 April 11, 2024.

Municipal Clerk

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

RESOLUTION 61-24

**APPLICANT'S RESOLUTION
LEAP IMPLEMENTATION GRANT**

WHEREAS, the State of New Jersey has appropriated \$7.5 million for Shared Services and School District Consolidation Study and Implementation Grants to assist local units with the study, development, and implementation of new shared and regional services; and

WHEREAS, the Department of Community Affairs, Division of Local Government Services (DLGS) is tasked with administering these grant funds through the Local Efficiency Achievement Program (LEAP); and

WHEREAS, LEAP Implementation Grants exist to support costs associated with shared service implementation to ensure that meaningful, efficiency generating initiatives are not hindered by short term transitional expenses; and

WHEREAS, the Borough of Cape May Point and the Borough of West Cape May propose to enter into a shared services agreement, but face certain expenses associated with implementation that present a burden to the local units; and

WHEREAS, the purpose of this shared services agreement is to have mutual use of a vacuum excavator, which will benefit the residents of both participating local units; and

WHEREAS, the Borough of Cape May Point has agreed to be the lead agency in this program and will submit the application to DLGS on behalf of all participating units.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners that the Borough of Cape May Point will apply for a LEAP Implementation Grant in the amount of \$69,952.50 to support implementation of this shared service on behalf of itself, and on behalf of the Borough of West Cape May and if awarded and upon execution of said Agreement, the Borough does accept the Terms and Conditions specified in the Agreement in connection to this grant award.

	MOTION	SECOND	YES	NO	ABSTAIN	ABSENT
Busch						
Moffatt						
vanHeeswyk						

I, Elaine L. Wallace, Clerk of the Borough of Cape May Point in the County of Cape May, and the State of New Jersey do hereby certify that the foregoing Resolution is a true copy of the Original Resolution duly passed and adopted by a majority of full membership of the Board of Commissioners at its meeting held on April 11, 2024.

Municipal Clerk

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

RESOLUTION 62-24

**PARTICIPANT’S RESOLUTION
LEAP IMPLEMENTATION GRANT**

WHEREAS, the State of New Jersey has appropriated \$7.5 million for Shared Services and School District Consolidation Study and Implementation Grants to assist local units with the study, development, and implementation of new shared and regional services; and

WHEREAS, the Department of Community Affairs, Division of Local Government Services (DLGS) is tasked with administering these grant funds through the Local Efficiency Achievement Program (LEAP); and

WHEREAS, LEAP Implementation Grants exist to support costs associated with shared service implementation to ensure that meaningful, efficiency generating initiatives are not hindered by short term transitional expenses; and

WHEREAS, the Borough of West Cape and the Borough of Cape May Point propose to enter into a shared services agreement, but face certain expenses associated with implementation that present a burden to the local units; and

WHEREAS, the purpose of this shared services agreement is to have mutual use of a street sweeper, which will benefit the residents of both participating local units; and

WHEREAS, the Borough of West Cape May has agreed to be the lead agency in this program and will submit the application to DLGS on behalf of all participating units; and

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Cape May Point, that the Borough of Cape May Point does hereby join with the Borough of West Cape May in applying for a LEAP Implementation Grant in the amount of \$255,265.00 to support implementation of this shared service.

	MOTION	SECOND	YES	NO	ABSTAIN	ABSENT
Busch						
Moffatt						
vanHeeswyk						

I, Elaine L. Wallace, Clerk of the Borough of Cape May Point in the County of Cape May, and the State of New Jersey do hereby certify that the foregoing Resolution is a true copy of the Original Resolution duly passed and adopted by a majority of full membership of the Board of Commissioners at its meeting held on April 11, 2024.

Municipal Clerk

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

RESOLUTION 63-24

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 \$112,787.58.

	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 April 11, 2024.

Municipal Clerk

Range of Checking Accts: OTHER to OTHER Range of Check Ids: 17939 to 17961
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	
17939	04/11/24	ACM01 ACMJIF			1921
24-00176	2ND QUARTER 2024 ASSESSMENT		14,244.00		
17940	04/11/24	ASS02 ASSN. CERTIFIED ASSESSORS CMCO			1921
24-00172	2024 DUES		330.00		
17941	04/11/24	CAP03 CAPE MAY STAR & WAVE			1921
24-00171	LEGAL ADVERTISING		125.50		
17942	04/11/24	CAP31 CAPE MINING & RECYCLING LLC			1921
24-00170	STUMPS/TREE PARTS		70.00		
24-00185	STUMPS/TREE PARTS		<u>62.10</u>		
			132.10		
17943	04/11/24	CAS01 CASA PAYROLL SERVICE			1921
24-00183	PAYROLL		153.50		
17944	04/11/24	CHR01 CHRISTOPHER GARRISON			1921
24-00165	2024 CHANGE FUND		1,000.00		
17945	04/11/24	CMCC005 CMC COAST GUARD COMMUNITY			1921
24-00173	2024 CMCCG SUPPORT		350.00		
17946	04/11/24	COM01 COMCAST			1921
24-00182	INTERNET 215 LIGHTHOUSE 10 MTH		1,349.00		
17947	04/11/24	COPIE005 COPIERS PLUS			1921
24-00166	COPIER MAINTENANCE		94.75		
17948	04/11/24	COU03 COUNTY OF CAPE MAY			1921
24-00168	FEB 2024 FUEL		407.92		
17949	04/11/24	DAT01 DATA NETWORK SOLUTIONS			1921
24-00175	TELEPHONE		310.11		
17950	04/11/24	EDM01 EDMUNDS GOVTECH			1921
24-00174	2024 SOFTWARE MAINTENANCE		6,977.46		
17951	04/11/24	GREEN005 GREENMAN-PEDERSEN, INC.			1921
22-00348	Harvard Ave Reconst Engineer		1,520.00		
23-00330	Lehigh and Ocean Ave WaterMain		<u>1,480.00</u>		
			3,000.00		
17952	04/11/24	JAC01 J & A CLEANING SERVICE			1921
24-00169	CLEANING		300.00		
17953	04/11/24	MCP01 MC PHERSON'S FUEL SERVICE			1921
24-00163	FUEL FOR GENERATORS		1,230.51		

April 5, 2024
11:45 AM

BOROUGH OF CAPE MAY POINT
Check Register By Check Id

Check #	Check Date	Vendor	Reconciled/Void	Ref Num
PO #	Description	Amount Paid	Contract	
17954	04/11/24	MGL01 MGL PRINTING SOLUTIONS		1921
24-00161	RENTAL/FIRE INSPEC FORMS	193.00		
17955	04/11/24	NAT04 VAN EMBDEN, NATHAN, ESQUIRE		1921
24-00186	SOLICITOR ADMIN BILLING	350.00		
17956	04/11/24	ONE02 ONE CALL CONCEPTS		1921
24-00120	MARK OUTS	10.01		
24-00178	MARK OUTS	12.87		
		<u>22.88</u>		
17957	04/11/24	PERNA005 PERNA FINNIGAN INC		1921
24-00164	Emergency Repairs on Lighthous	72,352.47		
17958	04/11/24	PINEL005 PINELAND CONSTRUCTION, LLC		1921
24-00184	TRASH/RECYCLING	9,680.00		
17959	04/11/24	STA11 STATE OF NEW JERSEY		1921
24-00179	2022 INTEREST	39.37		
17960	04/11/24	TRIAD005 TRIAD ASSOCIATES		1921
24-00167	UPDATES TO OPERATING MANUAL	105.00		
17961	04/11/24	VER03 VERIZON WIRELESS		1921
24-00180	CELL PHONE	40.01		

Report Totals	<u>Paid</u>	<u>Void</u>	<u>Amount Paid</u>	<u>Amount Void</u>
Checks:	23	0	112,787.58	0.00
Direct Deposit:	0	0	0.00	0.00
Total:	<u>23</u>	<u>0</u>	<u>112,787.58</u>	<u>0.00</u>

Totals by Year-Fund					
Fund Description	Fund	Budget Total	Revenue Total	G/L Total	Total
CURRENT	4-01	32,150.36	0.00	0.00	32,150.36
	4-05	<u>77,360.75</u>	<u>0.00</u>	<u>0.00</u>	<u>77,360.75</u>
Year Total:		109,511.11	0.00	0.00	109,511.11
	C-04	1,520.00	0.00	0.00	1,520.00
	G-02	1,612.10	0.00	0.00	1,612.10
TRUST ACCOUNT EXPENDITURES	T-13	144.37	0.00	0.00	144.37
Total of All Funds:		<u>112,787.58</u>	<u>0.00</u>	<u>0.00</u>	<u>112,787.58</u>

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

RESOLUTION 64-24

**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 **Thursday, April 11, 2024 at approximately 6:45 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						

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 April 11, 2024.

Municipal Clerk

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

RESOLUTION 65-24

AUTHORIZING THE DISPOSAL OF SURPLUS PROPERTY

WHEREAS, the Borough of Cape May Point wishes to dispose of Borough property that has been deemed surplus and no longer needed for public use; and

WHEREAS, the State of New Jersey permits the sale of surplus property no longer needed for public use through the use of an online auction service, pursuant to the Local Unit Electronic Technology Pilot Program and Study Act, P.L. 2001,c.30.; and

WHEREAS, the Borough of Cape May Point has the following property it wishes to sell at online auction: 1991 BMY 5-ton dump truck, 1 stack of Mr. Boardwalk walkway, and 1 pallet of non-bike compliant storm drain lids.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Borough of Cape May Point, New Jersey, that the aforementioned property has been deemed surplus and no longer needed for public use and is hereby authorized to post an offer to sell the item on an auction website as follows:

Online Auction Site:	www. govdeals.com
Length of Online Auction:	Minimum of 14 days
Auction Fees:	12.5% of the total amount of all items sold (to be paid by the buyer directly to GovDeals)
Method of Payment:	US Currency - Cash, Certified Check, Money Order or Traveler's Checks
Shipping:	The buyer is responsible to pickup, load and transport all items purchased
Possession:	When payment has been made in full
Other Terms:	Items are sold "As Is Where Is" and without warranty. Payment in full is due no later than five (5) business days from the time and date of the Buyer's Certificate (issued by Gov Deals Email) being received.
Minimum Bid:	\$2,500

Recorded Vote:	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 April 11, 2024.

Municipal Clerk

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

ORDINANCE NO. 06-2024

**AN ORDINANCE AMENDING THE CODE OF THE
BOROUGH OF CAPE MAY POINT CHAPTER 90 “FLOOD DAMAGE
PREVENTION”, SECTION 4.1 “ESTABLISHMENT OF DEVELOPMENT
PERMIT” TO INCLUDE AN APPLICATION FEE**

BE IT ORDAINED the Board of Commissioners of the Borough of Cape May Point, County of Cape May, State of New Jersey, that Chapter 90 “Flood Damage Prevention” of the Code of the Borough of Cape May Point be and is hereby amended as follows (deletions in ~~strike through~~ and additions in underline):

Section 1.

90-4.1 Establishment of Development Permit.

A Development Permit shall be obtained before construction or development begins, including placement of manufactured homes, within any area of special flood hazard established in subsection 90-3.2 of this Chapter. Application for a Development Permit shall be made on forms furnished by the Flood Plain Administrator of the Borough of Cape May Point, shall be accompanied by a fee of \$150.00, and shall include, but shall not be limited to; plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities; and the location of the foregoing. Specifically, the following information is required to be provided:

- a. Elevation in relation to mean sea level, of the lowest floor (including basement) of all structures;
- b. Elevation in relation to mean sea level to which any structure has been floodproofed;
- c. Certification by a registered professional engineer or architect that the floodproofing methods for any nonresidential structure meet the floodproofing criteria in subsection 90-5.2-2; and
- d. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

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 twenty (20) days after passage and publication, according to law.

Final Adoption	MOTION	SECOND	YES	NO	ABSTAIN	ABSENT
Busch						
Moffatt						
vanHeeswyk						

ATTEST:

Elaine L. Wallace, Borough Clerk

Catherine Busch, Commissioner

Robert Moffatt, Mayor

Anita vanHeeswyk, Commissioner

FIRST READING: March 14, 2024
PUBLICATION: March 20, 2024
PUBLIC HEARING: April 11, 2024
PUBLICATION: April 17, 2024

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

ORDINANCE NO. 07-2024

SALARY ORDINANCE

The Board of Commissioners of the Borough of Cape May Point, County of Cape May, New Jersey does hereby ordain:

Section 1. The salaries and wages shall be paid to the below listed Borough Officers and Employees in the below listed manner and amounts commencing as of January 1, 2024.

<u>Department</u>	<u>Title</u>	<u>Salary/ Hourly</u>	<u>Minimum</u>	<u>Maximum</u>
Elected Officials	Mayor	Salary	\$10,000	\$15,000
	Commissioners	Salary	\$6,000	\$12,000
Administration	Municipal Clerk	Salary	\$30,000	\$65,000
	Administrator	Salary	\$30,000	\$54,000
	Deputy Clerk	Salary	\$19,000	\$30,000
	Elections Clerk	Salary	\$2,000	\$4,000
	Clerical Staff (incl. deputies and Board members)	Hourly	Min. wage	\$22.00
	Planning Board Sec.	Salary	\$2,500	\$8,000
	Assist. Planning Bd Sec.	Salary	\$2,500	\$8,000
	Registrar of Vital Statistics	Salary	\$600	\$4,000
	Deputy Registrar	Salary	\$200	\$3,000
	Environmental Comm. Sec.	Salary	\$250	\$750
Taxes & Finance	Chief Financial Officer	Salary	\$10,000	\$35,000
	Account Clerk/Bookkeeper	Salary	\$8,000	\$20,000
	Tax Collector	Salary	\$10,000	\$17,000
	Tax Assessor	Salary	\$10,000	\$17,000
	Assessment Search Clerk	Salary	\$800	\$3,000
	Qualified Purchasing Agent	Salary	\$500	\$2,000
	Public Works	Supervisor	Salary	\$30,000
Assistant Supervisor		Salary	\$4,000	\$10,000
Laborer F/T		Hourly	Min. wage	\$25.00
Laborer P/T or Seasonal		Hourly	Min. wage	\$20.00
Code/Construction Officials	Construction Code Official	Salary	\$8,000	\$18,000
	Construction Sub-Code Offc.	Salary	\$5,000	\$9,000
	Construction Code Clerk	Salary	\$1,500	\$5,000
	Zoning Officer & Clerk	Salary	\$8,000	\$25,000
	Fire Sub-Code Official	Salary	\$4,000	\$9,000
	Electrical Sub-Code Officer	Salary	\$5,000	\$9,000
	Plumbing Sub-Code Officer	Salary	\$5,000	\$9,000
	Code Enforcement Officer	Salary	\$3,000	\$8,500
	Rental Inspector	Salary	\$2,000	\$3,500
	PT/Seasonal Code Enforcement Officer	Hourly	Min. wage	\$25.00

Public Safety	Emergency Management Coordinator	Salary	\$0	\$3,000
(Seasonal)	Beach Director	Salary	\$5,000	\$17,000
	Beach Badge Inspectors	Hourly	Min. wage	\$20.00
	Lifeguard Chief	Salary	\$13,000	\$22,000
	Lifeguard Captain	Hourly	Min. wage	\$21.00
	Lifeguard Lieutenant	Hourly	\$12,000	\$15,000
	Lifeguards	Hourly	Min. wage	\$20.00
Water/Sewer Utility	Superintendent	Salary	\$2,400	\$9,000
	Director	Salary	\$100	\$4,000
	Supervisor	Salary	\$15,000	\$20,000
	Clerk	Salary	\$4,000	\$12,000
	Assistant Clerk	Salary	\$4,000	\$15,000
	Laborer F/T	Hourly	Min. wage	\$20.00
	Laborer P/T or Seasonal	Hourly	Min. wage	\$20.00

Section 2. Ordinance 3-2022 is hereby rescinded in its entirety and all other ordinances and resolutions inconsistent with the terms hereof are hereby repealed to the extent of their inconsistency.

Section 3. Where a salary or wage range is designated rather than a specific salary or wage, the head of the appropriate department will, in writing establish a specific salary and file the same with the Chief Financial Officer.

Section 4. This Ordinance shall become effective immediately upon passage and publication according to law.

Final Adoption	MOTION	SECOND	YES	NO	ABSTAIN	ABSENT
Busch						
Moffatt						
vanHeeswyk						

ATTEST:

Elaine L. Wallace
Borough Clerk

Catherine Busch, Commissioner

Robert Moffatt, Mayor

Anita vanHeeswyk, Commissioner

FIRST READING: March 14, 2024
PUBLICATION: March 20, 2024
PUBLIC HEARING: April 11, 2024
PUBLICATION: April 17, 2024

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

ORDINANCE NO. 09-2024

AN ORDINANCE AMENDING CHAPTER 146, ARTICLE II (“WATER”) AND ARTICLE III (“SEWERS”) OF THE CODE OF THE BOROUGH OF CAPE MAY POINT

BE IT ORDAINED by the Board of Commissioners of the Borough of Cape May Point, County of Cape May, State of New Jersey, that Chapter 146 “Water and Sewer Utility” of the Code of the Borough of Cape May Point be and is hereby amended as follows (deletions in ~~strikethrough~~ and additions in underline):

Section 1.

146-3 APPLICATION FOR CONNECTION.

Application for connection to the water distribution system shall be made in writing on a form supplied by the Water-Sewer Clerk and signed by the owner of the property for which the connection is being applied for or by his authorized agent. The information required to be provided by the applicant on the application form shall be applicable to all applications, unless specifically exempted therein.

146-4 SUPERVISORY APPROVAL OF APPLICATION FOR CONNECTION REQUIRED PRIOR TO APPROVAL OF APPLICATION.

Prior to the approval of any application for connection to the Borough’s water/sewer system, completed applications shall be reviewed and approved by the Borough’s Superintendent of the Water/Sewer Department. Approval of all submitted applications for connection to the Borough’s Water/Sewer system, or required amendments to any submitted applications, shall be in the discretion of the Superintendent of the Water/Sewer Department. The Superintendent of the Borough’s Water/Sewer Department shall also have discretion as to the method of supervisory review to be completed pursuant to this section.

146-5 LICENSE, INSURANCE, & BOND REQUIREMENT FOR INSTALLATION CONTRACTOR.

All installation contractors identified on the application form, as required by Chapter 146, Section 3, shall be licensed with the State of New Jersey, and insured in the required amounts set forth on the Borough’s application form. Each installation contractor shall also be required to post a performance bond with the Borough of Cape May Point in the amount of \$500,000.00 before the issuance of a permit to connect to the Borough’s water/sewer system can be provided.

146-6 REQUIREMENT FOR PAYMENT OF INSPECTION FEE IF INSTALLATION IS ON COUNTY ROAD

In the event that any connection to the Borough's water/sewer system occurs along a County roadway within the boundaries of the Borough of Cape May Point, the applicant, in addition to abiding by all other requirements of this Chapter, shall be required to post an inspection fee in the amount of \$1,000 per day to the Borough of Cape May Point.

Section 2.

Existing subsections 146-4 through 146-12 shall be renumbered 146-7 through 146-15

Section 3.

146-163 METERED SERVICE FOR RESIDENTIAL, COMMERCIAL AND INDUSTRIAL CONSUMERS.

- a. Metered service for residential, commercial and industrial customers shall be:
 1. Minimum water charge for equivalent dwelling unit: \$110 per calendar quarter, payable quarterly beginning in the third quarter of 2021, for 26,000 gallons per year minimum water consumption allowance. Refer to 146-59b for the chart of equivalent dwelling units.
 2. Excess Water Charge. Beginning in the third quarter of 2021, in addition to the minimum annual water charge set forth above, a charge will be made for all water use registered by the meter in excess of the minimum allowable usage of 6,500 gallons per quarter at the rate of \$11.05 per 1,000 gallons or a fraction thereof used for all customers. Beginning in January 2025 and reoccurring annually thereafter, the excess water charge shall increase by 2% per year in order for the Borough to offset increased costs for the supply of potable water to the Borough.
 3. Minimum Water Charge Annual Percentage Increase. On the first of January beginning in 2025~~2~~ and reoccurring annually thereafter, the minimum water charge for residential, commercial and industrial customers shall increase by 4~~2~~% per year in order for the Borough to offset increased costs for the supply of potable water to the Borough. This rate increase shall also apply to churches operating in the summer months.
 4. Special Water Meter Requests. Written application may be made to the Superintendent for the installation of special water meters for swimming pools, air conditioners, sprinklers and similar uses not discharging the entire volume of water into the sanitary sewer system, and the volume of water flowing through special meters shall not be subject to sewer rental. The entire cost of the meter and the installation of the meter shall be

borne by the applicant. The fee is \$1,415 to include parts to be supplied by the Borough. All water use registered by this meter will be charged at a rate of \$11.05 per 1,000 gallons or fraction thereof, along with a quarterly fee of \$30. The provision in section 146-136(a)(3) above shall apply.

- b. Churches operating in the summer months shall be charged \$11.05 per 1,000 gallons or a fraction thereof, as registered by the meter. There is no minimum required or an excess category. These accounts will be invoiced as a consumption account. The Marianist Family Retreat Center and St. Mary's Convent are handled as part of the overall residential system of billing. The provisions set forth in 146-136a32 and a4, above, shall apply to churches as set forth herein. The rate increase set forth in Paragraph 3, above, shall also apply to churches operating in the summer months. The rate increase set forth in Paragraph 3, above, shall also apply to churches operating in the summer months.

Section 4.

Existing subsections 146-14 through 146-16 shall be renumbered 146-17 through 146-19.

Section 5.

146-2017 COLLECTIONS.

d. Water Leakage Policy.

1. It is the responsibility of every homeowner to prevent water leakage year-round and to take proper precautions to winterize their home. This is particularly important for homes raised off the ground on pilings. A homeowner is disqualified from receiving relief should there be a pipe breakage caused by failure to winterize the home.
2. If the home had been winterized, and there was no reasonable way for a pipe breakage to have been discovered, and there had been no other breakage or unusually large water consumption in the prior five-year period, then, and in that event, water usage shall be computed as outlined in paragraphs 3a through 3c below. The property owner must also provide substantiation that the house was winterized in order to receive relief.
3. If a homeowner experienced a catastrophic event not specifically related to winterizing their home, such as a broken water line or malfunctioning equipment or similar event, for which there was no reasonable way for the leakage to be discovered, and there had been no other breakage or unusually large water consumption in the prior five-year period, then, and in that event, water usage shall be computed as outlined in paragraphs a through c below. A leaking toilet, faucet or outdoor shower or malfunctioning irrigations system do not qualify as a catastrophic event.
 - (a) The average five-years' usage, or a minimum of the 26,000 gallons annual

usage, will be invoiced at the prevailing standard Cape May Point water customer rate; and

- (b) The next 200,000 gallons excess will be invoiced at the interlocal bulk purchase rate, plus a \$1 per 1,000 gallons' administrative charge; and
 - (c) All excess water beyond that will be invoiced directly at the interlocal bulk purchase rate for that year.
 - (d) All excess sewer charges beyond the average five years usage, or a minimum of the 26,000 gallons annual usage, will be forgiven if it is proven by the property owner, to the reasonable satisfaction of the Borough, that none of the excess water leakage was discharged into the Borough sewer system.
4. A request for adjustment must be made in writing and be accompanied by an affidavit from a licensed plumber or person making repairs certifying the nature of the malfunction, the date of occurrence, its duration, the repairs made to correct it and an itemized invoice detailing the services performed. The homeowner must also give consent to the Borough to enter the property to inspect it and to investigate the request for adjustment if necessary.

Section 6.

Existing subsection 146-18 shall be renumber 146-21

Section 7.

Article III Sewers subsections 146-19 through 146-24 shall be renumbered 146-22 through 146-27

Section 8.

146-28 APPLICATION FOR CONNECTION

Application for connection to the Borough sewage system shall be made in writing on a form supplied by the Water-Sewer Clerk and signed by the owner of the property for which the connection is being applied for or by his authorized agent. The information required to be provided by the applicant on the application form shall be applicable to all applications, unless specifically exempted therein.

Section 9.

Existing sections 146-25 through 146-36 shall be renumbered 146-29 through 146-40

Section 10.

146-41 SUPERVISORY APPROVAL OF APPLICATION FOR CONNECTION REQUIRED PRIOR TO APPROVAL OF APPLICATION.

Prior to the approval of any application for connection to the Borough's water/sewer system, completed applications shall be reviewed and approved by the Borough's Superintendent of the Water/Sewer Department. Approval of all submitted applications for connection to the Borough's Water/Sewer system, or required amendments to any submitted applications, shall be in the discretion of the Superintendent of the Water/Sewer Department. The Superintendent of the Borough's Water/Sewer Department shall also have discretion as to the method of supervisory review to be completed pursuant to this section.

146-42 LICENSE, INSURANCE, & BOND REQUIREMENT FOR INSTALLATION CONTRACTOR.

All installation contractors identified on the application form, as required by Chapter 146, Section 28, shall be licensed with the State of New Jersey, and insured in the required amounts set forth on the Borough's application form. Each installation contractor shall also be required to post a performance bond with the Borough of Cape May Point in the amount of \$500,000.00 before the issuance of a permit to connect to the Borough's water/sewer system can be provided.

146-43 REQUIREMENT FOR PAYMENT OF INSPECTION FEE IF INSTALLATION IS ON COUNTY ROAD

In the event that any connection to the Borough's water/sewer system occurs along a County roadway within the boundaries of the Borough of Cape May Point, the applicant, in addition to abiding by all other requirements of this Chapter, shall be required to post an inspection fee in the amount of \$1,000 per day to the Borough of Cape May Point.

Section 11.

Existing subsection 146-37 shall be renumbered 146-44.

Section 12.

146-4538 SURFACE RUNOFF AND GROUNDWATER DRAINS.

- a. No person shall connect roof, foundation, areaway, parking lot, roadway or other surface runoff or groundwater drains to any sewer which is connected to a wastewater treatment facility. In the event that a violation of this section is discovered by the Borough, the offending party shall be subject to a fine of \$1,000.00 per violation.

Section 13.

Existing subsections 146-39 and 146-40 shall be renumbered 146-46 and 146-47.

Section 14.

146-~~484~~ RESTRICTED CONNECTIONS.

All discharges of stormwater, surface water, groundwater, roof runoff and subsurface drainage shall be made to storm sewers or natural outlets designed for such discharges. Any connection, drain or arrangement which will permit any such waters to enter any wastewater sewer shall be deemed to be a violation of this section and this Article. In the event that a violation of this section is discovered by the Borough, the offending party shall be subject to a fine of \$1,000.00 per violation.

Section 15.

Existing subsections 146-42 through 146-51 shall be renumbered 146-49 through 146-58.

Section 16.

146-~~595~~2 SERVICE CHARGES

- a. Each dwelling unit shall be charged for direct or indirect connections or use of the Borough sewer system at the rate of \$114 quarterly per equivalent dwelling unit.
- b. For the purpose of paragraph a hereof, equivalent dwelling units shall be charged in accordance with the following schedule¹:

Type of User	Number of Equivalent Dwelling Units
Single-family residence	1
Apartments or multifamily dwelling units (per unit)	1
Rooming house	2
Restaurant	2

¹ This chart shall also be applicable to water rates that are charged, as set forth in Article II of this Chapter 146 of the Borough of Cape May Point Municipal Code.

Type of User	Number of Equivalent Dwelling Units
Store	1
Office	1
Other business use	1
Large institutional rooming house on 1 1/2-inch meter	9
Large institutional rooming house on 2-inch meter	35
Park	15

- c. Excess Sewage Usage Charge. Sewage Usage Charges will consist of a "minimum sewer rate" of 6,500 gallons of water allowance per quarter. Beginning in the first quarter of 2022, in addition to the minimum sewer rate as set forth above, a charge will be made for each gallon of water use in excess of the minimum allowable usage of 6,500 gallons per quarter at the rate of \$5.05 per 1,000 gallons or a fraction thereof used for all customers. Beginning on January 1, 2025, and reoccurring annually thereafter, the excess sewage usage charge shall increase by 2% per year in order to offset increased costs to the Borough.
- d. Payment of Sewer Bills. Sewer user services charges furnished by the Water/Sewer Utility shall be sent out quarterly and shall be due and owing in full within 30 days of the mailing date thereof. Any sewer usage bill which is not paid in full within this 30 day period shall thereafter bear interest on the total amount owed on the account of 18% per annum. In the event that any account, including interest thereon, is not paid in full within one year from the date of the bill for the past due amount shall result in a municipal lien being placed against the property. The imposition of any such municipal lien shall be in addition to any other remedies the Borough shall have to collect the full amount, including interest, of the monies owed it for sewage usage charges.
- e. Unpaid Arrearages. Unpaid arrearages carried past December 31 into the following year, will receive a flat rate surcharge of \$25 per equivalent dwelling

unit, in addition to the monthly penalty defined in 146-592d.

- f. Sewage Service Annual Percentage Increase. On the first of January beginning in 20252 and reoccurring annually thereafter, the minimum sewage usage charge for residential, commercial and industrial customers shall increase by 24% per year in order for the Borough to offset increased costs to the Borough.

Section 17. 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 18. This ordinance shall take effect twenty (20) days after passage and publication, according to law.

Final Adoption	MOTION	SECOND	YES	NO	ABSTAIN	ABSENT
Busch						
Moffatt						
vanHeeswyk						

ATTEST:

Elaine L. Wallace, Borough Clerk

Catherine Busch, Commissioner

Robert Moffatt, Mayor

Anita vanHeeswyk, Commissioner

FIRST READING: March 26, 2024
PUBLICATION: April 3, 2024
PUBLIC HEARING: April 11, 2024
PUBLICATION: April 17, 2024

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

ORDINANCE NO. 10-2024

**AN ORDINANCE AMENDING CHAPTER 130, ARTICLE I (“STREETS AND
SIDEWALKS”) OF THE CODE OF THE BOROUGH OF CAPE MAY POINT**

BE IT ORDAINED by the Board of Commissioners of the Borough of Cape May Point, County of Cape May, State of New Jersey, that Chapter 130 “Streets and Sidewalks” of the Code of the Borough of Cape May Point be and is hereby amended as follows (deletions in ~~strike through~~ and additions in underline):

Section 1.

130-2 PERMIT REQUIRED; FEE; REGULATIONS FOR USE.

- a. Permit Required. No person shall tear up, excavate, open or perform work of any other nature on any street under the control of the Borough without first having obtained and being in possession of a valid permit to do such work issued by the Office of the Municipal Clerk.

- b. Fee. Fees must be paid when the application for a permit is made in the amounts as hereinafter set forth. A non-refundable fee of \$400 shall be charged for each permit and paid to the Borough prior to the issuance of the permit for all excavations less than or equal to 50 square feet. If said area to be opened, excavated, disturbed or damaged exceeds 50 square feet, the additional area shall be classified as excess footage and an additional fee shall be charged and payable by the applicant for all footage in excess of 50 square feet at a rate of \$2.50 per square foot. In addition, the applicant shall be charged a non-refundable fee for necessary Borough administration and inspection services relating to restoration of the road opening in the amount of \$1,000~~400~~ for the first 50~~100~~ square feet and \$2.50 ~~fifty (\$0.50) cents~~ per square foot for each additional square foot above 50~~100~~ square feet

Section 2.

130-3 APPLICATION FOR PERMIT; SUBMISSION OF PLANS OR DRAWINGS.

All applicants for a street opening, excavation or construction shall prepare and file with the Construction Official an application obtained from the Construction Code Official. The application shall be accompanied by a plan or drawing describing the portion of the street to be opened or excavated, indicating the dimensions of the opening, the purpose for the opening and the expected duration of the opening or

excavation. The application fees, permit fees, inspection fees, and performance bond amounts required through the application shall apply to each application requested under this Chapter 130, Section 3.

Section 3.

130-7 BONDING REQUIREMENTS.

- a. Every application shall be accompanied by a performance bond in the minimum amount of ~~\$50,000~~5,000 or such greater amount as may be deemed necessary by the Borough Engineer to be sufficient to satisfy the purpose set forth in paragraph c below.

Section 4.

130-9 INSURANCE REQUIREMENTS; INDEMNIFICATION AND HOLD HARMLESS CLAUSE.

- a. Every application for construction, excavation or opening of a street under the control of the Borough shall be accompanied by a certificate of insurance demonstrating that the applicant possesses personal injury liability insurance in the amount of \$500,000 and property damage liability insurance in the amount of ~~\$500,000~~250,000. The insurance shall be maintained by the applicant during the period of construction or excavation and shall name the Borough of Cape May Point as an additional insured.

Section 5. 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 6. This ordinance shall take effect twenty (20) days after passage and publication, according to law.

Final Adoption	MOTION	SECOND	YES	NO	ABSTAIN	ABSENT
Busch						
Moffatt						
vanHeeswyk						

ATTEST:

Elaine L. Wallace, Borough Clerk

Catherine Busch, Commissioner

Robert Moffatt, Mayor

Anita vanHeeswyk, Commissioner

FIRST READING: March 26, 2024
PUBLICATION: April 3, 2024
PUBLIC HEARING: April 11, 2024
PUBLICATION: April 17, 2024