

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 APRIL 23, 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

PUBLIC QUESTIONS ON AGENDA ITEMS ONLY

APPROVAL OF MINUTES

April 11, 2024

April 11, 2024 Closed Session

ORDINANCES FOR INTRODUCTION AND PUBLICATION:

12-2024 Tree Removal and Replacement Ordinance

Second Reading, Public Hearing, Consideration to Adopt – May 9th at 6 pm

ORDINANCE FOR AMENDMENT:

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

Motion to Amend, Consideration to Adopt – May 9th at 6 pm

RESOLUTIONS

67-24 Authorizing Agreement with A.P. Construction, Inc. for Temporary Water Connection for Higbee Beach Restoration Project

68-24 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**

ORDINANCE NO. 11-2024

**AN ORDINANCE AMENDING CHAPTER 150, SECTION 150-21
“LANDSCAPING AND VEGETATION PLAN” 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 150 “Zoning” 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.

150-21 LANDSCAPING AND VEGETATION PLAN.

- a. Intent. It is the intent of the Borough of Cape May Point to require a Landscape and Vegetation Plan for several reasons:

To continue its "history of coexistence of human habitation with natural habitat that supports legendary concentrations of migrant and resident wildlife." The trees on both private and public lands are crucial to the continued ability of the Borough to support a "world-class migration spectacle." The maintenance and replacement of the excellent variety of trees is necessary to retain "what is effectively any arboretum and a premier nature sanctuary." (Tree Survey of Cape May Point 2006-2007 by Mark Garland, Garland Cunningham LLC.)

Additionally, there are social, environmental and economic benefits: Trees alter the environment by moderating climate (thus reducing energy costs), improving air quality (by absorbing carbon dioxide, ozone, carbon monoxide and sulfur dioxide), conserving water, and increasing the value of a property.

- b. Prior to the issuance of any zoning permit for the following:
1. An addition or alteration to an existing structure which increases the lot covering in excess of 10%;
 2. An addition or alteration of an existing structure which increases the livable floor area in excess of 10%, based on the original floor area prior to renovation.
 23. Construction of a new residential unit; or

34. Removal of more than 25% of the existing vegetation covering the lot.

A Landscaping and Vegetation Plan must be submitted to and approved by the Cape May Point Zoning Officer to ensure ~~substantial~~ compliance with criteria and requirements set forth in this section, which Landscaping and Vegetation Plan must constitute a minimum of 60% overall area of the lot and incorporate the parameters of paragraph f1 hereafter. For purpose of calculating the area of removal or disturbance of vegetation, trees shall be considered to cover an area equal to that encompassed by their drip line.

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 26, 2024
PUBLICATION: April 3, 2024
AMENDMENT: April 23, 2024
PUBLIC HEARING: May 9, 2024
PUBLICATION: May 15, 2024

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

RESOLUTION 67-24

**AUTHORIZING AN AGREEMENT WITH A.P. CONSTRUCTION, INC.
FOR TEMPORARY WATER CONNECTION**

WHEREAS, A.P. Construction, Inc. (“Company”) will be providing construction-related services on the Higbee Beach (Pond Creek) Restoration Project; and

WHEREAS, the Company has requested the Borough provide them with temporary water utility services at their offices to provide water to their workforce during the time they are working on the Higbee Beach Project; and

WHEREAS, the Borough of Cape May Point Water Sewer Utility has determined it can provide such connection to the Company on a temporary basis.

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:

1. The Board of Commissioners hereby approves the agreement for temporary water service with A.P. Construction, Inc. for the provision of a temporary water connection during the Higbee Beach Restoration Project attached hereto as EXHIBIT A and incorporated herein by reference.
2. The Mayor and Borough Clerk are hereby authorized and directed to execute the same and take any and all other actions necessary to effectuate the purposes thereof.
3. This Resolution shall take effect immediately, according to law.

	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 23, 2024.

Municipal Clerk

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

RESOLUTION 68-24

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 \$173,782.98.

	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 23, 2024.

Municipal Clerk

Range of Checking Accts: OTHER to OTHER Range of Check Ids: 17963 to 17987
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	
17963	04/23/24	ATL01 ATLANTIC CITY ELECTRIC			1923
	24-00189	ELECTRIC BILLS	2,275.95		
	24-00217	ELECTRIC BILLS	<u>2,477.86</u>		
			4,753.81		
17964	04/23/24	AUT02 AUTO ZONE, INC.			1923
	24-00082	PARTS	469.38		
17965	04/23/24	CAPO3 CAPE MAY STAR & WAVE			1923
	24-00191	LEGAL ADVERTISING	93.25		
17966	04/23/24	CAPEM005 CAPE MEDIATION SERVICES			1923
	24-00177	2024 MEDIATION ASSESSMENT	51.85		
17967	04/23/24	CAS01 CASA PAYROLL SERVICE			1923
	24-00205	PAYROLL	139.00		
17968	04/23/24	CIT02 CITY OF CAPE MAY			1923
	24-00194	POLICE PROTECTION	82,727.50		
17969	04/23/24	CIT03 CITY OF CAPE MAY			1923
	24-00208	MARCH 2024 WATER	5,224.45		
17970	04/23/24	CMP01 CM POINT VOLUNTEER FIRE CO #1			1923
	24-00197	2024 LEASE PAYMENT	3,600.00		
17971	04/23/24	COU02 COURT HOUSE OFFICE SUPPLIES			1923
	24-00210	CHAIRS	689.85		
17972	04/23/24	FOR01 FORD SCOTT AND ASSOCIATES, LLC			1923
	24-00196	2023 AUDIT/2024 BUDGET	8,000.00		
17973	04/23/24	GREEN005 GREENMAN-PEDERSEN, INC.			1923
	23-00329	Water Utility Controls	1,100.00		
	24-00207	BOROUGH ENGINEER	<u>1,148.02</u>		
			2,248.02		
17974	04/23/24	GRR01 GRR CONSULTING SERVICES LLC			1923
	24-00211	CONSULTING MARCH 2024	4,037.50		
17975	04/23/24	JER04 JERSEY CAPE			1923
	24-00074	2024 BEACH TAGS	6,109.00		
17976	04/23/24	LOW01 LOWE'S			1923
	24-00202	STATEMENT	1,213.55		
17977	04/23/24	SAM01 SAMPLE MEDIA, INC			1923
	24-00181	RABIES CLINIC AD	83.16		

April 22, 2024
10:44 AM

BOROUGH OF CAPE MAY POINT
Check Register By Check Id

Page No: 2

Check #	Check Date	Vendor	Reconciled/Void	Ref Num	
PO #	Description	Amount Paid	Contract		
17978	04/23/24	SEA05 SEA GEAR MARINE		1923	
24-00187	STATEMENT	508.95			
17979	04/23/24	SHA01 SHAW CRANE SERVICE, INC.		1923	
24-00201	30 TON CRAN SERVICE	750.00			
17980	04/23/24	SOU06 SOUTH JERSEY GAS		1923	
24-00203	GAS BILLS	992.49			
17981	04/23/24	STA08 STATE OF NEW JERSEY		1923	
24-00198	ANNUAL APPROPRIATION	46,170.00			
17982	04/23/24	STA11 STATE OF NEW JERSEY		1923	
24-00188	HEALTH INSURANCE	861.74			
17983	04/23/24	SWA01 SWAIN'S ACE HARDWARE		1923	
24-00193	204 MARCH STATEMENT	765.28			
17984	04/23/24	THEDE005 THE DeWEESE LAW FIRM, P.C.		1923	
24-00206	SOLICITOR SERVICES	1,618.73			
17985	04/23/24	TRIAD005 TRIAD ASSOCIATES		1923	
24-00192	PREP MONITORING REPORT	140.00			
17986	04/23/24	UNITE005 UNITED RENTALS		1923	
24-00200	PUMP 3"TRASH HONDA	2,497.00			
17987	04/23/24	XTE01 XTEL COMMUNICATIONS INC		1923	
24-00190	TELEPHONE	38.47			
Report Totals					
		<u>Paid</u>	<u>Void</u>	<u>Amount Paid</u>	<u>Amount Void</u>
	Checks:	25	0	173,782.98	0.00
	Direct Deposit:	0	0	0.00	0.00
	Total:	25	0	173,782.98	0.00

Totals by Year-Fund					
Fund Description	Fund	Budget Total	Revenue Total	G/L Total	Total
CURRENT	4-01	161,756.88	0.00	0.00	161,756.88
	4-05	<u>10,689.60</u>	<u>0.00</u>	<u>0.00</u>	<u>10,689.60</u>
Year Total:		172,446.48	0.00	0.00	172,446.48
	G-02	1,100.00	0.00	0.00	1,100.00
TRUST ACCOUNT EXPENDITURES	T-13	236.50	0.00	0.00	236.50
Total of All Funds:		<u>173,782.98</u>	<u>0.00</u>	<u>0.00</u>	<u>173,782.98</u>