

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 MAY 28, 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 RESOLUTIONS ONLY

APPROVAL OF MINUTES

May 9, 2024

ORDINANCES FOR INTRODUCTION AND PUBLICATION: None

RESOLUTIONS

- 76-24 Approval to Submit a Grant Application and Execute a Grant Contract with the New Jersey Department of Transportation for Alexander Avenue Phase II and Surf Avenue Resurfacing Improvements
- 77-24 Authorizing Application to the BPU Community Energy Plan Implementation Grant Program
- 78-24 Appointing Temporary CFO
- 79-24 Appointment of Temporary Purchasing Agent
- 80-24 Authorizing Special Event Permit for Ashley McMahan
- 81-24 Approval of Bill List

ORDINANCES FOR SECOND READING / PUBLIC HEARING / ADOPTION:

- 13-2024 An Ordinance Amending Chapter 146, Article II ("Water") of the Code of the Borough of Cape May Point

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 76-24

**APPROVAL TO SUBMIT A GRANT APPLICATION AND EXECUTE A GRANT
CONTRACT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR
ALEXANDER AVENUE PHASE II AND SURF AVENUE RESURFACING
IMPROVEMENTS**

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of the Borough of Cape May Point formally approves the NJDOT Municipal Aid Grant application for the Alexander Avenue Phase II Resurfacing Improvements project.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as MA-2025-Alexander Avenue Phase II and Surf Avenue Resurfacing Improvement-00008 to the New Jersey Department of Transportation on behalf of the Borough of Cape May Point.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of the Borough of Cape May Point and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

	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 May 28, 2024.

Municipal Clerk

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

RESOLUTION 77-24

**RESOLUTION AUTHORIZING APPLICATION TO
THE BPU COMMUNITY ENERGY PLAN IMPLEMENTATION GRANT PROGRAM**

WHEREAS, a sustainable community seeks to ensure that its environmental, economic, and social objectives are balanced and mutually supportive; and

WHEREAS, Cape May Point strives to assure clean land, air and water for current and future generations; and

WHEREAS, New Jersey's 2019 Energy Master Plan: Pathway to 2050 ("EMP") established that community-level action is necessary to achieve the state's goal of 100% clean electricity by 2050;¹ and

WHEREAS, the New Jersey Board of Public Utilities has created a Community Energy Plan Implementation Grant Program for municipalities to implement initiatives identified in their Community Energy Plan ("CEP") or a plan equivalent to a CEP that has been approved by municipal resolution ("Equivalent Plan"); and

WHEREAS, the Community Energy Plan Implementation ("CEPI") Grant Program will help Cape May Point to invest in fleet electrification, EV infrastructure, energy efficiency for municipal operations, community solar, residential energy education and battery storage for municipal resiliency and to work toward a better environment for all residents by using the state's EMP as a guide to develop sustainable strategies that increase clean energy production, reduce energy use, and cut emissions.

WHEREAS, the Board of Commissioners of Cape May Point has determined that Cape May Point should apply for the aforementioned CEPI Grant Program; and

WHEREAS, the Borough of Cape May Point will commit to providing staff support for the duration of the Community Energy Plan implementation process, including seeking

¹ New Jersey Board of Public Utilities, [2019 New Jersey Energy Master Plan: Pathway to 2050](https://nj.gov/emp/docs/pdf/2020_NJBPU_EMP.pdf), https://nj.gov/emp/docs/pdf/2020_NJBPU_EMP.pdf.

utility, state, or other available funding to combine with funding requested under the CEPI Grant Program.

NOW, THEREFORE, BE IT RESOLVED, the Board of Commissioners of the Borough of Cape May Point, County of Cape May, State of New Jersey, authorizes the submission of the aforementioned Application to the CEPI Grant Program.

	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 78-24

APPOINTING TEMPORARY CFO

WHEREAS, the Borough of Cape May Point (“Borough”) will have a vacancy in the office of Chief Financial Officer as of June 1, 2024; and

WHEREAS, N.J.S.A. 40A:9-140.13(f) provides that “When a vacancy occurs in the office of chief financial officer following the appointment of a certified municipal finance officer to that office, the governing body or chief executive officer, as appropriate, may appoint, for a period not to exceed one year and commencing on the date of the vacancy, a person who does not hold a municipal finance officer certificate to serve as a temporary chief financial officer. Any person so appointed may, with the approval of the director, be reappointed as chief financial officer following the termination of the temporary appointment for up to two additional one-year terms. No local unit shall have a temporary chief financial officer for more than three consecutive years.”

WHEREAS, the Board of Commissioners wishes to appoint Eleanor Cifaloglio, CPA, CTC as temporary chief financial officer until a permanent licensed chief financial officer is appointed;

NOW, THEREFORE, BE IT RESOLVED the Board of Commissioners of the Borough of Cape May Point, in the County of Cape May, State of New Jersey, hereby appoints Eleanor Cifaloglio as temporary chief financial officer effective June 1, 2024 for a term not to exceed one year in accordance with the provisions of N.J.S.A. 40A:9-140.13(f) at a salary of \$20,000 per year.

	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 NO. 79-24

APPOINTMENT OF TEMPORARY PURCHASING AGENT

WHEREAS, N.J.A.C. 5:32-4.4(a) establishes the procedure for appointing a Purchasing Agent in the event of a vacancy in the office of purchasing agent; and

WHEREAS, there will be a vacancy in the position of Qualified Purchasing Agent, and the Borough; and

WHEREAS, the Borough of Cape May Point wishes to appoint Ed Grant as the Borough of Cape May Point Temporary Purchasing Agent.

WHEREAS, N.J.A.C. 5:32-4.4(b) permits during the term of appointment of a temporary purchasing agent, a contracting unit's bid threshold may remain at an amount of up to the maximum allowed for a contracting unit having appointed a person possessing a qualified purchasing agent certificate to serve as the purchasing agent, so long as the governing body has adopted a resolution authorizing such amount; and

WHEREAS, the borough adopted resolution 95-15 increasing the borough's bid threshold to the maximum allowable, as permitted by N.J.S.A. 40A:11-3 and 40A:11-4.3.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Commissioners of the Borough of Cape May Point, County of Cape May, State of New Jersey hereby appoints Ed Grant as the Temporary Purchasing Agent to exercise the duties of a Purchasing Agent pursuant to N.J.A.C. 5:32-4.4(a); and

BE IT FURTHER RESOLVED, the Board of Commissioners wishes to maintain the maximum bid threshold permitted under as authorized by Resolution 95-15.

	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 80-24

AUTHORIZING SPECIAL EVENT PERMIT FOR ASHLEY MCMAHON

WHEREAS, Ashley McMahon has applied for a Special Event Permits for the purpose of a photoshoot on Monday, June 10, 2024 from 6:00 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.

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 Ashley McMahon for a photoshoot on Monday, June 10, 2024 from 6:00 pm to 9:00 pm.

	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 81-24

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 \$61,231.56.

	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: 18007 to 18037
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	
18007	05/28/24	ATL01 ATLANTIC CITY ELECTRIC		1925
24-00245	ELECTRIC BILLS	2,172.82		
24-00267	ELECTRIC BILLS	<u>1,760.02</u>		
		3,932.84		
18008	05/28/24	CAP03 CAPE MAY STAR & WAVE		1925
24-00246	LEGAL ADVERTISING	12.00		
18009	05/28/24	CAP14 CAPE MAY COUNTY MUA		1925
24-00254	SOLID WASTE FEE APRIL 2024	2,194.66		
18010	05/28/24	CAP31 CAPE MINING & RECYCLING LLC		1925
24-00236	MULCH DELIVERY	455.00		
24-00257	MULCH	<u>455.00</u>		
		910.00		
18011	05/28/24	CAPEI005 CAPE ISLAND GRAPHICS		1925
24-00260	SIGN	30.00		
18012	05/28/24	CAS01 CASA PAYROLL SERVICE		1925
24-00252	PAYROLL	281.50		
18013	05/28/24	CIT03 CITY OF CAPE MAY		1925
24-00255	WATER APRIL 2024	8,508.55		
18014	05/28/24	CLE01 CLEAN-FLO INTERNATIONAL		1925
24-00233	SUPPLIES	11,175.16		
18015	05/28/24	COU02 COURT HOUSE OFFICE SUPPLIES		1925
24-00266	SUPPLIES	718.65		
18016	05/28/24	COU03 COUNTY OF CAPE MAY		1925
24-00237	FUEL MARCH 2024	616.28		
18017	05/28/24	DAV01 DAVE'S TRASH REMOVAL		1925
24-00232	DUMP FEE	714.01		
24-00243	DUMP FEES	<u>600.00</u>		
		1,314.01		
18018	05/28/24	DOCUV005 VAULT SOLUTIONS, LLC		1925
24-00247	SHREDDING	73.45		
18019	05/28/24	DUSTI005 DUSTIN WELCH		1925
24-00261	PLANTS	540.00		
18020	05/28/24	ELAIN005 ELAINE WALLACE		1925
24-00256	REIMBURSEMENT	724.36		
18021	05/28/24	GARDE005 GARDEN STATE LABORATORIES, INC		1925
24-00228	WATER TESTING	120.00		

Check #	Check Date	Vendor	Reconciled/Void	Ref Num
PO #	Description	Amount Paid	Contract	
18022	05/28/24	GEMEC005 GE MECHANICAL 24-00269 WORK ON PUMP	278.75	1925
18023	05/28/24	GREEN005 GREENMAN-PEDERSEN, INC. 24-00253 BOROUGH ENGINEER	1,661.75	1925
18024	05/28/24	JAC01 J & A CLEANING SERVICE 24-00235 CLEANING	300.00	1925
18025	05/28/24	LOW01 LOWE'S 24-00258 STATEMENT	99.18	1925
18026	05/28/24	NJD05 NJ DEPT OF HEALTH & SENIOR SER 24-00264 APRIL DOG LICENSE	1.20	1925
18027	05/28/24	NOR02 NORTHERN SAFETY CO, INC. 24-00204 TOWLETTE/LOTION/CLEANSER	321.74	1925
18028	05/28/24	PIN01 PINELANDS NURSERY 24-00263 PLANTS	619.74	1925
18029	05/28/24	PINEL005 PINELAND CONSTRUCTION, LLC 24-00249 APRIL TRASH/RECYCLE	9,680.00	1925
18030	05/28/24	SEA05 SEA GEAR MARINE 24-00240 STATEMENT	2,594.59	1925
18031	05/28/24	SOU06 SOUTH JERSEY GAS 24-00268 GAS BILLS	125.02	1925
18032	05/28/24	STA11 STATE OF NEW JERSEY 24-00250 PENSION PAYMENT	10,432.61	1925
18033	05/28/24	SWA01 SWAIN'S ACE HARDWARE 24-00242 STATEMENT	740.87	1925
18034	05/28/24	TUCKA005 TUCKAHOE NURSERIES, INC. 24-00265 PLANTS	220.50	1925
18035	05/28/24	UNI05 UNITED UNIFORM 24-00262 UNIFORMS	2,634.00	1925
18036	05/28/24	VER03 VERIZON WIRELESS 24-00239 CELL PHONE	331.99	1925
18037	05/28/24	XTE01 XTEL COMMUNICATIONS INC 24-00244 TELEPHONE	38.16	1925

Check #	Check Date	Vendor	Reconciled/Void		Ref Num
PO #	Description		Amount Paid		Contract
18037	XTEL COMMUNICATIONS INC	Continued			
Report Totals			<u>Amount Paid</u>	<u>Amount Void</u>	
	Checks:	<u>Paid</u> 31	61,231.56	0.00	
	Direct Deposit:	<u>0</u>	<u>0.00</u>	<u>0.00</u>	
	Total:	<u>31</u>	<u>61,231.56</u>	<u>0.00</u>	

Totals by Year-Fund					
Fund Description	Fund	Budget Total	Revenue Total	G/L Total	Total
CURRENT	4-01	33,317.94	0.00	0.00	33,317.94
	4-05	<u>16,319.02</u>	<u>0.00</u>	<u>0.00</u>	<u>16,319.02</u>
	Year Total:	49,636.96	0.00	0.00	49,636.96
	G-02	321.74	0.00	0.00	321.74
ANIMAL CONTROL TRUST	T-12	1.20	0.00	0.00	1.20
TRUST ACCOUNT EXPENDITURES	T-13	<u>11,271.66</u>	<u>0.00</u>	<u>0.00</u>	<u>11,271.66</u>
	Year Total:	11,272.86	0.00	0.00	11,272.86
Total of All Funds:		<u>61,231.56</u>	<u>0.00</u>	<u>0.00</u>	<u>61,231.56</u>

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

ORDINANCE NO. 13-2024

**AN ORDINANCE AMENDING CHAPTER 146, ARTICLE II (“WATER”) 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.

146-16 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.~~ \$120 per calendar quarter beginning on July 1, 2024. Refer to 146-59.b 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.~~ Beginning on July 1, 2024, the charge for all water use registered by the meter in excess of 6,500 gallons per quarter, shall be \$12.00 per 1,000 gallons or a fraction thereof used for all customers.
3. ~~Minimum Water Charge Annual Percentage Increase. On the first of January beginning in 2025² and reoccurring annually thereafter, the minimum water charge for residential, commercial and industrial customers shall increase by 12% 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.~~ Minimum Water Charge and Excess Water Charge Annual

Percentage Increase: Beginning on January 1, 2025, and recurring annually thereafter, the rates and charges in 146-16.a(1) and (2) above shall increase by the Federal CPI for All Urban Consumers for the prior 12-month period, to keep pace with contractual annual increases in the bulk water rate charged by the City of Cape May. 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 ~~\$14.05~~ \$12.00 per 1,000 gallons or fraction thereof, along with a quarterly fee of \$30. The excess water charge increase in section 146-16.a(3) above shall apply.
 - b. Churches operating in the summer months shall be charged ~~\$14.05~~ \$12.00 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~~ Cape May Point Science Center are handled as part of the overall residential system of billing. The provisions set forth in ~~146-16.a2 and a4~~ 146-16.a(3) and (4), above, shall apply to churches as set forth herein. ~~The rate increase set forth in Paragrah 3, above, shall also apply to churches operating in the summer months.~~

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: May 9, 2024

PUBLICATION: May 15, 2024

PUBLIC HEARING: May 28, 2024

PUBLICATION: June 5, 2024