

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 – JULY 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

COMMISSIONERS' DISCUSSION/REPORTS

ADMINISTRATOR'S REPORT

PUBLIC COMMENT ON RESOLUTIONS ONLY

APPROVAL OF MINUTES

June 25, 2024

ORDINANCES FOR INTRODUCTION / PUBLICATION - None

RESOLUTIONS

- 93-24 Award of Contract – Water Utility Controls Replacement Project
- 94-24 Approving the 2024 Update to the Atlantic-Cape Multi-Jurisdictional Program for Information (MPPI)
- 95-24 Updating Official Depositories and Authorized Signatories
- 96-24 Payment of Bills
- 97-24 Authorizing Executive/Closed Session in Accordance with the Provisions of the Open Public Meetings Act NSJA10:4-12(b) (Contract Negotiations – 512 Pearl Avenue, B 6, L 4.02)

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 93-24

AWARD OF CONTRACT – WATER UTILITY CONTROLS REPLACEMENT PROJECT

WHEREAS, a request for bids for the Water Utility Controls Replacement Project was advertised in the May 15, 2024 edition of the Cape May Star and Wave; and

WHEREAS, in response to said request, sealed bids were received, opened and publicly read by the Municipal Clerk, Elaine Wallace at 1:00 p.m. on June 12, 2024; and

WHEREAS, Scalfo Electric, Inc. of Vineland, NJ, submitted the only bid in the total amount of \$164,000.00; and

WHEREAS, the Borough Engineer has determined the bid of Scalfo Electric, Inc. has been submitted in proper form and the contractor appears qualified to perform the work anticipated under this contract.

NOW, THEREFORE, BE IT RESOLVED the Board of Commissioners of the Borough of Cape May Point, County of Cape May, State of New Jersey, hereby awards said contract to Scalfo Electric, Inc. in the amount of \$164,000.00, and authorizes the Mayor and Clerk to execute the contract for same.

	MOTION	SECOND	YES	NO	ABSTAIN	ABSENT
Busch						
Moffatt						
vanHeeswyk						

CERTIFICATION OF AVAILABILITY OF FUNDS

I, Eleanor Cifaloglio, Temporary Chief Finance Officer of the Borough of Cape May Point, hereby certify that funds are available in Grant Fund Account G-02-40-000-031 to award a contract for \$164,000.00 for Water Utility Controls Replacement Project with Scalfo Electric, Inc.

I further certify that this commitment together with all previously made commitments does not exceed the appropriation balance available for this purpose.

Dated: July 11, 2024

Signed: *Eleanor E Cifaloglio*
Eleanor Cifaloglio, Temporary Chief Financial Officer

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 July 11, 2024.

Municipal Clerk

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

RESOLUTION 94-24

APPROVING THE 2024 UPDATE TO THE ATLANTIC-CAPE MULTI-JURISDICTIONAL PROGRAM FOR PUBLIC INFORMATION (MPPI)

WHEREAS, the Atlantic-Cape Multi-Jurisdictional Program for Public Information was updated in June 2024.

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 approves the 2024 update to the Atlantic-Cape Multi-Jurisdictional Program for Public Information.

	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 July 11, 2024.

Municipal Clerk

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

RESOLUTION NO. 95-24

UPDATING OFFICIAL DEPOSITORIES AND AUTHORIZED SIGNATORIES

WHEREAS, the Borough has appointed a Temporary Chief Financial Officer, which requires the update of records with the Borough’s depository, Crest Savings Bank.

NOW, THEREFORE, BE IT FURTHER RESOLVED, by the Board of Commissioners of the Borough of Cape May Point, County of Cape May, State of New Jersey that Temporary Chief Financial Officer Eleanor Cifaloglio be and is hereby authorized to electronically transfer funds between Borough accounts.

	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 July 11, 2024.

Municipal Clerk

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

RESOLUTION 96-24

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 \$43,981.17.

	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 July 11, 2024.

Municipal Clerk

July 8, 2024
10:57 AM

BOROUGH OF CAPE MAY POINT
Check Register By Check Id

Page No: 1

Range of Checking Accts: OTHER to OTHER Range of Check Ids: 18093 to 18116
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	
18093	07/11/24	ATL06 ATLANTIC CITY CYCLE CENTER			1928
24-00330	FUEL PUMP		431.99		
18094	07/11/24	AUT02 AUTO ZONE, INC.			1928
24-00294	STATEMENT		637.29		
18095	07/11/24	BEN02 BENJAMIN SWAN			1928
24-00344	REIMBURSEMENT		1,555.87		
18096	07/11/24	CAS01 CASA PAYROLL SERVICE			1928
24-00326	PAYROLL		223.50		
18097	07/11/24	CIT02 CITY OF CAPE MAY			1928
24-00340	EMS 1ST QU 2024		5,254.44		
18098	07/11/24	CLA01 CLARKE CATON HINTZ			1928
24-00271	AFFORDABLE HOUSING		84.00		
24-00339	AFFORDABLE HOUSING		92.50		
			<u>176.50</u>		
18099	07/11/24	COAST005 COASTAL LANDSCAPING			1928
24-00331	PAVILLION CIRCLE PARK		1,686.41		
18100	07/11/24	COPIE005 COPIERS PLUS			1928
24-00328	COPIER MAINTENANCE		80.38		
18101	07/11/24	COU03 COUNTY OF CAPE MAY			1928
24-00342	MAY FUEL 2024		1,099.43		
18102	07/11/24	DAT01 DATA NETWORK SOLUTIONS			1928
24-00329	TELEPHONE		310.11		
18103	07/11/24	EZP01 E-Z PASS			1928
24-00347	ACCOUNT REPLENISHMENT		200.00		
18104	07/11/24	FOR01 FORD SCOTT AND ASSOCIATES, LLC			1928
24-00316	2023 AUDIT/2024 BUDGET		12,000.00		
18105	07/11/24	GARDE005 GARDEN STATE LABORATORIES, INC			1928
24-00325	WATER TESTING		240.00		
18106	07/11/24	GREEN005 GREENMAN-PEDERSEN, INC.			1928
23-00329	Water Utility Controls		2,860.00		
23-00330	Lehigh and Ocean Ave WaterMain		3,700.00		
24-00338	ENGINEERING		1,474.16		
			<u>8,034.16</u>		
18107	07/11/24	GRR01 GRR CONSULTING SERVICES LLC			1928
24-00345	CONSULTING SERV JUNE 2024		4,465.00		

July 8, 2024
10:57 AM

BOROUGH OF CAPE MAY POINT
Check Register By Check Id

Check #	Check Date	Vendor	Reconciled/Void	Ref Num
PO #	Description	Amount Paid	Contract	
18108	07/11/24	JAC01 J & A CLEANING SERVICE		1928
	24-00341	CLEANING	300.00	
18109	07/11/24	LOW01 LOWE'S		1928
	24-00353	STATEMENT	439.36	
18110	07/11/24	NAT04 VAN EMBDEN, NATHAN, ESQUIRE		1928
	24-00343	SOLICITOR ADMIN BILL	350.00	
18111	07/11/24	ONE02 ONE CALL CONCEPTS		1928
	24-00332	MARK OUTS	11.44	
18112	07/11/24	TRE07 TREASURER, STATE OF NEW JERSEY		1928
	24-00346	MARRIAGE REPORT	25.00	
18113	07/11/24	TRIAD005 TRIAD ASSOCIATES		1928
	24-00334	GENERAL SERVICE	33.75	
18114	07/11/24	USA01 USA BLUE BOOK		1928
	24-00336	DUCT HUNTER WITH ROD	606.54	
18115	07/11/24	VER01 VERIZON		1928
	24-00327	PHONE BILLS	346.00	
18116	07/11/24	WRI01 WRIGHT NATIONAL FLOOD INS CO		1928
	24-00335	FLOOD INSURANCE	5,474.00	

Report Totals	<u>Paid</u>	<u>Void</u>	<u>Amount Paid</u>	<u>Amount Void</u>
Checks:	24	0	43,981.17	0.00
Direct Deposit:	0	0	0.00	0.00
Total:	24	0	43,981.17	0.00

Totals by Year-Fund					
Fund Description	Fund	Budget Total	Revenue Total	G/L Total	Total
CURRENT	4-01	30,815.87	0.00	0.00	30,815.87
	4-05	6,395.05	0.00	0.00	6,395.05
Year Total:		<u>37,210.92</u>	<u>0.00</u>	<u>0.00</u>	<u>37,210.92</u>
	G-02	6,560.00	0.00	0.00	6,560.00
TRUST ACCOUNT EXPENDITURES	T-13	210.25	0.00	0.00	210.25
Total of All Funds:		<u><u>43,981.17</u></u>	<u><u>0.00</u></u>	<u><u>0.00</u></u>	<u><u>43,981.17</u></u>

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

RESOLUTION 97-24

**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, July 11, 2024 at approximately 6:30 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: Block 6, Lot 4.02, 512 Pearl Avenue

“(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 July 11, 2024.

Municipal Clerk