

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 JULY 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

- Proposed Flood Regulation Changes – Paul Deitrich and Peter Lomax
- 2024 Dune Day Plan

ADMINISTRATOR'S REPORT

PUBLIC QUESTIONS ON RESOLUTIONS ONLY

APPROVAL OF MINUTES

July 11, 2024

ORDINANCES FOR INTRODUCTION AND PUBLICATION: None

RESOLUTIONS

- 98-24 Authorizing the Disposal of Surplus Property
- 99-24 Urging the State of New Jersey to Take an Incremental and Targeted Approach to Adopting the Proposed "Protecting Against Climate Threat (PACT)/Resilient Environments and Landscape (REAL)" Rules
- 100-24 Authorization to Accept the Audit Report for 2023
- 101-24 Authorizing the Extension of the Grace Period for the August 2024 Tax Quarter
- 102-24 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**

RESOLUTION 98-24

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: 2010 Polaris Ranger Crew 4x4, 800 EFI.

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:	\$1,000

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 July 23, 2024.

Municipal Clerk

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

RESOLUTION 99-24

**RESOLUTION URGING THE STATE OF NEW JERSEY TO TAKE AN
INCREMENTAL AND TARGETED APPROACH TO ADOPTING THE
PROPOSED “PROTECTING AGAINST CLIMATE THREAT
(PACT)/RESILIENT ENVIRONMENTS AND LANDSCAPE (REAL)” RULES**

WHEREAS, Borough of Cape May Point and Cape May County acknowledge that climate change and sea level rise are a documented risk to the coastal zone of New Jersey and its barrier island communities, requiring thoughtful and well-reasoned response from all levels of government; and

WHEREAS, Cape May Point continues to respond to the threat of tidal flooding/major coastal storms by practicing the highest standards of coastal resiliency and floodplain management and working with the County in the approach, duration, and wake of major coastal storms through our respective offices of Emergency Management; and

WHEREAS, in addition to the previously mentioned efforts, Cape May Point has continuously adopted floodplain management ordinances that in some cases go beyond compliance with FEMA’s standards, has had a designated and certified floodplain manager on staff, and has participated in the Insurance Services Office, Inc. (ISO’s) Community Rating System (CRS) Program; and

WHEREAS, initiated through Governor Murphy’s Executive Order 100, the New Jersey Department of Environmental Protection (NJDEP) has produced a 1,057-page rule proposal policy document known as NJ PACT (Protection Against Climate Threats)/ REAL (Resilient Environments and Landscape) to expand flood hazard areas (FHAs) statewide and implement higher floodplain management regulatory standards beyond the local and existing FEMA standards; and

WHEREAS, according to the NJDEP’s website, these rules will soon be posted on the NJ Register for a 90-day public comment period, with a benchmark adoption range of February 2025; and

WHEREAS, historically, new rules issued by the NJDEP have always been promulgated pursuant to legislation through the typical legislative process; and

WHEREAS, in this case, like the NJDEP’s recently proposed Shore Protection Rule, there is no legislation that authorized the NJDEP to require more stringent requirements than the federal regulations that are now in place; and

WHEREAS, these rules as currently written do not consider the economic impact these new standards may have on the ratables, real-estate values, development, and redevelopment statewide, but especially in Cape May County where we have greater than \$50 billion in net ratables, and greater than \$625 million in State tourism tax revenues produced annually; and

WHEREAS, the proposed rules also do not account for the impact these higher regulatory building standards will impose on historic structures and historic districts throughout Cape May County and the State of New Jersey; and

WHEREAS, the State of New Jersey must also consider the burden these new rules will have on coastal municipalities, especially within their local construction offices, due to the additional duties and responsibilities of enforcing these higher regulatory standards that will likely result in the need to hire additional staff or enter additional public/private contracts; and

WHEREAS, these rules will also increase construction costs and impact the feasibility for public infrastructure projects with the minimum construction height requirements for new roads in excess of Base Flood Elevation (BFE) plus 5 ft Freeboard, that in some cases will be infeasible and unachievable given the path and location of the project; and

WHEREAS, despite the burden these rules will inevitably play on our coastal towns, the State of New Jersey has not mentioned any plan for a State budget appropriation to assist coastal towns statewide with the additional duties and functions imposed through the proposed NJPACT/REAL rules; and

WHEREAS, the proposed expansion of flood hazard areas will also create additional financial burdens for lower and middle class property owners living in Cape May County by imposing more restrictive building standards accompanied by engineering assessments and alternatives analyses within the newly expanded regulated areas, and may also potentially result in higher insurance premiums given the expansion of the inundation risk zone and increase of the regulated flood hazard area limits by 5 feet vertically; and

WHEREAS, the proposed NJPACT/REAL policy document is based on Rutgers University's 2019 Study Report, entitled, "New Jersey Rising Seas and Changing Coastal Storms," projecting sea level rise for the year 2100 exceeding 5.1 feet, which has a probability of occurrence of approximately 17%; and

WHEREAS, the science behind these 80-year projections have been questioned by many, including former NJDEP employee and New Jersey Business & Industry Association (NJBIA) Deputy Chief of Staff, Ray Cantor, stating, "the (NJDEP) knows there is no proved science justifying their position, but they also know it is easier to scare people and force them to retreat from the shore if they

tell them that much of Cape May and other areas will be underwater. It is part of their managed retreat strategy”; and

WHEREAS, potentially pushing fixed income residents out of their homes based on the 17% probability of an 80-year sea level rise projection should be taken more gradually with a higher percentage of probability and likelihood of occurring; and

WHEREAS, Municipalities are required to prepare Master Plans for a 20- or 30-year planning horizon, and Cape May Point strongly recommends a similar time horizon for rules based on sea level rise projections; and

WHEREAS, Cape May County, like a lot of Counties and Municipalities nationwide, are experiencing a housing crisis that prompted the County’s Board of County Commissioners to recently implement an Ad Hoc Committee for Mixed Income Housing, to explore opportunities for Mixed Income Housing development throughout the County, in order to support the permanent housing needs for our residents and veterans; and

WHEREAS, the NJDEP’s proposed expansion of flood hazard areas limits the County’s potential capacity of mixed income housing development and even prohibits development in most coastal areas, especially as inland development centers are being reduced in size via the State Planning process; and

WHEREAS, these Rules will appear to run counter to the laudable Mount Laurel Doctrine and coastal zone towns fair share affordable housing obligations, especially in the wake of the Governor’s recently signed legislation (Bill S50/A4) that established one of the strongest affordable housing frameworks in the United States in the State of New Jersey; and

WHEREAS, the Federal Emergency Management Agency (FEMA) is also in the process of preparing detailed updates to the flood insurance rate maps (FIRMS) that take into account many factors of risk including sea level rise; and

WHEREAS, the State of New Jersey has historically used these maps to guide public policy, and therefore, Cape May Point urges the State to defer to the superseding governing body, in this instance FEMA, and wait until the new FIRMS have been posted before expanding flood hazard areas through a streamlined State authorization; and

WHEREAS, while recognizing the importance of addressing climate change, as stated previously, Cape May Point believes that a more gradual and balanced approach is necessary to target incremental adjustments over time in order to mitigate the potential negative impacts that these radically changing rules will have on the coastal towns of New Jersey; and

WHEREAS, it is imperative that the State of New Jersey consider the disproportionate burden resulting from the implementation of such stringent regulatory standards that will challenge the people of New Jersey living, working, and visiting in the coastal zones; and

WHEREAS, for the reasons outlined above, Cape May County through consultation with The Lomax Consulting Group has produced a Study Analysis and Flood Hazard Area Maps of the proposed NJPACT/REAL rules to assess the potential impacts they may have on the County and Municipalities therein, which is attached hereto this Resolution as Exhibit A.

NOW, THEREFORE, BE IT RESOLVED, the Board of Commissioners of the Borough of Cape May Point, County of Cape May, New Jersey poses the following:

1. Cape May Point joins Cape May County in requesting a comprehensive and independent analysis of the potential economic and social impacts of the proposed regulations, including a focus on protecting the interests of low and moderate income families.
2. Cape May Point requests that the State of New Jersey engage the Legislature and enact these rules through the typical legislative process, in order to give the people of New Jersey a voice, rather than through an Executive Order with limited public engagement.
3. Cape May Point requests that these regulations be based on a 20- or 30-year timeframe that is adjusted over time to reflect sea level rise and resiliency measures, rather than based on an 80-year projection.
4. Cape May Point requests that the State of New Jersey consider the inclusion of a budgetary appropriation to assist towns with the implementation of these rules and further, appropriate funding to implement a State grant program to support coastal resiliency projects that will inevitably incur greater costs due to the higher regulatory standards that includes significantly higher elevation requirements for new roads.
5. If the State of New Jersey decides to proceed with the expansion of flood hazard areas before FEMA releases the new FIRMs, Cape May Point requests that the State of New Jersey follow the same practice as FEMA and prepare detailed flood maps, and further hold public engagement sessions across the State, so that communities and residents can clearly understand how these regulations will impact their areas and properties.
6. Cape May Point hereby orders a copy of this Resolution, attached Analysis Study, and Maps be transmitted to the County of Cape May for inclusion in correspondence to Governor Phil Murphy; Lieutenant Governor Tahesha Way; Chief of Staff to Governor Murphy Diane Gutierrez-Scaccetti; Senate

President Nicholas P. Scutari; Assembly Speaker Craig J. Coughlin; Senate Environment Committee Chair Bob Smith; Assembly Environment Committee Chair James J. Kennedy; the Office of Legislative District 1's Senator Michael Testa, Assemblyman Antwan McClellan, and Assemblyman Erik Simonsen; the New Jersey Association of Counties (NJAC); New Jersey Business and Industry Association (NJBIA); and the New Jersey League of Municipalities (NJLM) to convey Cape May County's concerns and recommendations.

7. Cape May Point hereby requests this Resolution, Study, and Maps be included as part of Cape May County's submission as public comment on the NJ Register after the rules have been posted to serve as the County's official comments to the NJDEP's proposed NJPACT/REAL rules.

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 July 23, 2024.

Municipal Clerk

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

RESOLUTION 100-24

AUTHORIZATION TO ACCEPT THE AUDIT REPORT FOR 2023

WHEREAS, N.J.S.A. 40A:5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions; and

WHEREAS, the Annual Report of Audit for the year 2023 has been filed by a Registered Municipal Accountant with the Municipal Clerk as per the requirements of N.J.S.A. 40A:5-6, and a copy has been received by each member of the governing body; and

WHEREAS, the Local Finance Board of the State of New Jersey is authorized to prescribe reports pertaining to the local fiscal affairs, as per R.S. 52:27BB-34; and

WHEREAS, the Local Finance Board has promulgated a regulation requiring that the governing body of each municipality shall by resolution certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled:

**GENERAL COMMENTS
RECOMMENDATIONS**

and;

WHEREAS, the members of the governing body have personally reviewed, as a minimum, the sections of the Annual Audit entitled:

**GENERAL COMMENTS
RECOMMENDATIONS**

As evidenced by the group affidavit form of the governing body; and

WHEREAS, such resolution of certification shall be adopted by the governing body no later than forty-five (45) days after the receipt of the annual audit, as per the regulations of the Local Finance Board; and

WHEREAS, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board; and

WHEREAS, failure to comply with the promulgations of the Local Finance Board of the State of New Jersey may subject members of the local governing body to the penalty provisions of R.S. 52:27BB-52, to wit: R.S. 52:27BB-52 – “A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Governing Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one (1) year, or both, and in addition shall forfeit his office.”

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 states that it has complied with the promulgations of the Local Finance Board of the State of New Jersey dated July 30, 1968 and does hereby submit a certified copy of this Resolution and the required affidavit to said Board to demonstrate evidence of said compliance.

	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 23, 2024.

Municipal Clerk

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

RESOLUTION 101-24

**AUTHORIZING THE EXTENSION OF THE GRACE PERIOD
FOR THE AUGUST 2024 TAX QUARTER**

WHEREAS, Chapter 72, Public Laws of 1992 requires a minimum of twenty-five (25) days to pay the August tax quarter from the date the Tax Collector certifies the mailing of the tax bills; and

WHEREAS, Kim Stevenson, Certified Tax Collector of the Borough of Cape May Point has advised the Borough that all tax bills including those marked advice only will be mailed on or before August 5, 2024.

NOW THEREFORE, BE IT RESOLVED that the Board of Commissioners of the Borough of Cape May Point, the governing body thereof, authorizes the grace period for the August 2024 tax quarter to be extended until August 30, 2024.

BE IT FURTHER RESOLVED, this Resolution applies only to the tax quarter due August 1, 2024. Interest will revert from August 1, 2024 for any property tax not paid by August 30, 2024. All subsequent quarterly tax installments will be due and payable as stated on the tax bill.

	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 102-24

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 \$168,906.17.

	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 23, 2024.

Municipal Clerk

Range of Checking Accts: OTHER to OTHER Range of Check Ids: 18117 to 18144
Report Type: All Checks Report Format: Condensed Check Type: Computer: Y Manual: Y Dir Deposit: Y

Check # PO #	Check Date	Vendor Description	Amount Paid	Reconciled/Void	Ref Num Contract
18117 24-00368	07/23/24	ACE01 ACE PLUMBING & HEATING SUPPLY SUPPLIES	285.76		1929
18118 24-00359	07/23/24	ACM01 ACMJIF 3RD QU 2024	13,994.00		1929
18119 24-00365	07/23/24	ANCOA005 ANCO ACE HARDWARE INVOICE	579.58		1929
18120 24-00363 24-00377	07/23/24	ATL01 ATLANTIC CITY ELECTRIC ELECTRIC BILLS ELECTRIC BILLS	2,159.24 3,522.90 <u>5,682.14</u>		1929
18121 24-00351	07/23/24	CAP03 CAPE MAY STAR & WAVE LEGAL ADVERTISING	9.50		1929
18122 24-00374	07/23/24	CAP14 CAPE MAY COUNTY MUA SOLID WASTE DUMP FEE JUNE 2024	1,838.01		1929
18123 24-00357	07/23/24	CAPIT005 CAPITAL ONE TRADE CREDIT NORTHERN TOOL PURCHASE	299.96		1929
18124 24-00352	07/23/24	CHE03 CHESAPEAKE SCREEN PRINTING JUNIOR RASHGUARDS	576.16		1929
18125 24-00362	07/23/24	CHU01 CHURCH'S GARDEN CENTER & FARM LANTANA	466.67		1929
18126 24-00355 24-00356	07/23/24	CIT02 CITY OF CAPE MAY POLICE PROTECTION 3RD QU 2024 MUN COURT 3RD QU 2024	82,727.50 3,872.33 <u>86,599.83</u>		1929
18127 24-00381	07/23/24	CIT03 CITY OF CAPE MAY JUNE WATER	35,798.35		1929
18128 24-00369	07/23/24	COM01 COMCAST 801 LIGHTHOUSE INTERNET	1,960.32		1929
18129 24-00373	07/23/24	COU02 COURT HOUSE OFFICE SUPPLIES SUPPLIES	161.80		1929
18130 24-00372	07/23/24	FOR01 FORD SCOTT AND ASSOCIATES, LLC FINAL BILL AUDIT/BUDGET	7,000.00		1929
18131 24-00366	07/23/24	GARDE005 GARDEN STATE LABORATORIES, INC WATER TESTING	240.00		1929

Check #	Check Date	Vendor	Reconciled/Void	Ref Num
PO #	Description	Amount Paid	Contract	
18132	07/23/24	ISL01 ISLAND TROPHIES 24-00375 TROPHIES	300.00	1929
18133	07/23/24	MEG01 MEGONIGAL ELECTRIC 24-00380 SERVICE CALL	300.00	1929
18134	07/23/24	NJS01 NJ ST. LEAGUE OF MUNICIPALITIE 24-00371 MONTHLY SUBSCRIPTION	25.00	1929
18135	07/23/24	PINEL005 PINELAND CONSTRUCTION, LLC 24-00350 TRASH/RECYCLE JUNE 2024	9,680.00	1929
18136	07/23/24	SEA01 SEASHORE ASPHALT CORPORATION 24-00364 ASPHALT	86.08	1929
18137	07/23/24	SEA05 SEA GEAR MARINE 24-00360 STATEMENT	269.68	1929
18138	07/23/24	SEAGE005 SEA GEAR OUTFITTERS 24-00354 STATEMENT	473.22	1929
18139	07/23/24	SOU06 SOUTH JERSEY GAS 24-00376 GAS BILLS	161.78	1929
18140	07/23/24	SWA01 SWAIN'S ACE HARDWARE 24-00349 STATEMENT	1,023.13	1929
18141	07/23/24	UNI03 UNIVERSAL SUPPLY COMPANY 24-00333 WATER PUMP HOUSE	642.33	1929
18142	07/23/24	VER03 VERIZON WIRELESS 24-00361 CELL PHONE	371.91	1929
18143	07/23/24	VIL01 NAPA AUTO PARTS 24-00370 STATEMENT	42.80	1929
18144	07/23/24	XTE01 XTEL COMMUNICATIONS INC 24-00358 TELEPHONE	38.16	1929

Report Totals	<u>Paid</u>	<u>Void</u>	<u>Amount Paid</u>	<u>Amount Void</u>
Checks:	28	0	168,906.17	0.00
Direct Deposit:	<u>0</u>	<u>0</u>	<u>0.00</u>	<u>0.00</u>
Total:	<u>28</u>	<u>0</u>	<u>168,906.17</u>	<u>0.00</u>

Totals by Year-Fund					
Fund Description	Fund	Budget Total	Revenue Total	G/L Total	Total
CURRENT	4-01	116,949.76	0.00	0.00	116,949.76
	4-05	<u>51,380.25</u>	<u>0.00</u>	<u>0.00</u>	<u>51,380.25</u>
Year Total:		168,330.01	0.00	0.00	168,330.01
TRUST ACCOUNT EXPENDITURES	T-13	576.16	0.00	0.00	576.16
Total of All Funds:		<u><u>168,906.17</u></u>	<u><u>0.00</u></u>	<u><u>0.00</u></u>	<u><u>168,906.17</u></u>