

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 AUGUST 27, 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

August 8, 2024

ORDINANCES FOR INTRODUCTION AND PUBLICATION: None

RESOLUTIONS

- 110-24 Authorizing the Borough Engineer to Provide Construction Services for Maintenance Building Addition and Renovations for a Total Cost Not to Exceed \$18,952.37
- 111-24 Award of Contract for CRS Coordinator/Floodplain Administrator Services
- 112-24 Approval of Bill List

ORDINANCES FOR SECOND READING / PUBLIC HEARING / ADOPTION:

- 14-2024 An Ordinance Amending Bond Ordinance No. 01-2024 Adopted January 23, 2024, by the Borough of Cape May Point, County of Cape May, New Jersey to Correct the Total Amount Appropriated Therein for Capital Improvements Thereunder
- 15-2024 Tree Removal and Replacement Ordinance

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 110-24

**AUTHORIZING THE BOROUGH ENGINEER TO PROVIDE
CONSTRUCTION SERVICES FOR MAINTENANCE BUILDING ADDITION AND
RENOVATIONS FOR A TOTAL COST NOT TO EXCEED \$18,952.37**

BE IT RESOLVED, by the Board of Commissioners of the Borough of Cape May Point, County of Cape May, State of New Jersey, that Greenman Pedersen, Inc. be and is hereby authorized to provide engineering services for Water Utility Controls Replacement in an amount not to exceed \$18,952.37; and

BE IT FURTHER RESOLVED the award is contingent upon the issuance of a certificate of availability of funds by the Chief Financial Officer; and

BE IT FURTHER RESOLVED the proper Borough officials be and are hereby authorized to do all things necessary to carry out the intent of this Resolution.

	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 the following accounts, C-04-55-998-224, to award a contract for \$18,952.37 Construction for Maintenance Building Addition and Renovations with Greenman Pedersen, Inc.

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

Dated: August 27, 2024

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

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 August 27, 2024.

Elaine L. Wallace, Municipal Clerk

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

RESOLUTION NO. 111-24

**AWARD OF CONTRACT FOR
CRS COORDINATOR/FLOODPLAIN MANAGER SERVICES**

WHEREAS, the Borough of Cape May Point wishes to retain the services of a CRS Coordinator and Floodplain Manager; and

WHEREAS, based on satisfactory service and reliability in the past year it is the recommendation of the Commissioner of Revenue and Finance that Paul Dietrich be awarded a contract to provide CRS Coordinator and Floodplain Administrator services effect July 1, 2024.

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 Paul Dietrich be awarded a contract for CRS Coordinator and Floodplain Manager Services in the amount of \$10,000 for a one-year contract expiring June 30, 2025.

	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 the Current Fund Account 4-01-21-181-011 for \$5,500 and Current Fund Account 4-01-21-183-011 for \$4,500 to authorize the execution of a contract with Paul Dietrich for CRS Coordinator Services for a one (1) year term commencing July 1, 2024 in the amount of \$10,000.

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

Dated: August 27, 2024

Signed: Eleanor Cifaloglio

Eleanor Cifaloglio, Temporary Chief Financial Officer

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 August 27, 2024.

Municipal Clerk

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

RESOLUTION 112-24

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 \$149,548.21.

	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 August 27, 2024.

Municipal Clerk

Range of Checking Accts: OTHER to OTHER Range of Check Ids: 18176 to 18208
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	
18176	08/27/24	AJOHN005 JOHN GUIRE SUPPLY, INC		1931
	24-00417	ROTARY LATCHES	142.64	
	24-00426	WHEELS/WINCH/BRACKET	<u>737.84</u>	
			880.48	
18177	08/27/24	ANCOA005 ANCO ACE HARDWARE		1931
	24-00434	BATTERIES	647.97	
18178	08/27/24	ATL01 ATLANTIC CITY ELECTRIC		1931
	24-00414	ELECTRIC BILLS	2,197.33	
	24-00436	ELECTRIC BILLS	<u>1,472.42</u>	
			3,669.75	
18179	08/27/24	AUT02 AUTO ZONE, INC.		1931
	24-00429	AUTO PARTS	110.98	
18180	08/27/24	BILLO005 BILLOWS ELECTRIC SUPPLY		1931
	24-00392	SUPPLIES	214.15	
18181	08/27/24	CAP03 CAPE MAY STAR & WAVE		1931
	24-00445	LEGAL ADVERTISING	33.00	
18182	08/27/24	CAP14 CAPE MAY COUNTY MUA		1931
	24-00416	WASTEWATER 3RD QU USER FEE	57,668.00	
	24-00443	SOLID WASTE DUMP FEE JULY 2024	<u>3,436.27</u>	
			61,104.27	
18183	08/27/24	CAS01 CASA PAYROLL SERVICE		1931
	24-00424	PAYROLL	227.00	
18184	08/27/24	CAT02 CATARINA SUPPLY INC.		1931
	24-00393	BIKE GRATE ONLY	345.00	
	24-00433	METER PIT	<u>2,580.00</u>	
			2,925.00	
18185	08/27/24	CIT03 CITY OF CAPE MAY		1931
	24-00404	JULY 2024 WATER	47,325.95	
18186	08/27/24	COU02 COURT HOUSE OFFICE SUPPLIES		1931
	24-00440	OFFICE SUPPLIES	305.94	
18187	08/27/24	DANIE010 DANIEL & DEBRA BOSIN		1931
	24-00447	TAX REFUND	3,408.08	
18188	08/27/24	DAV01 DAVE'S TRASH REMOVAL		1931
	24-00427	TRASH REMOVAL	603.87	
18189	08/27/24	ELAIN005 ELAINE WALLACE		1931
	24-00444	REIMBURSEMENT	287.98	

Check #	Check Date	Vendor	Amount Paid	Reconciled/Void	Ref Num
PO #		Description			Contract
18190	08/27/24	GARDE005 GARDEN STATE LABORATORIES, INC			1931
24-00420		STATEMENT	800.00		
18191	08/27/24	GREEN005 GREENMAN-PEDERSEN, INC.			1931
23-00329		water Utility Controls	1,540.00		
24-00425		BOROUGH ENGINEERING SERV	723.75		
			<u>2,263.75</u>		
18192	08/27/24	LAWRE005 LAWRENCE PRAY BUILDERS INC			1931
24-00446		TAX REFUND	2,177.89		
18193	08/27/24	LOW01 LOWE'S			1931
24-00430		STATEMENT	479.99		
18194	08/27/24	NATIO010 NATIONAL HIGHWAY PRODUCTS			1931
24-00432		HOT DIPPED GALV NO TAPE U CHAN	490.00		
18195	08/27/24	NJSHA005 NJ SHADE TREE FEDERATION			1931
24-00379		MUNICIPAL MEMBERSHIP	95.00		
18196	08/27/24	ONE02 ONE CALL CONCEPTS			1931
24-00422		MARK OUTS	21.45		
18197	08/27/24	PAULE005 PAUL E. DIETRICH, SR. PE			1931
24-00450		CRS COORDINATOR JULY-DEC 2024	5,000.00		
18198	08/27/24	PINEL005 PINELAND CONSTRUCTION, LLC			1931
24-00409		JULY SOLID WASTE	9,680.00		
18199	08/27/24	SEA05 SEA GEAR MARINE			1931
24-00419		STATEMENT	968.48		
18200	08/27/24	SOU06 SOUTH JERSEY GAS			1931
24-00437		GAS BILLS	178.52		
18201	08/27/24	STA12 STATE OF NEW JERSEY TREASURER			1931
24-00423		WELDING/CUTTING	37.72		
18202	08/27/24	SWA01 SWAIN'S ACE HARDWARE			1931
24-00402		STATEMENT	1,359.09		
18203	08/27/24	UNI03 UNIVERSAL SUPPLY COMPANY			1931
24-00418		HEARTHSTONE	1,368.10		
18204	08/27/24	UNI05 UNITED UNIFORM			1931
24-00400		UNIFORMS	1,452.00		
18205	08/27/24	USA01 USA BLUE BOOK			1931
24-00431		ID TAGS ETC	323.80		
18206	08/27/24	VER01 VERIZON			1931
24-00435		PHONE BILLS	344.83		

Check #	Check Date	Vendor	Reconciled/Void	Ref Num
PO #	Description	Amount Paid	Contract	
18207	08/27/24	VER03 VERIZON WIRELESS		1931
	24-00421	CELL PHONE	40.01	
	24-00438	CELL PHONE	<u>331.88</u>	
			371.89	
18208	08/27/24	VIL01 NAPA AUTO PARTS		1931
	24-00428	AUTO PARTS	391.28	

Report Totals	<u>Paid</u>	<u>Void</u>	<u>Amount Paid</u>	<u>Amount Void</u>
Checks:	33	0	149,548.21	0.00
Direct Deposit:	<u>0</u>	<u>0</u>	<u>0.00</u>	<u>0.00</u>
Total:	<u>33</u>	<u>0</u>	<u>149,548.21</u>	<u>0.00</u>

Totals by Year-Fund Fund Description	Fund	Budget Total	Revenue Total	G/L Total	Total
CURRENT	4-01	38,414.84	0.00	0.00	38,414.84
	4-05	<u>109,496.87</u>	<u>0.00</u>	<u>0.00</u>	<u>109,496.87</u>
Year Total:		147,911.71	0.00	0.00	147,911.71
	G-02	1,540.00	0.00	0.00	1,540.00
TRUST ACCOUNT EXPENDITURES	T-13	96.50	0.00	0.00	96.50
Total of All Funds:		<u><u>149,548.21</u></u>	<u><u>0.00</u></u>	<u><u>0.00</u></u>	<u><u>149,548.21</u></u>

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

ORDINANCE 14-2024

**AN ORDINANCE AMENDING BOND ORDINANCE NO. 01-2024
ADOPTED JANUARY 23, 2024, BY THE BOROUGH OF CAPE MAY
POINT, COUNTY OF CAPE MAY, NEW JERSEY TO CORRECT THE
TOTAL AMOUNT APPROPRIATED THEREIN FOR CAPITAL
IMPROVEMENTS THEREUNDER**

WHEREAS, on January 23, 2024, the Board of Commissioners of the Borough of Cape May Point, in the County of Cape May, New Jersey (the “Borough”), heretofore adopted Bond Ordinance No. 01-2024, entitled:

**“BOND ORDINANCE APPROPRIATING \$1,700,000 AND
AUTHORIZING THE ISSUANCE OF \$1,624,500 BONDS OR
NOTES OF THE BOROUGH, FOR VARIOUS
IMPROVEMENTS OR PURPOSES AUTHORIZED TO BE
UNDERTAKEN BY THE BOROUGH OF CAPE MAY POINT,
IN THE COUNTY OF CAPE MAY, NEW JERSEY.”**

(the “**Original Bond Ordinance**”), pursuant to which the Borough authorized the issuance of bonds or notes in the aggregate principal amount of \$1,700,000 for the purpose of financing the costs of certain capital improvements within the Borough as more particularly described in the Original Bond Ordinance; and

WHEREAS, the total amount that should have been indicated in the Original Bond Ordinance for the capital improvements specified therein is \$1,710,000, not \$1,700,000, which would then make all of the other amounts specified in the Original Bond Ordinance for the principal amount of notes or bonds to be issued thereunder, the down payment amount, and increase in the gross debt of the Borough accurate and correct in accordance with the terms of the New Jersey Local Bond Law (N.J.S.A. 40A:2-1 et seq.); and

WHEREAS, the Borough desires to amend the Original Bond Ordinance to correct the total appropriation amount under the Original Bond Ordinance for capital improvements; and

WHEREAS, this is merely a correction to the number specified in the Original Bond Ordinance and does not increase the aggregate amount of debt authorized to be issued

by the Borough under and pursuant to the Original Bond Ordinance.

NOW THEREFORE, BE IT ORDAINED, by the Board of Commissioners of the Borough of Cape May Point, in the County of Cape May, New Jersey (not less than two-thirds (2/3) of all the members thereof affirmatively concurring), that the Original Bond Ordinance shall be amended as follows:

Section 1. All references in the Original Bond Ordinance to “\$1,700,000” shall be and hereby are amended to “1,710,000”.

Section 2. This Ordinance does not authorize any additional indebtedness, but merely amends the Original Bond Ordinance to correct the misstatement of the total amount that was intended to be appropriated for capital improvements and purposes under the Original Bond Ordinance.

Section 3. The Original Bond Ordinance is hereby reaffirmed in its entirety and shall remain in full force except as modified herein.

Section 4. This Ordinance amending the Original Bond Ordinance shall take effect twenty (20) days after the first publication thereof after final adoption, as provided by the Local Bond Law of New Jersey.

Final Adoption	MOTION	SECOND	YES	NO	ABSTAIN	ABSENT
Busch						
Moffatt						
vanHeeswyk						

**BOARD OF COMMISSIONERS OF THE
BOROUGH OF CAPE MAY POINT IN THE
COUNTY OF CAPE MAY**

ATTEST:

Elaine L. Wallace
Borough Clerk

Catherine Busch, Commissioner

Robert Moffatt, Mayor

Anita VanHeeswyk, Commissioner

FIRST READING:	August 8, 2024
PUBLICATION:	August 14, 2024
FINAL READING:	August 27, 2024
PUBLICATION WITH STATEMENT:	September 4, 2024

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

ORDINANCE NO. 15-2024

TREE REMOVAL AND REPLACEMENT ORDINANCE

BE IT ORDAINED by the Board of Commissioners of the Borough of Cape May Point, County of Cape May, State of New Jersey, that Ordinance 12-2024, adopted May 9, 2024 be replaced in its entirety with the following:

SECTION I. Purpose:

To establish requirements for tree removal and replacement in the Borough of Cape May Point (the "Borough") to reduce soil erosion and pollutant runoff, promote infiltration of rainwater into the soil, protect the environment, public health, safety, and welfare and to comply with State stormwater permit requirements.

Due to the unique importance of the Borough on the Atlantic Flyway, protection and replacement of the tree canopy with native trees is highly desired to support resident and migrant bird populations. This ordinance is consistent with the Borough's Master Plan goal to "preserve and conserve natural resources, including native vegetation, especially for the migrating birds and butterflies that use the Borough resources as a stopover point."

This ordinance shall apply to all private property within the Borough and public property trees along roadways. The removal and replacement of trees in public parks and forests is addressed in the Borough's Community Forestry Management Plan accredited by the New Jersey Urban and Community Forestry Program and administered by the Borough's Tree Committee.

SECTION II. Definitions:

The following terms, phrases, words, and their derivations shall have the meanings stated herein unless their use in the text of this ordinance clearly demonstrates a different meaning. When consistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The use of the word "shall" means the requirement is always mandatory and not merely directory.

- A. "Applicant" means any "person," as defined below, who applies for approval to remove trees regulated under this ordinance.

B. "Critical Root Radius (CRR)" – means the zone around the base of a tree where the majority of the root system is found. This zone is calculated by multiplying the diameter at breast height (DBH) of the tree by 1.5 feet. For example: a tree with a 6" DBH would have a CRR = 6"x1.5' = 9'.

C. "Diameter at Breast Height (DBH)" means the diameter of the trunk of a mature tree generally measured at a point four and a half feet above ground level from the uphill side of the tree. For species of trees where the main trunk divides below the 4-½ foot height, the DBH shall be measured at the highest point before any division.

D. "Hazard Tree" means a tree or limbs thereof that meet one or more of the criteria below. Trees that do not meet any of the criteria below and are proposed to be removed solely for development purposes are not hazard trees. All Hazard Tree determinations must be made as specified below:

1. Has an infectious disease or insect infestation that requires removal as determined by a Borough official;
2. Is dead or dying as determined by a Borough official;
3. Obstructs the view of traffic signs or the free passage of pedestrians or vehicles, where pruning attempts have not been effective as determined by the Public Works Department;
4. Is causing obvious damage to structures (such as building foundations, sidewalks, etc.) as determined by a Borough official;
5. Is determined to be a threat to public health, safety, and/or welfare by a Borough official. This includes storm-damaged fallen or broken trees; or
6. Is an invasive or prohibited species listed on the Environmental Commission's list of Prohibited Non-native Trees and Woody Plants as determined by a Borough official.

E. "Municipal Right-of-Way" means the surface of, and the space above or below, any public street, road, lane, public way or place, sidewalk, alley, boulevard, parkway, drive, and the like, held by the Borough as an easement or in fee simple ownership. This term also includes rights-of-way held by the County of Cape May where the Borough's approval is required for the use of same pursuant to N.J.S.A. 27:16-6.

F. "Native Tree" means a tree listed on the Environmental Commission's list of Native Trees and Woody Plants and/or those so listed in Appendix A.

G. "Person" means any individual, resident, corporation, utility, company, partnership, firm, or association.

H. "Planting strip" means the part of a street right-of-way between the public right-of-way and the portion of the street reserved for vehicular traffic or between the abutting property line and the curb or traveled portion of the street, exclusive of any sidewalk. The width of the right-of-way is not standard and must be determined by a municipal official of the Borough or by a property survey.

I. "Resident" means an individual who resides on the residential property or contractor hired by the individual who resides on the residential property where a tree(s) regulated by this ordinance is removed or proposed to be removed.

J. "Street Tree" means a tree planted in the sidewalk, planting strip, and/or in the public right-of-way adjacent to (or specified distance from) the portion of the street reserved for vehicular traffic. This also includes trees planted in planting strips within the roadway right-of-way, i.e., islands, medians, pedestrian refuges.

K. "Tree" means a woody perennial plant, typically having a single stem or trunk growing to a considerable height and bearing lateral branches at some distance from the ground.

L. "Tree Caliper" means the diameter of the trunk of a young tree, measured six (6) inches from the soil line. For young trees whose caliper exceeds four (4) inches, the measurement is taken twelve (12) inches above the soil line.

M. "Tree Committee" means the administrative body for the Borough's Community Forestry Management Plan. It consists of the Commissioner of Public Works, Parks & Public Property, the Public Works Supervisor, one or two Environmental Commission members, and other employees or volunteers who have completed state-required training.

N. "Tree removal" means to cut down, kill, or cause irreparable damage that leads to the decline and/or death of a tree. This includes, but is not limited to, excessive pruning, application of substances that are toxic to the tree, over-mulching or improper mulching, and improper grading and/or soil compaction within the critical root radius around the base of the tree that leads to the decline and/or death of a tree. Removal does not include responsible pruning and maintenance of a tree, or the application of treatments intended to manage invasive species.

O. "Specimen or heritage tree" means a native tree with a DBH of 23" or more.

SECTION III. Regulated Activities:

All tree removal on private property and in the Municipal Right-of-Way shall require a permit issued by the Borough Clerk. No person shall remove trees without having obtained and possessing a valid permit issued by the Borough Clerk.

A. Application Process for Trees on Private Property:

1. Any person planning to remove a tree, as defined as Tree removal, on private property with a DBH of 6" or more shall submit a Tree Removal on Private Property Application to the Borough Clerk. No tree shall be removed until a permit is issued and any, and all, associated fees have been received by the Borough.
2. The Tree Removal--Private Property Application shall be accompanied by a site plan or drawing describing the location of the tree(s) to be removed, the species if known by the applicant/property owner, and proposed replacement tree species as per Section III-B below. Any requested exemptions from replacement tree planting and associated fees must be detailed in the application as per Section IV Exemptions.
3. The application fee shall be seventy-five (\$75) dollars for each tree to be removed. Funds received shall be distributed towards administrative and site inspection activities.
4. Any tree removal on private property related to a demolition, lot clearing, zoning or construction permit, site plan approval or zoning variance is governed by the application procedure set forth in Chapter 150, Section 21, of the Borough's Municipal Code and may be subject to additional requirements as determined in the sole discretion of the Borough.

B. Tree Replacement Requirements on Private Property:

1. Any person, who removes one or more tree(s), as defined as Tree removal, with a DBH of 6" or more on private property, unless otherwise exempt under Section IV, shall be subject to the requirements of the Tree Replacement Requirements Table.
2. The species type and diversity of replacement trees shall be in accordance with Appendix A.
3. Replacement tree(s) shall:
 - a. Have an equal or greater DBH than the tree removed or meet the Tree Replacement Criteria in the table below;
 - b. Be planted within twelve (12) months of the date of removal of the original tree(s) or at an alternative date specified by the Borough;

- c. Be monitored by the applicant for a period of two (2) years to ensure their survival and shall be replaced as needed within twelve (12) months; and,
- d. Shall not be planted in temporary containers or pots, as these do not count towards tree replacement requirements.

Tree Replacement Requirements Table:

Category	Tree Removed (DBH)	Tree Replacement Criteria (See Appendix A)	Replacement Fee in Lieu of Planting
1	6" to <13"	Replant 2 trees with minimum tree calipers of 1.5" for each tree removed	\$250
2	13" to <23"	Replant 3 trees with minimum tree calipers of 1.5" for each tree removed	\$500
3	23" to <33"	Replant 4 trees with minimum tree calipers of 1.5" for each tree removed	\$1,000
4	≥33"	Replant 5 trees with minimum tree calipers of 1.5" for each tree removed	\$2,000

C. Replacement alternative:

If the Borough determines that some or all required replacement trees cannot be planted on the property where the tree removal activity occurred, then the applicant shall pay the replacement fee in lieu of planting as listed in the table above. All fees in lieu of planting shall be deposited into the Borough's Community Tree Fund which supports the planting, care, and maintenance of trees throughout the dunes, parks, and open public space across the borough. The fund also supports other expenses associated with the Community Forestry Management Plan accredited by the New Jersey Urban and Community Forestry Program.

D. Application Process for Trees on the Municipal Right-of-Way:

1. Any person requesting removal of a tree, as defined as Tree removal, with a DBH of 3" or more in the Municipal Right-of-Way shall submit a Tree Removal or Planting – Municipal Right-of-Way Application to the Borough Clerk. The

application shall include a site plan or drawing describing the location of the tree(s) to be removed and/or planted.

2. Upon inspection by municipal officials, Hazard Trees will be removed by the Public Works Department with no fee or replacement requirement. Healthy trees of species listed in Appendix A must remain unless it is determined that utilities or roadways are or will be damaged or impeded.
3. No person shall plant trees in the Municipal Right-of-Way without approval by the Borough, or a designated agent thereof, to ensure that utilities and infrastructure will not be damaged or impeded. Proposed trees shall be from the Appendix A list and will be reviewed by members of the Tree Committee to ensure suitability as street trees in that location.

SECTION IV. Exemptions:

All persons shall comply with the tree replacement standard outlined above, except in one or more of the cases detailed below. All persons claiming an exemption shall submit written justification as follows:

- A. Lots that will have a minimum number of healthy, native, trees with a DBH of 6" from the Appendix A list after the proposed removal. An assessment from a LTE or certified arborist attesting to the species and DBH size must accompany the application in order to meet this exemption. The required trees vary according to lot size:
 1. Under 5000 square feet – three (3) trees of which one (1) must be a medium or large species;
 2. 5000 square feet -- three (3) trees of which two (2) must be a medium or large species;
 3. Over 5000 square feet and less than 7500 square feet – four (4) trees of which three (3) must be a medium or large species;
 4. 7500 to less than ten thousand square feet – five (5) trees of which four (4) must be a medium or large species;
 5. Ten thousand (10,000) or more shall meet the requirements of a standard lot for each 5000 square feet.
- B. Any trees removed pursuant to a New Jersey Department of Environmental Protection (NJDEP) or U.S. Environmental Protection Agency (EPA) approved environmental clean-up, or NJDEP approved habitat enhancement plan, or a NJDEP approved Community Forestry Management Plan.

- C. Hazard trees may be removed with no replacement requirement so long as the conditions in Section II.D and Section IV.A. are satisfied.

SECTION V. Enforcement:

This ordinance shall be enforced by the Police Department, Code Enforcement Officer, or other officials of the Borough during the course of ordinary enforcement duties. Borough officials or their designees will conduct site inspections as needed to ensure compliance with tree replacement requirements.

SECTION VI. Violations and Penalties:

A. Any person(s) found in violation of the provisions of this ordinance shall be subject to the following fines:

1. One Thousand (\$1000.00) Dollars per tree removed without permit plus the size associated replacement fee in lieu of planting from the Tree Replacement Requirements Table; or,
2. Five Hundred (\$500.00) Dollars per tree not planted by the specified date, or no longer living two years after the specified date, plus the size associated replacement fee in lieu of planting from the Tree Replacement Requirements Table.

B. The payment of fines does not release the property owner from complying with all provisions of this ordinance including additional application fees, planting, and maintaining replacement trees, and fees in lieu of planting in order to come into compliance.

C. All fines shall be deposited into the Borough's Community Tree Fund.

SECTION VIII. Severability:

Each section, subsection, sentence, clause, and phrase of this Ordinance is declared to be an independent section, subsection, sentence, clause, and phrase, and finding or holding of any such portion of this Ordinance to be unconstitutional, void, or ineffective for any cause or reason shall not affect any other portion of this Ordinance.

SECTION VIII. Effective Date:

This Ordinance shall be in full force and effect from and after its adoption and any publication as may be required by 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: August 8, 2024
PUBLICATION: August 14, 2024
PUBLIC HEARING: August 27, 2024
PUBLICATION: September 4, 2024

Appendix A

Approved list of Replacement Tree Species for Cape May Point

Common Name	Scientific Name	Height*	Planting Season
Red Maple	<i>Acer Rubrum</i>	Medium	Spring
Canadian Serviceberry	<i>Amelanchier canadensis</i>	Small	Spring or fall
River Birch	<i>Betula nigra</i>	Medium	Spring
Pignut Hickory	<i>Carya glabra</i>	Large	Spring
Sand Hickory	<i>Carya pallida</i>	Large	Spring or fall
Mockernut Hickory	<i>Carya tomentosa</i>	Large	Spring or fall
Common Hackberry	<i>Celtis occidentalis</i>	Medium	Spring only
Dwarf Hackberry	<i>Celtis tenuifolia</i>	Small	Spring or fall
Flowering Dogwood	<i>Cornus florida</i>	Small	Spring only
Common Persimmon	<i>Diospyros virginiana</i>	Medium	Spring or fall
American Holly	<i>Ilex opaca</i>	Medium	Spring or fall
Black Walnut	<i>Juglans nigra</i>	Large	Spring or fall
Eastern Red Cedar	<i>Juniperus virginiana</i>	Medium	Spring or fall
Sweetgum	<i>Liquidambar styraciflua</i>	Large	Spring
Sweetbay Magnolia	<i>Magnolia virginiana</i>	Small	Spring
Southern Crab Apple	<i>Malus angustifolia</i>	Small	Spring
Red Mulberry	<i>Morus rubra</i>	Medium	Spring or fall
Blackgum	<i>Nyssa sylvatica</i>	Medium	Spring
Shortleaf Pine	<i>Pinus echinata</i>	Medium	Spring or fall
Pitch Pine	<i>Pinus rigida</i>	Medium	Spring or fall
Pond Pine	<i>Pinus serotina</i>	Medium	Spring or fall
Loblolly Pine	<i>Pinus taeda</i>	Large	Spring or fall
Virginia Pine	<i>Pinu virginiana</i>	Small	Spring or fall

Black Cherry	Prunus serotina	Medium	Spring or fall
White Oak	Quercus alba	Large	Spring
Scarlet Oak	Quercus coccinea	Large	Spring
Southern Red Oak	Quercus falcata	Large	Spring
Chestnut Oak	Quercus montana	Large	Spring
Willow Oak	Quercus phellos	Medium	Spring
Post Oak	Quercus stellata	Medium	Spring
Black Oak	Quercus velutina	Medium	Spring
Missouri Willow	Salix eriocephala	Small	Spring
Black Willow	Salix nigra	Medium	Spring
Sassafras	Sassafras albidum	Medium	Spring or fall

*Height: Small (35' and under), Medium (35'-50'), Large 50' and over. Height depends on growing conditions, less height likely in seashore communities.

Planting Tree Care Standards: *Tree Owner's Manual* USDA Forest Service, July 2021. Digital version on Borough website; print copy available upon request.