

AUGUST 27, 2024
REGULAR MEETING MINUTES

The Regular Meeting of the Board of Commissioners of the Borough of Cape May Point was called to order by Clerk Wallace at 12:00 PM. The Open Public Meetings Statement was read by the Clerk who then led those present in the flag salute. Mayor Moffatt, Commissioner Busch and Commissioner vanHeeswyk answered roll call. Also in attendance: Administrator Ed Grant, Clerk Elaine Wallace, and Solicitor John Amenhauser. This meeting was held electronically via ZOOM under local operation guidance from the NJDCA pursuant to P.L. 2020, c.11.

COMMISSIONERS' REPORTS:

Commissioner Busch announced the public works renovation and addition project will begin a week or two after the Labor Day weekend. Public works employees have been clearing space and securing equipment in anticipation of the work. The Lehigh and Ocean Avenues road and water main project is still pending NJDOT approval, but the borough still anticipates the work being done this fall. Once approval has been given, letters will go out to affected residents.

Commissioner vanHeeswyk reported on the most recent JIF update. She also reported the borough has received a refund of over \$14,000 plus a credit of \$800 from the State for overcharged unemployment funds.

ADMINISTRATOR'S REPORT:

Administrator Grant reported the state went out for bid for state contracts for emergency debris management over a year and a half ago, and has finally decided not to award a contract. As a result, Ocean City is looking into bidding a cooperative contract that could be utilized by other communities through the Ocean City Cooperative Contract. Mr. Grant will keep the commissioners posted as it progresses. He also reported the veterans memorial committee has met and is in the process of getting some cost estimates, looking at grant sources if necessary, and determining if the project will require any state permits.

PUBLIC QUESTIONS ON AGENDA ITEMS: None

APPROVAL OF MINUTES:

August 8, 2024

Motion: vanHeeswyk, Moffatt

Roll call: all in favor

ORDINANCES FOR INTRODUCTION/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

Motion: Busch, Moffatt

Roll call: all in favor

111-24 Award of Contract for CRS Coordinator/Floodplain Administrator Services

Motion: vanHeeswyk, Moffatt

Roll call: all in favor

112-24 Approval of Bill List

Motion: vanHeeswyk, Moffatt

Roll call: all in favor

113-24 Authorizing Executive/Closed Session in Accordance with the Provisions of the Open Public Meetings Act NJSA 10:4-12(b) – *Potential Litigation – East Lake Drive Right-of-Way Encroachment*

Motion: vanHeeswyk, Moffatt

Roll call: all in favor

ORDINANCES FOR SECOND READING AND PUBLIC HEARING:

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

Motion to open public hearing: vanHeeswyk, Moffatt

Roll call: all in favor

When no one wished to speak, the public hearing was closed.

Motion to adopt: vanHeeswyk, Moffatt

Roll call: all in favor

15-2024 Tree Removal and Replacement Ordinance

Motion to open public hearing: vanHeeswyk, Moffatt

Roll call: all in favor

Jean Beisecker asked whether the fees in lieu of planting would be assessed per tree removed and if some kind of exemption could be offered if its determined there is no room for replacement trees to be planted. Solicitor Amenhauser confirmed that if 3 trees over 33” in diameter were removed, then the fee in lieu of replanting would be \$2,000 per tree for a total of \$6,000. Ms. Beisecker asked the borough to give additional thought to limiting the fees to homeowners in cases where they determine the requisite number of replacement trees can’t be planted on the property. Commissioner Busch thanked her for her comments and further explained the purpose of the ordinance is to have no net loss of trees throughout the municipality. The money collected will fund the borough’s purchase and planting of trees on public land when homeowner can’t or won’t replace trees on their own property. The no net loss tree ordinance is required for the borough to maintain its stormwater permit. Ms. Beisecker asked if homeowners could plant shrubs instead of trees. Busch explained the DEP requirement specifies trees must be replaced with trees.

Rob Stambaugh strongly supported being good stewards to wildlife, but he had some suggestions for changing the ordinance. He was concerned that many of the trees on the list of approved trees get larger than 50’, which he felt could be problematic and

overhang homes, possibly causing issues with homeowners insurance. He also suggested allowing people the option to plant acceptable non-native trees with the payment of a reasonable fee. He also suggested the ordinance refer to the tree lists supplied by the Environmental Commission rather than listing them in the ordinance, feeling the lists could change over time. Commissioner Busch explained the model ordinance requires the inclusion of a list of permitted trees and felt it is possible for the list to be amended to include multi-trunk small trees and others that will grow well here as climate changes.

Elise Geiger, as a member of the Environmental Commission and the borough's tree committee, felt the ordinance achieves some of the major elements of the master plan and would protect the current tree coverage for future generations. The borough zoning code has always required a 2 for 1 replacement of trees and in 2021 the code was amended to require a certain number of native trees whenever a landscaping plan is required. She appreciated that the ordinance allows an exemption if a property has enough natives trees but also allows owners the flexibility to pay into a fund for planting trees on public land in lieu of planting trees on their own property.

When no one else wished to speak, the public hearing was closed.

Motion to adopt: vanHeeswyk, Moffatt

Roll call: all in favor

Commissioner vanHeeswyk saw ordinance 15-2024 as a living document, like the master plan, that can be revisited as time goes by.

Commissioner Busch explained the ordinance would be effective in 20 days. She also pointed out that people are often surprised by how much of their front yard is borough property. In cases where someone wants trees removed from the right-of-way, the borough will assess and remove them, if appropriate, at no cost to the homeowner. She also noted the requirement to seek approval before planting trees in the right-of-way to ensure they don't interfere with utilities.

PUBLIC PORTION:

Jim McCusker asked if the borough has a plan to remove the vegetation that has grown up at the south end of Lake Lily, stating it is overtaking the entire waterway and many homeowners and residents think it looks terrible. Commissioner Busch explained the south end of the lake is very shallow, so it's an ideal place for wetland plants to grow. Several other factors have added to the growth including extra organic matter from the family of swans that nested at that end of the lake last year and a mild winter that wasn't cold enough to kill the vegetation. In addition, storm drains deliver organic matter and lawn fertilizers directly to the lake, exacerbating the growth. Previously, the borough, in conjunction with the Friends of Lake Lily, contracted with Clean Flow to do treatments to the lake. More recently the borough has taken over the treatments and added additional ones geared toward speeding up the decomposition of the accumulated organic vegetation. But care must be taken that treatments don't kill wildlife in the area like turtles, butterflies, egrets, ducks, etc.

Commissioner Busch gave a brief history of actions taken beginning with dredging in 2004, and the natural life cycle of a body of water in a developed area has led to the current condition. The Borough is researching all options to address the situation.

When no one else wished to speak, the meeting was recessed into closed session at 12:40 pm on motion of Commissioner vanHeeswyk, seconded by Mayor Moffatt.

The regular meeting was reconvened at 12:50 pm on motion of Commissioner vanHeeswyk, seconded by Mayor Moffatt. There being no further business, the meeting was adjourned at 12:50 pm on motion of Commissioner vanHeeswyk, seconded by Mayor Moffatt.

Respectfully submitted,

Accepted:

Elaine L. Wallace, RMC, CMR
Municipal Clerk

Commissioner Busch

Mayor Moffatt

Commissioner vanHeeswyk