

**AUGUST 8, 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 6:00 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:**

Discussion on Changes to Tree Removal and Replacement Ordinance: Clerk Wallace provided a draft ordinance revising the previously adopted tree removal ordinance based on comments from commissioners and members of the public during the public hearing. Commissioner vanHeeswyk felt the new draft did a good job of incorporating the concerns raised. Mayor Moffatt and Commissioner Busch concurred. Finding the ordinance favorable, the commissioners added the ordinance to the agenda for introduction.

Mayor Moffatt thanked Kristen Moorby and the beach patrol for another successful Women's Lifeguard Challenge.

**ADMINISTRATOR'S REPORT:**

Mr. Grant continues looking into grant opportunities and health benefit options. He is always finishing several annual JIF surveys.

**PUBLIC QUESTIONS ON AGENDA ITEMS:**

Leslie Kramer asked about the resolution for sale of borough property and if the sale was done. Solicitor Amenhauser explained the upcoming resolution will authorize the sale through sealed bids. Ms. Kramer asked if there were restriction on what could be built on the undersized lot. Solicitor Amenhauser advised that the resolution doesn't specify, but the bid documents prohibit development of any kind through a required deed restriction. In addition, Solicitor Amenhauser advised Ms. Kramer that the lot can't be used toward floor area or lot coverage for development on any adjoining properties.

**APPROVAL OF MINUTES:**

July 23, 2024

*Motion: vanHeeswyk, Moffatt*

*Roll call: all in favor*

**ORDINANCES FOR INTRODUCTION/PUBLICATION:**

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: vanHeeswyk, Moffatt*  
*Roll call: all in favor*

15-2024 Tree Removal and Replacement Ordinance  
*Motion: Busch, Moffatt*  
*Roll call: all in favor*

**RESOLUTIONS:**

103-24 Authorizing the Sale of Property Owned by the Borough of Cape May Point

*Motion: vanHeeswyk, Moffatt*  
*Roll call: Busch no, Moffatt and vanHeeswyk yes*

104-24 Authorizing Special Event Permit - Cape May Point Taxpayers Association  
*Motion: vanHeeswyk, Moffatt*  
*Roll call: all in favor*

105-24 Authorizing Refund of Taxes Paid on Property Known as Block 49, Lot 10, 100 Lehigh Avenue  
*Motion: vanHeeswyk, Moffatt*  
*Roll call: all in favor*

106-24 Authorizing Cancellation Pursuant to N.J.S.A, 54:4-3.30 on Property Known as Block 12, Lot 17, 307 Central Avenue  
*Motion: vanHeeswyk, Moffatt*  
*Roll call: all in favor*

107-24 Authorizing Refund of Taxes Paid on Property Know as Block 40, Lot 5, 507 Lighthouse Avenue  
*Motion: vanHeeswyk, Moffatt*  
*Roll call: all in favor*

108-24 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  
*Motion: vanHeeswyk, Moffatt*  
*Roll call: all in favor*

109-24 Payment of Bills  
*Motion: vanHeeswyk, Moffatt*  
*Roll call: all in favor*

**ORDINANCES FOR SECOND READING AND PUBLIC HEARING:** None

**PUBLIC PORTION:**

Sandy Allison asked why the borough decided to sell 512 Pearl Avenue. Mayor Moffatt said the borough wants to keep it as open space into perpetuity. Commissioner Busch stated it would remain open space under borough ownership. Mayor Moffatt said future administrations could sell it for development. Administrator Grant explained the borough had been approached twice by parties interested in purchasing the lot, one of whom wanted to keep it as open space. By selling the

parcel through bidding, the land will join the tax rolls and the borough won't have any future liability or maintenance. Ms. Allison asked if the deed restrictions could be changed by future commissioners. Solicitor Amenhauser stated the deed restriction would run in perpetuity, unless there were a court action or the borough gave permission for it to change. Commissioner Busch said the alternative would be to enter the parcel into the state's Green Acres program so there would be no way to develop it in the future. Ms. Allison asked if the sale was ever brought to the public's attention. Solicitor Amenhauser explained it was listed on a previous agenda as a closed session topic, but it wasn't discussed in public previously.

When no one else wished to speak, the meeting was adjourned at 6:28 pm on motion of Commissioner vanHeeswyk, seconded by Mayor Moffatt.

Respectfully submitted,

Accepted:

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Elaine L. Wallace, RMC, CMR  
Municipal Clerk

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Commissioner Busch

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Mayor Moffatt

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Commissioner vanHeeswyk