

**SEPTEMBER 24, 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:

Water Service Line Inspections for Lead: Commissioner Busch explained NJ has given every municipality 10 years to have a lead-free water system, including individual service lines. The mains and laterals are the borough's responsibility, but the lines between the meter pit and the house belong to the property owner. The state considers anything other than plastic and copper to be lead with the potential of lead leaching into the water. The borough has a project to replace the last known lead service lines and unknown laterals on Lehigh and Ocean this fall. Public works has already begun to check every meter pit for the presence of galvanized steel and solder so that we will have a complete inventory of all parts of the system. If anything other than copper or plastic is found, the homeowner will receive a letter from the borough. A letter will be sent annually thereafter until the issue is resolved. Commissioner vanHeeswyk asked if there was an approximate date to allow people to know whether it is likely their system has lead, similar to the date given for lead paint. Bill Gibson explained the state has said any house built after 1980 shouldn't contain lead fixtures, but he has found more modern houses that contain lead so he feels every service line needs to be checked. Commissioner Busch advised the public that even if the service line from the meter pit doesn't contain lead, it doesn't necessarily mean that the pipes within the house are safe.

Commissioner Busch reported the borough has begun preparing for Dune Day. This year will include plantings on the street side of the dune on Harvard at Whildin. Public works has already started removing dead trees, poison ivy, and invasive vines and will continue the following day. Lastly, she reported several of the bubblers in Lake Lily don't appear to be working. Clean Flow has been called to inspect.

Possible Amendments to Ord. 18-2024: Clerk Wallace had sent the governing body several suggested revisions to the ordinance that were recommended to her prior to the meeting. She reviewed the changes during the meeting. Commissioner Busch asked why the location had to be regulated. Commissioner vanHeeswyk felt they were important because there have been incidents where leaves on trees above a fire have been burnt. Ms. Busch felt having to have your barbecue grill 25' from the home would not just be inconvenient, but impossible

when back yard setbacks are only 20'. Solicitor Amenhauser explained the primary purpose of the ordinance is fire safety and embers landing on structures. He also said it was possible the 25' distance was based on an ordinance from another town. Mrs. vanHeeswyk felt the distance could be shorter, maybe 10', but limitations should be made for safety. Ms. Busch asked if the town wants to remove these in their entirety or only the most unsafe types of outdoor fires. She felt more work needed to be done on the ordinance. She also asked who would be responsible for enforcement and suggested the rental fire inspector check when he's doing his annual inspection since the only complaints have been about a fire at a rental property. Mrs. vanHeeswyk didn't anticipate inspecting every property, but rather expected to be alerted when there was a problem and then react based on the ordinance. Administrator Grant said the ordinance originated to address open fire pits, not grills and the like, so more work might be necessary. Commissioner vanHeeswyk asked if it would be appropriate to withdraw Ordinance 18-2024. Solicitor Amenhauser advised a motion could be made.

Motion to withdraw Ordinance 18-2024 from further consideration.

Motion: vanHeeswyk, Moffatt

Roll call: all in favor

Mayor Moffatt thanked Chris Garrison, Ben Swan, and Ed Hasse for doing a great job and fostering a great, safe summer on the beaches. He also reported it was mostly quiet summer for police enforcement.

ADMINISTRATOR'S REPORT:

Mr. Grant has been working interlocal agreement for construction service that will hopefully be ready for approval at the next meeting, although a minor billing issue still needed to be resolved. The veterans memorial committee will be meeting again the following week. Commissioner Busch asked for details on a mill/pave project on Lincoln between Coral and Whildin. Mr. Grant didn't have any details that weren't contained in the email, but he would reach out to the County since Lincoln is a county road.

PUBLIC QUESTIONS ON AGENDA ITEMS: None

APPROVAL OF MINUTES:

September 12, 2024

Motion: vanHeeswyk, Moffatt

Roll call: all in favor

ORDINANCES FOR INTRODUCTION/PUBLICATION: None

RESOLUTIONS:

117-24 Resolution Recognizing October 6, 2024 as Knock Out Opioid Abuse Day in Cape May Point

Motion: vanHeeswyk, Moffatt

Roll call: all in favor

118-24 Authorizing Shared Services Agreement between West Cape May, Cape May, and Cape May Point for the Cape Island Joint Rabies Clinic

Motion: Moffatt, vanHeeswyk

Roll call: all in favor

119-24 Approval of Bill List

Motion: vanHeeswyk, Moffatt

Roll call: all in favor

ORDINANCES FOR SECOND READING AND PUBLIC HEARING: None

PUBLIC PORTION:

Helen Chezem, spoke to the discussion on Ord. 18-2024. She suggested the borough consider saying “no closer than” instead of saying “at least”. She cited grill and cooking sites that recommend gas grills be no closer than 10’ from the house. She also said there are different recommendations for charcoal, wood and other combustibles.

Sandy Allison said open fire pits are the real problem that need to be addressed. She felt they were unnecessary and shouldn’t be allowed. Ms. Allison then asked if the property on Pearl Avenue had been sold yet and if it was advertised in the paper. Solicitor Amenhauser advised the sale has not been completed, but a public bid was held after it was properly advertised in the paper. Ms. Allison felt the borough should hold onto public land, especially lots like the one on Pearl which could someday be needed for a beach entrance. She remembers beach entrances from the 60s that were filled in by mother nature which required new ones to be created. She was also concerned that the discussion on the possible sale was held in closed session and not in public. She felt the public should have been involved in the consideration phase, saying there are a lot of smart people that could have brainstormed ideas. Solicitor Amenhauser assured her the decision was not made in closed session – it was done by resolution during an open session.

When no one else wished to speak, the meeting was adjourned at 12:45 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