

October 13, 2026
REGULAR MEETING MINUTES

The Regular Meeting of the Board of Commissioners of the Borough of Cape May Point was called to order by Mayor vanHeeswyk at 6:00 PM. Mayor vanHeeswyk read the Open Public Meetings Statement and then led those present in the flag salute. Commissioner Geiger, Mayor vanHeeswyk, and Commissioner Yunghans answered roll call. Also in attendance: Solicitor D. Scott DeWeese. This meeting was held electronically via ZOOM under local operation guidance from the NJDCA pursuant to P.L. 2020, c.11.

COMMISSIONERS' DISCUSSION/REPORTS:

Beach Curfew: Commissioner Geiger regularly meets with the Cape May Police Department, and at a recent meeting they recommended that Cape May Point consider implementing a beach curfew. They have experienced large groups of juveniles gathering in groups on the beaches in Cape May. Currently Cape May Point only has ordinances that prohibit sleeping or camping 11:00 pm – 6:00 am. Should we have a large group gather on our beach overnight, we have no way of removing them from the beach. Commissioner Geiger researched what other beach communities in South Jersey have curfews. Wildwood Crest, Avon, Cape May, and Spring Lake all have later curfews like 10:00 or 11:00 pm, while others like Point Pleasant, North Wildwood and Wildwood have closures with exceptions, and curfews at 8:00 or 9:00 pm. Commissioner Geiger struggles with the idea of a curfew because there are people who do like to walk on the beach on a clear night, or walk or run early in the morning. Her recommendation is that we consider 11:00 pm – 4:00 am because people exercise very early on the beach. We might also need to consider an exemption for surf fishing, which several municipalities have in place.

Solicitor Scott DeWeese advised that the Borough should not adopt a curfew unless it is going to be universally enforced, whether it is a large gathering of juveniles, or an individual on the beach during prohibited hours. After reviewing Borough code, he said police do have some tools to remove people from the beach already depending on what specific conduct is occurring, like consuming alcoholic beverages. He advised that instead of enacting a curfew, the commissioners can prohibit other specific conduct, like large gatherings of a specific number after a certain hour. The age of the individuals can also be specified. They can also build into the ordinance the authority for the police department to ask any individual on the beach that is engaging in specific conduct to vacate the beach, as opposed to just giving them a fine. The Borough should educate the Cape May police on what tools they already have regarding prohibited conduct, which may be different than Cape May ordinances.

Commissioner Yunghans likes the idea of specifying the large groups. Also, the noise ordinance could be used when evaluating prohibited activity. Mayor vanHeeswyk said that she thinks we should have the same prohibited hours as

Cape May. Deputy Clerk Redington stated that Cape May Point's noise ordinance is 9:00 pm, so that should be taken into consideration. Commissioner Geiger thanked everyone for input and said she will look into this further.

REPORTS:

Mayor vanHeeswyk reported that our CFO Jim Craft has distributed the 2027 budget worksheets to the commissioners, so we have already begun planning for next year. Separately, the county has provided us the table of equalized valuations. This is a county report that converts local property assessments to full estimated market value, and it ensures property-based taxes and school aid are distributed fairly across municipalities, even if towns update their property values at different times. The amount of your property's assessed value is approximately half of your market value.

Commissioner Geiger reported that in September there were 78 calls to the police for service. There was 1 theft, two unregistered vehicles were towed and impounded, 3 traffic summonses written, 7 parking summonses written, and 1 radar enforcement. Our Code Enforcement Officer conducted 7 patrols, with a total of 43 miles. He gave 7 warnings for trash cans left out and 4 warnings for contractor signs in the right of way. Bamboo remediation is beginning this week on Yale Avenue, and another notice is being sent out.

Commissioner Yunghans' reported that Public Works fall maintenance is in high gear, prepping for the winter. We had a successful Dune Day on October 10th, with volunteers planting on the beach, Triangle Park and the west side of Lake Lily. She wishes to thank Jonathan Westcott profusely for his leadership, and to the many volunteers, and both the Taxpayers' Association and the Cape May Point Civic Club for their donations. On October 7th the Veterans' Memorial Park had a very successful meeting with Cape May County Open Space Planning team. They provided exceptional feedback for us. Next steps include them coming here for a site visit, and simultaneously our borough engineer will work on the DEP permits that we need to move forward for a grant application. Lastly, trash was not picked up on Alexander Avenue yesterday, and we will be in touch with the contractor. Deputy Clerk Redington stated that she contacted Pinelands earlier today, and that trash would be picked up on Wednesday, and for anyone that had to leave town we will put their cans back by their house for them.

Tree Removal and Replacement: Commissioner Geiger asked that we discuss the tree removal and replacement ordinance that is on the agenda for introduction this evening. One area of concern is when healthy trees are being removed that are not classified as a hazard or a nuisance. When they reach a certain size, they can be considered heritage trees, and we do not have anything in this ordinance about heritage trees, that could prevent them from being taken down. With that in mind, she thinks the replacement requirements for healthy trees need to be increased. If someone is cutting down a healthy tree with a dbh (diameter at breast height) of 33 inches, replanting 4 trees with a dbh of 1.5 inches is not comparable. Instead of replacement requirements being 2, 3, 4 or 5 trees, she thinks it should be 2, 4, 6 or 8.

If someone doesn't want to plant 8 trees, they can plant some trees and also pay into the tree fund. The concept being that we make it as onerous as possible, because large trees have enormous ecological value. Secondly, under section II D 3, which is the definition of a nuisance tree, it states "Is determined to be a threat to public health, safety and/or welfare as determined by a Borough official". It's very easy for someone to say they are not taking down a healthy tree; they are taking down a nuisance tree. Should state that we can bring in a certified tree expert and pay them to make the determination.

Lastly, under the new section, Borough Requirement for Removal of Nuisance Trees, under IV A 3, it states that if a nuisance tree exists "on private property that may cause damage to private property, property owned by the Borough, and/or otherwise is likely to endanger residents or visitors of the Borough". She would like to take out may cause damage to private property. If a tree exists on private property and the neighbor is worried it will damage their property, it is a neighbor-to-neighbor issue.

Solicitor DeWeese said that it is up to the Commissioners as to whether or not to leave that in there. The way it is written now, the only way a neighbor could use this as a vehicle against their neighbor is if the Borough Official also views the tree as being a nuisance tree. If you make the change, you will not have the ability to force removal. Commissioner Yunghans asked how a person would deal with this if it happened to them. Solicitor DeWeese said that if someone wasn't willing to remove a tree, the complainant would have to follow the court process. They could file suit in the Superior Court of New Jersey, and the Borough would stay out of it. Mayor vanHeeswyk asked that if we keep private property in this section of the ordinance, is there any additional liability for the Borough. Solicitor DeWeese said no, he does not see there would be liability because the tree is on private property.

Commissioner Yunghans requested we revisit II D 3. When she was working on the ordinance, the term Borough Official includes agents of the Borough, to which Commissioner Geiger stated that she wants to be sure that an outside expert could also be used. Commissioner vanHeeswyk suggested that rather than the Borough spend money on bringing in an expert, if applicant is not agreeable to the Borough's determination, we could ask them to provide proof of an expert opinion that it truly is a nuisance tree. Commissioner Geiger said if someone wants to take a tree down, they can always find someone who will confirm it is a nuisance tree. Solicitor DeWeese said that we can still have the burden placed on the applicant, and then if we don't agree with their opinion, then we can hire an expert. Commissioner Geiger disagreed, and wants the Borough to have an expert make this determination.

After discussion, the Commissioners agreed that section II D 3 would now say "Is determined to be a threat to public health, safety and/or welfare as determined by a Borough official and/or other designated agent of the Borough". They also agreed that section IV A 3 would now state that if a nuisance tree exists "on private property that may cause damage to property owned by the Borough, and/or otherwise is likely to endanger residents or visitors of the Borough". Finally, they agreed to increasing the

replacement requirements for removal of healthy, non-nuisance trees will be increased. Category 3 trees will need to be replaced with 6 trees, and category 4 trees will need to be replaced with 8 trees.

PUBLIC QUESTIONS ON AGENDA ITEMS: None

APPROVAL OF MINUTES:

September 22, 2026

Motion: vanHeeswyk, Geiger

Roll call: all in favor

ORDINANCES FOR INTRODUCTION/PUBLICATION:

Amending Chapter 138 "Tree Removal and Replacement" of the Code of the Borough of Cape May Point

Motion: Yunghans, vanHeeswyk

Roll call: all in favor

Second reading, public hearing, and consideration to adopt: October 27, 2026 at 12 pm

RESOLUTIONS:

118-26 Authorizing the Tax Collector to Refund Overpayment of Taxes

Motion: vanHeeswyk, Geiger

Roll call: all in favor

119-26 Authorizing Renewal of Agreement with the County of Cape May for Participation in the Commodity Resale System

Motion: vanHeeswyk, Geiger

Roll call: all in favor

120-26 Approval of Bill List

Motion: vanHeeswyk, Yunghans

Roll call: all in favor

ORDINANCES FOR SECOND READING AND PUBLIC HEARING: None

PUBLIC PORTION:

Sandy Allison said that she is appreciative that the Borough is discussing the beach curfew. She also said she is appreciative that we are looking at better protecting the trees in the Point with these proposed changes to the Ordinance. Lastly, she was thankful that the Borough had followed up on the trash that was not picked up on Alexander Avenue.

When no one else wished to speak, the meeting was adjourned at 7:02 pm on motion of Mayor vanHeeswyk, seconded by Commissioner Geiger.

Respectfully submitted,

Accepted:

Kelly L. Redington, RMC, CMR
Deputy Clerk

Commissioner Geiger

Mayor vanHeeswyk

Commissioner Yunghans