

This meeting will be conducted via electronic conferencing using Zoom <https://www.zoom.us/> or by phone +1 646 558 8656 US (New York) Meeting ID: 867 7697 3932 Passcode: 366168

Direct link: <https://us02web.zoom.us/j/86776973932?pwd=3NlX08bJDapt8cDi8dI7oWSGIBKjJ.1>

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 PM the Monday before the meeting.

**AGENDA
BOROUGH OF CAPE MAY POINT
BOARD OF COMMISSIONERS**

BOROUGH MEETING – FEBRUARY 10, 2025 – 6:00 PM

MEETING CALLED TO ORDER / SUNSHINE STATEMENT / FLAG SALUTE

In compliance with the Open Public Meetings 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 the Statute.

ROLL CALL: Commissioner Geiger, Mayor vanHeeswyk, Commissioner Yunghans

COMMISSIONERS' DISCUSSION/REPORTS

- Health Benefits for Borough Employees
- NJPACT/REAL Impacts and Next Steps

PUBLIC QUESTIONS ON RESOLUTIONS ONLY

APPROVAL OF MINUTES

January 27, 2026

ORDINANCES FOR INTRODUCTION / PUBLICATION

- 03-2026 An Ordinance Amending the Code of the Borough of Cape May Point, to Repeal and Replace Chapter 52, Affordable Housing
- 04-2026 An Ordinance Amending the Code of the Borough of Cape May Point Chapter 150, Section 150-11 Permitted Uses
- 05-2026 An Ordinance Amending Chapter 150 Zoning of the Code of the Borough of Cape May Point
- 06-2026 An Ordinance Mending Section 35, Police Department, to Add Section 3, Procedures for Extra Duty Police Details
Second Reading, Public Hearing, Consideration to Adopt – March 10th at 6:00 pm

RESOLUTIONS

- 30-26 Resolution of the Board of Commissioners of the Borough of Cape May Point Adopting the 2026 Cape May County Hazard Mitigation Plan
- 31-26 Award of Professional Services Contract for Bond Counsel – Fleishman Daniels Law Offices, LLC
- 32-26 Resolution Authorizing the Transfer of Funds
- 33-26 Approval of Bill List
- 34-26 Authorizing Executive/Closed Session in Accordance with the Provisions of the Open Public Meetings Act N.J.S.A. 10:4-12(b) – Litigation – Lighthouse Avenue Water/Sewer Damage

ORDINANCE FOR THIRD READING / AMENDMENT / PUBLICATION: None

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 unmute yourself when the Clerk calls for public input and wait to be recognized. The Borough 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 30-26

**A RESOLUTION OF THE BOARD OF COMMISSIONERS
OF THE BOROUGH OF CAPE MAY POINT ADOPTING
THE 2026 CAPE MAY COUNTY HAZARD MITIGATION PLAN**

WHEREAS, the Board of Commissioners recognizes the threat that natural hazards pose to people and property within the Borough of Cape May Point; and

WHEREAS, the Borough of Cape May Point has prepared a multi-hazard plan, hereby known as 2026 Cape May County Hazard Mitigation Plan in accordance with the Disaster Mitigation Act of 2000; and

WHEREAS, the 2026 Cape May County Hazard Mitigation Plan identifies mitigation goals and actions to reduce or eliminate long-term risk to people and property in Cape May Point from the impacts of future hazards and disasters; and

WHEREAS; adoption by the Board of Commissioners demonstrates their commitment to hazard mitigation and achieving the goals outlined in the 2026 Cape May County Hazard Mitigation Plan.

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of the Borough of Cape May Point, County of Cape May, State of New Jersey adopts the 2026 Cape May County Hazard Mitigation Plan. This plan, approved by the community, may be edited or amended after submission for review, but will not require the Borough to re-adopt any further iterations. This only applies to this specific plan and does not absolve the community from updating the plan in 5 years.

	MOTION	SECOND	YES	NO	ABSTAIN	ABSENT
Geiger						
vanHeeswyk						
Yunghans						

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 February 10, 2026.

Municipal Clerk

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

RESOLUTION 31-26

**AWARD OF PROFESSIONAL SERVICES CONTRACT FOR BOND COUNSEL
FLEISHMAN DANIELS LAW OFFICES, L.L.C.**

WHEREAS, the Borough of Cape May Point has a need to acquire the services of a Bond Counsel for the performance of legal work and related duties associated therewith as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

WHEREAS, the term of this contract is for one year expiring December 31, 2026; and

WHEREAS, Fleishman Daniels Law Offices, L.L.C. has submitted a proposal indicating the firm will provide the services of Bond Counsel pursuant to the terms of said proposal in an amount not to exceed \$10,000.00; and

WHEREAS, Fleishman Daniels Law Offices, L.L.C. has completed and submitted a Business Entity Disclosure Certification which certifies the firm has not made any reportable contributions to a political or candidate committee in the Borough of Cape May Point in the previous one year, and will not make any reportable contributions pursuant to N.J.S.A. 19:44-1 through the term of his contract; and

WHEREAS, in accordance with N.J.A.C. 5:30-5.4 the Chief Financial Officer certifies that the funds are available in the 2026 Municipal Budget for these services; and

WHEREAS, the services to be performed by the Bond Counsel are regulated by law within the meaning of the Local Public Contracts Laws (N.J.S. 40:1-1 et seq.) and hence are exempt from competitive bidding.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Borough of Cape May Point, the governing body thereof, that Fleishman Daniels Law Offices, L.L.C. be appointed as Bond Counsel of the Borough of Cape May Point for a term expiring December 31, 2026.

BE IT FURTHER RESOLVED, the Mayor and Municipal Clerk are hereby authorized to execute the aforementioned professional services agreement on behalf of the Borough of Cape May Point in accordance with the terms and provisions of the Local Public Contacts Law.

BE IT FURTHER RESOLVED, that the Business Entity Certification and the Determination of Value be placed on file with this resolution.

BE IT FURTHER RESOLVED that a notice of this decision shall be published according to N.J.S.A. 40A:11-5(1)(a)(i).

	MOTION	SECOND	YES	NO	ABSTAIN	ABSENT
Geiger						
vanHeeswyk						
Yunghans						

CERTIFICATION OF AVAILABILITY OF FUNDS

I, James Craft, Chief Finance Officer of the Borough of Cape May Point, hereby certify that funds are available in the Current Fund Account 6-01-20-155-021 to authorize the execution of a professional services contract with Fleishman Daniels Law Offices, LLC and Joel Fleishman as Bond Counsel for the Borough of Cape May Point for a one (1) year term expiring December 31, 2026 for an amount not to exceed \$10,000.00.

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

Dated: February 10, 2026

Signed: James V. Craft

James V. Craft, 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 February 10, 2025.

Municipal Clerk

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

RESOLUTION NO. 32-26

A RESOLUTION AUTHORIZING THE TRANSFER OF FUNDS

BE IT RESOLVED by the Board of Commissioners of the Borough of Cape May Point that the following transfers of 2025 appropriations are hereby approved in accordance with N.J.S.A 40A:4-59 which allows appropriations transfers during first 3 months of the succeeding year.

Current Fund:

From:

5-01-27-232-020 Lifeguards S & W \$3,750.00

To:

5-01-25-260-020 First Aid Organization OE \$3,750.00

	MOTION	SECOND	YES	NO	ABSTAIN	ABSENT
Geiger						
vanHeeswyk						
Yunghans						

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Municipal Clerk

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

RESOLUTION 33-26

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 \$574,171.16.

	MOTION	SECOND	YES	NO	ABSTAIN	ABSENT
Geiger						
vanHeeswyk						
Yunghans						

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 February 10, 2026.

Municipal Clerk

Range of Checking Accts: OTHER to OTHER Range of Check Ids: 19123 to 19151
Report Type: All Checks Report Format: Condensed Check Type: Computer: Y Manual: Y Dir Deposit: Y

Check #	Check Date	Vendor	Amount Paid	Reconciled/Void	Ref Num
PO #	Description				Contract
19123	02/10/26	ACE01 ACE PLUMBING & HEATING SUPPLY			1967
	26-00035	SUPPLIES	211.45		
19124	02/10/26	AMERIO05 AMERICAN BANKERS INSURANCE CO			1967
	26-00068	FLOOD INSURANCE	1,404.00		
19125	02/10/26	ANTHO005 ANTHONY FAMIANO			1967
	26-00080	SNOW PLOWING	200.00		
19126	02/10/26	ATL01 ATLANTIC CITY ELECTRIC			1967
	26-00082	ELECTRIC CHARGES	2,560.23		
19127	02/10/26	CAP03 CAPE MAY STAR & WAVE			1967
	26-00054	LEGAL ADVERTISING	139.00		
	26-00078	LEGAL ADVERTISING	114.00		
			<u>253.00</u>		
19128	02/10/26	CAS01 CASA PAYROLL SERVICE			1967
	26-00052	PAYOLL	144.50		
19129	02/10/26	CIT02 CITY OF CAPE MAY			1967
	26-00066	MUN COURT 1ST QU 2026	86,966.92		
	26-00067	EMS 4TH QU 20226	6,015.03		
			<u>92,981.95</u>		
19130	02/10/26	CMC03 CM CO LEAGUE OF MUNICIPALITIES			1967
	26-00009	2026 DUES	700.00		
19131	02/10/26	CMP01 CM POINT VOLUNTEER FIRE CO #1			1967
	26-00053	REFUND EXCROW APP 2022-03	1,050.00		
	26-00061	AID TO FIRE COMPANY	3,750.00		
			<u>4,800.00</u>		
19132	02/10/26	COPIE005 COPIERS PLUS			1967
	26-00055	COPIER MAINTENANCE	78.53		
19133	02/10/26	COU02 COURT HOUSE OFFICE SUPPLIES			1967
	26-00058	OFFICE SUPPLIES	35.96		
19134	02/10/26	DAT01 DATA NETWORK SOLUTIONS			1967
	26-00056	TELEPHONE	310.11		
19135	02/10/26	DAVID010 DAVID GRAY			1967
	26-00081	SNOW PLOWING	450.00		
19136	02/10/26	DIS01 DISCOUNT HYDRAULICS CORP			1967
	26-00057	SUPPLIES	253.58		
19137	02/10/26	ELAIN005 ELAINE WALLACE			1967
	26-00083	REIMBURSEMENT	462.81		

Check #	Check Date	Vendor	Amount Paid	Reconciled/Void	Ref Num
PO #	Description			Contract	
19138	02/10/26	GARDE005 GARDEN STATE LABORATORIES, INC			1967
	26-00050	WATER TESTING	190.00		
19139	02/10/26	GREEN005 GREENMAN-PEDERSEN, INC.			1967
	24-00632	Design PHII Alexander/Surf	723.50		
	26-00065	ENGINEERING SERVICES	<u>2,650.00</u>		
			3,373.50		
19140	02/10/26	JER04 JERSEY CAPE			1967
	26-00012	2026 BEACH TAG ORDER	8,625.00		
19141	02/10/26	LACEY005 LACEY INC			1967
	26-00005	MUCKMAT - XL	6,035.00		
19142	02/10/26	LOW01 LOWE'S			1967
	26-00071	STATEMENT	1,728.47		
19143	02/10/26	NJD05 NJ DEPT OF HEALTH & SENIOR SER			1967
	26-00077	JANUARY DOG LICENSE	3.60		
19144	02/10/26	PINEL005 PINELAND CONSTRUCTION, LLC			1967
	26-00062	JANUARY TRASH/RECYCLING	9,989.76		
19145	02/10/26	PUB01 PUBLIC WORKS ASSOC OF NJ			1967
	26-00033	2026 DUES	75.00		
19146	02/10/26	ROSEN005 ROSENBAUER SOUTH DAKOTA			1967
	23-00682	Rosenbauer Pumper w/Commander	423,142.00		
19147	02/10/26	SOU06 SOUTH JERSEY GAS			1967
	26-00059	GAS BILL	742.63		
19148	02/10/26	STA08 STATE OF NEW JERSEY			1967
	26-00070	HEALTH BENEFITS	4,486.05		
19149	02/10/26	STA11 STATE OF NEW JERSEY			1967
	26-00060	NJ EMPLOYMENT COMP FUND	10,117.00		
19150	02/10/26	WES02 WESTERN TERMITE & PEST CONTROL			1967
	26-00036	ANNUAL MAINTENANCE	777.60		
19151	02/10/26	XTE01 XTEL COMMUNICATIONS INC			1967
	26-00075	TELEPHONE	39.43		
<hr/>					
Report Totals					
		<u>Paid</u>	<u>Void</u>	<u>Amount Paid</u>	<u>Amount Void</u>
	Checks:	29	0	574,171.16	0.00
	Direct Deposit:	<u>0</u>	<u>0</u>	<u>0.00</u>	<u>0.00</u>
	Total:	29	0	574,171.16	0.00

Totals by Year-Fund					
Fund Description	Fund	Budget Total	Revenue Total	G/L Total	Total
CURRENT	5-01	8,665.03	0.00	0.00	8,665.03
CURRENT	6-01	120,386.56	0.00	0.00	120,386.56
	6-05	4,048.47	0.00	0.00	4,048.47
Year Total:		124,435.03	0.00	0.00	124,435.03
	C-04	423,865.50	0.00	0.00	423,865.50
ANIMAL CONTROL TRUST	T-12	3.60	0.00	0.00	3.60
TRUST ACCOUNT EXPENDITURES	T-13	17,202.00	0.00	0.00	17,202.00
Year Total:		17,205.60	0.00	0.00	17,205.60
Total of All Funds:		574,171.16	0.00	0.00	574,171.16

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

RESOLUTION 34-26

**AUTHORIZING EXECUTIVE/CLOSED SESSION IN ACCORDANCE WITH THE
PROVISIONS OF THE OPEN PUBLIC MEETINGS ACT N.J.S.A. 10:4-12(b)**

WHEREAS, the Open Public Meetings Act (N.J.S.A. 10:4-6 et. seq.) requires all meetings of the Board of Commissioners of the Borough of Cape May Point to be held in public, except that N.J.S.A. 10:4-12(b) sets forth nine (9) types of matters that may lawfully be discussed in "Executive or Closed Session," i.e., without the public being permitted to attend; and

WHEREAS, the Board of Commissioners of the Borough of Cape May Point has determined that **ONE (1)** issues are permitted by N.J.S.A. 10:4-12(b) to be discussed without the public in attendance during the Executive or Closed Session to be held on **Tuesday, February 10, 2026 at approximately 12:30 PM.**; and

WHEREAS, the nine (9) exceptions to public meetings set forth in N.J.S.A. 10:4-12(b) are listed below, and next to each exception is a box within which the number of issues to be privately discussed that fall within that exception shall be written, and after each exception is a space where additional information that will disclose as much information about the discussion as possible without undermining the purpose of the exception shall be written:

_____ **"(1) Any matter which, by express provision of Federal law, State statute or rule of court shall be rendered confidential or excluded from public discussion."** The legal citation to the provision(s) at issue is: _____ and the nature of the matter, described as specifically as possible without undermining the need for confidentiality is _____

_____ **"(2) Any matter in which the release of information would impair a right to receive funds from the state or federal government."** The nature of the matter, described as specifically as possible without undermining the need for confidentiality is _____

_____ **"(3) Any material the disclosure of which constitutes an unwarranted invasion of individual privacy such as any records, data, reports, recommendations, or other personal material of any educational, training, social service, medical, health, custodial, child protection, rehabilitation, legal defense, welfare, housing, relocation, insurance and similar program or institution operated by a public body pertaining to any specific individual admitted to or served by such institution or program, including but not limited to information relative to the**

individual's personal and family circumstances, and any material pertaining to admission, discharge, treatment, progress or condition of any individual, unless the individual concerned (or, in the case of a minor or incompetent, his guardian) shall request in writing that the same be disclosed publicly." The nature of the matter, described as specifically as possible without undermining the need for confidentiality is _____

“(4) Any collective bargaining agreement, or the terms and conditions of which are proposed for inclusion in any collective bargaining agreement, including the negotiation of terms and conditions with employees or representatives of employees of the public body.” The collective bargaining contract(s) discussed are between the Borough and _____

“(5) Any matter involving the purchase, lease or acquisition of real property with public funds, the setting of bank rates or investment of public funds where it could adversely affect the public interest if discussion of such matters were disclosed.” The nature of the matter, described as specifically as possible without undermining the need for confidentiality is _____

“(6) Any tactics and techniques utilized in protecting the safety and property of the public provided that their disclosure could impair such protection. Any investigations of violations or possible violations of the law.” The nature of the matter, described as specifically as possible without undermining the need for confidentiality is _____

X

“(7) Any pending or anticipated litigation or contract negotiation in which the public body is or may become a party. Any matters falling within the attorney-client privilege, to the extent that confidentiality is required in order for the attorney to exercise his ethical duties as a lawyer.” The parties to and docket numbers of each item of litigation and/or the parties to each contract discussed is _____

Litigation: Lighthouse Avenue Water/Sewer Damage

“(8) Any matter involving the employment, appointment, termination of employment, terms and conditions or employment, evaluation of the performance, promotion or disciplining of any specific prospective public officer or employee or current public officer or employee employed or appointed by the public body, unless all individual employees or appointees whose rights could be adversely affected request, in writing, that such matter or matters be discussed at a public meeting.” Subject to the balancing of the public's interest and the employee's privacy rights under *South Jersey Publishing Co. v. New Jersey*

Expressway Authority, 124 N.J. 478, the employee(s) and nature of the discussion, described as specifically as possible without undermining the need for confidentiality is _____

“(9) Any deliberation of a public body occurring after a public hearing that may result in the imposition of a specific civil penalty upon the responding party or the suspension or loss of a license or permit belonging to the responding party as a result of an act or omission for which the responding party bears responsibility.” The nature of the matter, described as specifically as possible without undermining the need for confidentiality is _____

WHEREAS, the Board of Commissioners shall reconvene the public meeting at the conclusion of the authorized closed or executive session, which may or may not include formal action as a result of the discussion(s) held.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Borough of Cape May Point, assembled in public session on the date of the meeting of the governing body set forth herein above, that a closed session shall be held for the discussion of matters relating to the specific items designated above involving the Borough of Cape May Point. The governing body shall convene a closed session discussion immediately upon passage of this resolution and it is anticipated that the deliberations conducted in closed session shall be disclosed to the public upon conclusion of the matter and/or after determination of the Board of Commissioners that the public interest will no longer be served by such confidentiality and that the meeting will return to open session at the conclusion of the discussion and formal action may be taken if/as authorized.

BE IT FURTHER RESOLVED that the Municipal Clerk, at the present public meeting, shall read aloud enough of this resolution so that members of the public in attendance can understand, as precisely as possible, the nature of the matters that will be privately discussed.

BE IT FURTHER RESOLVED that the Municipal Clerk, on the next business day following this meeting, shall furnish a copy of this resolution to any member of the public who requests one at the fees authorized by N.J.S.A. 47:1A-1, et. seq.

	MOTION	SECOND	YES	NO	ABSTAIN	ABSENT
Geiger						
vanHeeswyk						
Yunghans						

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 February 10, 2026.

Municipal Clerk