

This meeting will be conducted via electronic conferencing using Zoom <https://www.zoom.us/> or by phone +1 646 558 8656 (New York), Meeting ID: 897 5776 9059 Passcode: 533950

Direct link: <https://us02web.zoom.us/j/89757769059?pwd=azaJXsxNX1WGuvqB3HXU0ZQRKFXcjx.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 Noon the Monday before the meeting.

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

BOROUGH MEETING OF FEBRUARY 24, 2026 – 12:00 PM

MEETING CALLED TO ORDER / SUNSHINE STATEMENT / FLAG SALUTE

In compliance with the Open Public Meeting 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 law.

ROLL CALL: Commissioner Geiger, Mayor vanHeeswyk, Commissioner Yunghans

COMMISSIONERS' DISCUSSION/REPORTS

- 2026 Budget Review with Jim Craft
- Planning Board Recommendations re: Attics and Garages

PUBLIC QUESTIONS ON RESOLUTIONS ONLY

APPROVAL OF MINUTES

February 10, 2026 Regular Meeting and Closed Session

ORDINANCES FOR INTRODUCTION AND PUBLICATION:

RESOLUTIONS

- 37-26 Recycling Tonnage Grant Application 2025
- 38-26 Authorizing Special Event Permit – NJ Audubon/CMBO Hawk Watch
- 39-26 Salary Resolution 2026
- 40-26 Appointing Elaine L. Wallace as Administrator and James V. Craft as Deputy Administrator
- 41-26 Approval of Bill List

TAX COLLECTOR'S ANNUAL REPORT

ORDINANCES FOR SECOND READING / PUBLIC HEARING / ADOPTION:

- 01-2026 Ordinance Appropriating \$80,000 from the Capital Reserve for an Electric Truck to Purchase a Public Works Vehicle and a Water Softener
- 02-2026 Amending Chapter 138 "Tree Removal and Replacement" of the Code of the Borough of Cape May Point

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 NO. 37-26

RECYCLING TONNAGE GRANT APPLICATION 2025

WHEREAS, The Mandatory Source Separation and Recycling Act, P.L. 1987,c.102, has established a recycling fund from which tonnage grant may be made to municipalities in order to encourage local source separation and recycling programs; and

WHEREAS, it is the intent and the spirit of the Mandatory Source Separation and Recycling Act to use the tonnage grants to develop new municipal recycling programs and to continue and to expand existing programs; and

WHEREAS, the New Jersey Department of Environmental Protection has promulgated recycling regulations to implement the Mandatory Source Separation and Recycling Act; and

WHEREAS, the recycling regulations impose on municipalities certain requirements as a condition for applying for tonnage grants, including but not limited to, making and keeping accurate, verifiable records of materials collected and claimed by the municipally; and

WHEREAS, a resolution authorizing this municipality to apply for the 2025 Recycling Tonnage Grant will memorialize the commitment of this municipality to recycling and to indicate the assent of the governing body to the efforts undertaken by the municipality and the requirements contained in the Recycling Act and recycling regulations; and

WHEREAS, such a resolution should designate the individual authorized to ensure the application is properly completed and timely filed.

NOW THEREFORE BE IT RESOLVED, by the Board of Commissioners of the Borough of Cape May Point, in the County of Cape May and State of New Jersey that Cape May Point hereby endorses the submission of the recycling tonnage grant application to the New Jersey Department of Environmental Protection and designates **Linda Thomas** as recycling coordinator to ensure that the application is properly filed; and

BE IT FURTHER RESOLVED that the monies received from the 2025 recycling tonnage grant be deposited in a dedicated recycling trust fund to be used solely for the purposes of recycling.

	MOTION	SECOND	YES	NO	ABSTAIN	ABSENT
Geiger						
vanHeeswyk						
Yunghans						

I hereby certify 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 24, 2026.

Municipal Clerk

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

RESOLUTION 38-26

**AUTHORIZING SPECIAL EVENT PERMIT FOR
CAPE MAY BIRD OBSERVATORY / NEW JERSEY AUDUBON**

WHEREAS, the Cape May Bird Observatory (CMBO)/New Jersey Audubon Society has applied for a Special Event Permit for the purpose of continuing an ongoing research project documenting bird migration which would be conducted at the Coral Avenue dune platform from March 1, 2026 through May 31, 2026 for 3-6 hours each morning beginning at sunrise; and

WHEREAS, the applicant has supplied documentation required under Ordinance No. 551-08 and has further pledged to comply with all applicable rules and regulations pertaining to the conduct of said Special Event.

WHEREAS, the CMBO has respectfully requested the Governing Body waive the usual facilities use fees as they are a non-profit organization which benefits the community of Cape May Point; and

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Borough of Cape May Point, County of Cape May, New Jersey that the Borough Clerk is hereby authorized to issue a Special Event Permit for use of the Coral Avenue dune platform to the Cape May Bird Observatory/New Jersey Audubon Society for the Springwatch migration count starting March 1, 2026 through May 31, 2026 for 3-6 hours each morning beginning at sunrise.

BE IT FURTHER RESOLVED the fees for the permit have been waived.

	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 NO. 39-26

SALARY RESOLUTION 2026

WHEREAS, the Board of Commissioners desires to provide the exact salary of each officer and employee by resolution on an annual basis and as needed from time to time during the year; and

NOW, THEREFORE, BE IT RESOLVED, by the Commissioners of the Borough of Cape May Point, County of Cape May, that the Commissioners approve the attached Schedule A constituting the salaries and wages of the officers and employees of the Borough of Cape May Point for the year 2026.

	MOTION	SECOND	YES	NO	ABSTAIN	ABSENT
Geiger						
vanHeeswyk						
Yunghans						

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 24, 2026.

Municipal Clerk

SCHEDULE "A"

Commissioners

Anita vanHeeswyk	Commissioner	\$10,000.00
Elise Geiger	Commissioner	\$10,000.00
Suzanne Yunghans	Commissioner	\$10,000.00

Revenue and Finance

James Craft	CFO	\$21,500.00
James Craft	Purchasing Agent	\$ 1,600.00
James Craft	Deputy Administrator	\$17,000.00
Elaine Wallace	Municipal Clerk	\$63,000.00
Elaine Wallace	Administrator	\$27,000.00
Elaine Wallace	Elections Clerk	\$ 2,800.00
Elaine Wallace	Registrar	\$ 3,900.00
Elaine Wallace	Assessment Search Officer	\$ 2,900.00
Kelly Redington	Deputy Clerk	\$27,000.00
Kelly Redington	Deputy Elections Clerk	\$ 1,800.00
Kelly Redington	Deputy Registrar	\$ 1,800.00
Dianne Kelly	Tax Assessor	\$17,200.00
Kim Stevenson	Tax Collector	\$17,200.00
Marie Hood	Bookkeeper	\$17,200.00
Bruce Britton	Zoning Officer & Clerk	\$24,500.00
Kate Dunn	Assist. Planning Bd. Sec.	\$ 8,500.00

Public Works

William Gibson	OEM Coordinator	\$ 2,550.00
William Gibson	Public Works Manager	\$82,500.00
	Water/Sewer Manager (50% allocated to W/S)	
Full Time	Public Works Supervisor (50% allocated to W/S)	\$25.00/hour to \$32.00/hour
Full Time	Public Works Laborer (50% allocated to W/S)	\$20.00/hour to \$25.00/hour
Anthony Famiano	Assistant Manager Part Time (100% allocated to W/S)	\$ 9,300.00
(SEASONAL)	Public Works Laborer	\$15.00/hour to \$22.00/hour
David Carrick	Water Superintendent	\$10,500.00
	W/S Clerk	\$10,500.00
Elaine Wallace	Assistant Water Clerk	\$ 7,800.00
Kelly Redington	Assistant Water Clerk	\$15,000.00
Courtney Kirberger	Environ. Comm. Sec.	\$25.00/hour

Public Safety

Brady Schoenrock	Code Enforcement Officer	\$ 10,000.00
Brady Schoenrock	Rental Fire Inspector	\$ 3,750.00
(SEASONAL)	Code Enforcement Assistant	Min wage to \$25.00/hour
Ben Swan	Beach Patrol Chief	\$ 29,300.00
	1st Lieutenant	\$ 30.50/hour
	2nd Lieutenant	\$ 25.50/hour
	EMT Certification	+\$ 1.00/hour
Lifeguards	1st Year	\$ 17.00/hour
	2nd Year	\$ 17.50/hour
	3rd Year	\$ 18.00/hour
	4th Year	\$ 19.00/hour
	5th Year	\$ 19.50/hour
	6th Year	\$ 20.00/hour
	7th Year	\$ 20.50/hour
	8th Year	\$ 21.00/hour
	9th Year	\$ 21.50/hour
	10th Year	\$ 22.50/hour
	Late Season Bonus (8/22/26)	+\$ 5.00/hour
Chris Garrison	Beach Director	\$ 18,500.00
Tag Inspectors	1st Year	\$ 15.00/hour
	2nd Year	\$ 15.25/hour
	3rd Year	\$ 15.50/hour
	4th Year	\$ 15.75/hour
	5th Year	\$ 16.00/hour
	6th Year	\$ 16.25/hour
	7th Year	\$ 16.50/hour
	8th Year	\$ 16.75/hour
	Late Season Bonus (8/22/26)	+\$ 3.00/hour
Asst Beach Director	1st Year	\$ 18.50/hour
	2nd Year	\$ 18.75/hour
	3rd Year	\$ 19.00/hour
	4th Year	\$ 19.25/hour
	5th Year	\$ 19.50/hour
	6th Year	\$ 19.75/hour
	7th Year	\$ 20.00/hour
	8th Year	\$ 20.25/hour
	Late Season Bonus (8/22/26)	+\$ 3.00/hour

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

RESOLUTION 40-26

**APPOINTING ELAINE L. WALLACE AS BOROUGH ADMINISTRATOR AND
JAMES V. CRAFT AS DEPUTY BOROUGH ADMINISTRATOR**

WHEREAS, James V. Craft has been acting as Interim Administrator since January 1, 2026; and

WHEREAS, the Board of Commissioners wishes to make permanent appointments for Administrator and Deputy Administrator.

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 Elaine L. Wallace is hereby appointed Borough Administrator and James V. Craft is hereby appointed Deputy Borough Administrator.

	MOTION	SECOND	YES	NO	ABSTAIN	ABSENT
Geiger						
vanHeeswyk						
Yunghans						

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 24, 2026.

Municipal Clerk

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

RESOLUTION 41-26

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 \$98,725.66.

	MOTION	SECOND	YES	NO	ABSTAIN	ABSENT
Geiger						
vanHeeswyk						
Yunghans						

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Municipal Clerk

Range of Checking Accts: OTHER to OTHER Range of Check Ids: 19152 to 19173
Report Type: All Checks Report Format: Condensed Check Type: Computer: Y Manual: Y Dir Deposit: Y

Check #	Check Date	Vendor	Reconciled/Void	Ref Num
PO #	Description	Amount Paid	Contract	
19152	02/24/26	ACE01 ACE PLUMBING & HEATING SUPPLY		1968
26-00100	INVOICES	726.60		
19153	02/24/26	ANCOA005 ANCO ACE HARDWARE		1968
26-00069	STATEMENT	72.16		
19154	02/24/26	ANJ01 A N J E C		1968
26-00092	2026 DUES	525.00		
19155	02/24/26	ATL01 ATLANTIC CITY ELECTRIC		1968
26-00098	ELECTRIC BILLS	2,500.55		
19156	02/24/26	ATLAN005 ATLANTIC SALT, INC.		1968
26-00076	SALT	2,551.68		
19157	02/24/26	AUT02 AUTO ZONE, INC.		1968
26-00074	STATEMENT	623.26		
19158	02/24/26	CAP01 CAPE MAY POINT BOE		1968
26-00094	2025-2026 TAX LEVY	51,559.00		
19159	02/24/26	CAP03 CAPE MAY STAR & WAVE		1968
26-00090	LEGAL ONLINE AD	131.50		
19160	02/24/26	CAP14 CAPE MAY COUNTY MUA		1968
26-00079	SOLID WASTE DUMP FEE	588.35		
19161	02/24/26	CASAR005 CASA REPORTING SERVICE		1968
26-00091	1095 B FILING SERVICE	226.25		
19162	02/24/26	CEN01 CENTRAL JERSEY EQUIPMENT, LLC		1968
26-00073	MAINTENANCE	394.65		
19163	02/24/26	CIT03 CITY OF CAPE MAY		1968
26-00093	2025 WATER DIFFERENCE	23,964.72		
19164	02/24/26	COU02 COURT HOUSE OFFICE SUPPLIES		1968
26-00089	OFFICE SUPPLIES	166.71		
19165	02/24/26	GREEN005 GREENMAN-PEDERSEN, INC.		1968
26-00087	BOROUGH ENGINEER	660.00		
19166	02/24/26	KELLY005 KELLY REDINGTON		1968
26-00088	REIMBURSEMENT	103.06		
19167	02/24/26	ONE02 ONE CALL CONCEPTS		1968
26-00064	MARK OUTS	15.20		
19168	02/24/26	SEA05 SEA GEAR MARINE		1968
26-00072	STATEMENT	675.65		

February 22, 2026
09:12 AM

BOROUGH OF CAPE MAY POINT
Check Register By Check Id

Page No: 2

Check #	Check Date	Vendor	Reconciled/Void	Ref Num
PO #	Description	Amount Paid	Contract	
19169	02/24/26	SOU06 SOUTH JERSEY GAS		1968
	26-00099	GAS BILLS	1,980.96	
19170	02/24/26	THEDE005 THE DewEESE LAW FIRM, P.C.		1968
	26-00085	SOLICITOR SERVICES	2,161.66	
	26-00086	JANUARY SOLICTIOR SERV	<u>2,519.17</u>	
			4,680.83	
19171	02/24/26	TRIAD005 TRIAD ASSOCIATES		1968
	26-00096	AFFORDABLE HOUSING	112.50	
	26-00097	LAKE LILY	<u>1,981.25</u>	
			2,093.75	
19172	02/24/26	ULINE005 ULINE		1968
	26-00084	Chairs for Borough Hall	4,126.76	
19173	02/24/26	VER01 VERIZON		1968
	26-00101	TELEPHONE	359.02	

Report Totals	<u>Paid</u>	<u>Void</u>	<u>Amount Paid</u>	<u>Amount Void</u>
Checks:	22	0	98,725.66	0.00
Direct Deposit:	<u>0</u>	<u>0</u>	<u>0.00</u>	<u>0.00</u>
Total:	22	0	98,725.66	0.00

Totals by Year-Fund					
Fund Description	Fund	Budget Total	Revenue Total	G/L Total	Total
CURRENT	5-01	2,161.66	0.00	0.00	2,161.66
	5-05	<u>23,964.72</u>	<u>0.00</u>	<u>0.00</u>	<u>23,964.72</u>
Year Total:		26,126.38	0.00	0.00	26,126.38
CURRENT	6-01	68,306.51	0.00	0.00	68,306.51
	6-05	<u>2,199.02</u>	<u>0.00</u>	<u>0.00</u>	<u>2,199.02</u>
Year Total:		70,505.53	0.00	0.00	70,505.53
TRUST ACCOUNT EXPENDITURES	T-13	2,093.75	0.00	0.00	2,093.75
Total of All Funds:		<u>98,725.66</u>	<u>0.00</u>	<u>0.00</u>	<u>98,725.66</u>

2025

TAX COLLECTOR'S ANNUAL REPORT

SUBMITTED BY: KIMBERLY STEVENSON
TAX COLLECTOR

CAPE MAY POINT
CAPE MAY COUNTY

This report is submitted in compliance with N.J.S.A. 54:4-91---Collector's Annual Statement of Receipts.
This report is filed with the CFO/Treasurer and the Governing Body as prescribed by statute.

CURRENT YEAR TAXES 2025

Current year tax levy	3,774,597.17	
Added Tax	<u>35,121.44</u>	
		3,809,718.61

Increased by:

NSF Reversals	0.00	
Overpayments	76.50	
Misc Adjustment	0.00	
Refunds	<u>0.00</u>	
		76.50

Decreased by:

Payments in 2024	125,637.55	
Payments in 2025	3,631,527.45	
Transfer Overpayments	9,113.39	
Pelim Adjustment	5,136.34	
Tax Appeal	0.00	
Veteran Allowed cancelled	5,485.32	
HOMESTEAD	<u>0.00</u>	
		3,776,900.05

Balance as of 12/31/2025		<u>32,895.06</u>
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DELINQUENT TAXES 2024

Balance as of 12/31/2024		23,315.45
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Increased by:

Refund Overpayment	0.00	
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Decreased by:

Payments	23,315.45	
Misc Adjustment(s)	0.00	

Balance as of 12/31/2025		<u>0.00</u>
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**BOROUGH OF CAPE MAY POINT
CAPE MAY COUNTY
NEW JERSEY**

ORDINANCE NO. 01-2026

**ORDINANCE APPROPRIATING \$80,000 FROM THE CAPITAL
RESERVE FOR AN ELECTRIC TRUCK TO PURCHASE A PUBLIC
WORKS VEHICLE AND A WATER SOFTENER**

BE IT ORDAINED by the Board of Commissioners of the Borough of Cape My Point, in the County of Cape May, New Jersey as follows:

Section 1. \$80,000 is hereby appropriated from the Reserve for an Electric Truck for the purchase of a Public Works Vehicle and a Water Softener, including all work and materials necessary therefor and incidental thereto, in and by the Borough of Cape may point, in the County of Cape May, New Jersey (the "Borough")

Section 2. The Borough hereby certifies that it has adopted a capital budget or a temporary capital budget, as applicable, the capital or temporary capital budget of the Borough is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. To the extent that the purposes authorized herein are inconsistent with the adopted capital or temporary capital budget, a revised capital or temporary capital budget has been filed with the Division of Local Government Services.

Section 3. This ordinance shall take effect after final adoption and publication and otherwise as provided by law.

Final Adoption	MOTION	SECOND	YES	NO	ABSTAIN	ABSENT
Geiger						
vanHeeswyk						
Yunghans						

ATTEST:

Elaine L. Wallace, Borough Clerk

Elise Geiger, Commissioner

Anita vanHeeswyk, Mayor

Suzanne Yunghans, Commissioner

FIRST READING: January 27, 2026
PUBLICATION: February 4, 2026
PUBLIC HEARING: February 24, 2026
PUBLICATION: March 4, 2026

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

ORDINANCE NO. 02-2026

**AMENDING CHAPTER 138 “TREE REMOVAL AND REPLACEMENT” OF
THE CODE OF THE BOROUGH OF CAPE MAY POINT**

BE IT ORDAINED by the Board of Commissioners of the Borough of Cape May Point, County of Cape May, State of New Jersey, that Chapter 138 “Tree Removal and Replacement” of the Code of the Borough of Cape May Point be amended as follows (additions in underline, deletions in strikethrough):

SECTION I. Purpose:

To establish requirements for tree removal and replacement in the Borough of Cape May Point (the “Borough”) to reduce soil erosion and pollutant runoff, promote infiltration of rainwater into the soil, protect the environment, public health, safety, and welfare and to comply with State stormwater permit requirements.

Due to the unique importance of the Borough on the Atlantic Flyway, protection and replacement of the tree canopy with native trees is highly desired to support resident and migrant bird populations. This ordinance is consistent with the Borough’s Master Plan goal to “preserve and conserve natural resources, including native vegetation, especially for the migrating birds and butterflies that use the Borough resources as a stopover point.”

This ordinance shall apply to all private property within the Borough and public property trees along roadways. The removal and replacement of trees in public parks and forests is addressed in the Borough’s Community Forestry Management Plan accredited by the New Jersey Urban and Community Forestry Program and administered by the Borough’s Tree Committee.

SECTION II. Definitions:

For the purpose of this ordinance, the following terms, phrases, words, and their derivations shall have the meanings stated herein unless their use in the text of this ordinance clearly demonstrates a different meaning. When consistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The use of the word "shall" means the requirement is always mandatory and not merely directory.

A. "Applicant" means any "person," as defined below, who applies for approval to remove trees regulated under this ordinance.

B. "Critical Root Radius (CRR)" – means the zone around the base of a tree where the majority of the root system is found. This zone is calculated by multiplying the diameter at breast height (DBH) of the tree by 1.5 feet. For example: a tree with a 6" DBH would have a CRR = 6"x1.5' = 9'.

C. "Diameter at Breast Height (DBH)" means the diameter of the trunk of a mature tree generally measured at a point four and a half feet above ground level from the uphill side of the tree. For species of trees where the main trunk divides below the 4-½ foot height, the DBH shall be measured at the highest point before any division.

D. "Hazard Tree" means a tree or limbs thereof that meet one or more of the criteria below. Trees that do not meet any of the criteria below and are proposed to be removed solely for development purposes are not hazard trees. All Hazard Tree determinations must be made as specified below:

1. Has an infectious disease or insect infestation that requires removal as determined by a Borough official;
2. Is dead or dying as determined by a Borough official;
3. Obstructs the view of traffic signs or the free passage of pedestrians or vehicles, where pruning attempts have not been effective as determined by the Public Works Department;
4. Is causing obvious damage to structures (such as building foundations, sidewalks, etc.) as determined by a Borough official;
5. Is determined to be a threat to public health, safety, and/or welfare as determined by a Borough official. This includes storm-damaged, fallen, or broken trees; or
6. Is an invasive or prohibited species listed on the Environmental Commission's current list of Prohibited Non-native Trees and Woody Plants as determined by a Borough official.

E. "Municipal Right-of-Way" means the surface of, and the space above or below, any public street, road, lane, public way or place, sidewalk, alley, boulevard, parkway, drive, and the like, held by the Borough as an easement or in fee simple ownership. This term also includes rights-of-way held by the County of Cape May where the Borough's approval is required for the use of same pursuant to N.J.S.A. 27:16-6. The width of the right-of-way is not

standard and must be determined by a municipal official of the Borough or by a property survey.

F. "Native Tree" means a tree listed on the Environmental Commission's list of Native Trees and Woody Plants and/or those so listed in Appendix A Approved List of Replacement Tree Species for Cape May Point.

G. "Person" means any individual, resident, corporation, utility, company, partnership, firm, or association.

H. "Planting strip" means the part of a street right-of-way between the public right-of-way and the portion of the street reserved for vehicular traffic or between the abutting property line and the curb or traveled portion of the street, exclusive of any sidewalk. ~~The width of the right-of-way is not standard and must be determined by a municipal official of the Borough or by a property survey.~~

I. "Resident" means an individual who resides on the residential property or contractor hired by the individual who resides on the residential property where a tree(s) regulated by this ordinance is removed or proposed to be removed.

J. "Street Tree" means ~~a tree planted in the sidewalk, planting strip, and/or in the public right-of-way adjacent to (or specified distance from) the portion of the street reserved for vehicular traffic. This also includes trees planted in planting strips within the roadway right-of-way, i.e., islands, medians, pedestrian refuges.~~ any tree planted in the Borough right-of-way.

K. "Tree" means a woody perennial plant, typically having a single stem or trunk growing to a considerable height and bearing lateral branches at some distance from the ground.

L. "Tree Caliper" means the diameter of the trunk of a young tree, measured six (6) inches from the soil line. For young trees whose caliper exceeds four (4) inches, the measurement is taken twelve (12) inches above the soil line.

M. "Tree Committee" means the administrative body for the Borough's Community Forestry Management Plan. It consists of the Commissioner of Public Works, Parks & Public Property, the Public Works Supervisor, one or two Environmental Commission members, and other employees or volunteers who have completed state-required training.

N. "Tree removal" means to cut down, kill, or cause irreparable damage that leads to the decline and/or death of a tree. This includes, but is not limited to, excessive pruning, application of substances that are toxic to the tree, over-mulching or improper mulching, and improper grading and/or soil compaction within the critical root radius around the base of the tree that leads to the decline

and/or death of a tree. Removal does not include responsible pruning and maintenance of a tree, or the application of treatments intended to manage invasive species.

O. ~~“Specimen or heritage tree” means a native tree with a DBH of 23” or more.~~

SECTION III. Regulated Activities:

All tree removal on private property and in the Municipal Right-of-Way shall require a permit issued by the Borough Clerk. No person shall remove trees without having obtained and possessing a valid permit issued by the Borough Clerk.

A. Application Process for Trees on Private Property:

1. Any person planning to remove a tree, as defined as Tree removal, on private property with a DBH of 6” or more shall submit a Tree Removal on Private Property Application to the Borough Clerk. No tree shall be removed until a permit is issued and any, and all, associated fees have been received by the Borough.
2. The Tree Removal--Private Property Application shall be accompanied by a site plan or drawing describing the location of the tree(s) to be removed, the species if known by the applicant/property owner, and proposed replacement tree species as per Section III-B below. Any requested exemptions from replacement tree planting and associated fees must be detailed in the application as per Section IV Exemptions.
3. The application fee shall be seventy-five (\$75) dollars ~~for each tree to be removed~~. Funds received shall be distributed towards administrative and site inspection activities.

B. Tree Replacement Requirements on Private Property:

1. Any person, who removes one or more tree(s), as defined as Tree removal, with a DBH of 6” or more on private property, unless otherwise exempt under Section IV, shall be subject to the requirements of the Tree Replacement Requirements Table.
2. The species type and diversity of replacement trees shall be in accordance with Appendix A the current “Approved List of Replacement Tree Species for Cape May Point”, which may be updated from time to time by resolution.
3. Replacement tree(s) shall:
 - a. Have an equal or greater DBH than the tree removed or meet the Tree Replacement Criteria in the table below;

- b. Be planted within twelve (12) months of the date of removal of the original tree(s) or at an alternative date specified by the Borough;
- c. Be monitored by the applicant for a period of two (2) years to ensure their survival and shall be replaced as needed within twelve (12) months; and,
- d. Shall not be planted in temporary containers or pots, as these do not count towards tree replacement requirements.

Tree Replacement Requirements Table:

Category	Tree Removed (DBH)	Tree Replacement Criteria (See Appendix A)	Replacement Fee in Lieu of Planting
1	6" to < 13 12.99"	Replant 2 1 trees with minimum tree calipers of 1.5" for each tree removed	\$250 <u>300 per tree not planted</u>
2	13" to < 23 22.99"	Replant 3 2 trees with minimum tree calipers of 1.5" for each tree removed	\$500 <u>300 per tree not planted</u>
3	23" to < 33 32.99"	Replant 4 3 trees with minimum tree calipers of 1.5" for each tree removed	\$1,000 <u>300 per tree not planted</u>
4	≥33"	Replant 5 4 trees with minimum tree calipers of 1.5" for each tree removed	\$2,000 <u>300 per tree not planted</u>

C. Replacement alternative:

If the Borough determines that some or all required replacement trees cannot be planted on the property where the tree removal activity occurred, then the applicant shall pay the replacement fee in lieu of planting as listed in the table above. All fees in lieu of planting shall be deposited into the Borough's Community Tree ~~Fund~~ Trust account which supports the planting, care, and maintenance of trees throughout the dunes, parks, and open public space across the borough. The fund also supports other expenses associated with the Community Forestry Management Plan accredited by the New Jersey Urban and Community Forestry Program.

D. Application Process for Trees on the Municipal Right-of-Way:

1. Any person requesting removal of a tree, as defined as Tree removal, ~~with a DBH of 3" or more~~ in the Municipal Right-of-Way shall submit a Tree Removal Application ~~or Planting – Municipal Right-of-Way Application~~ to the Borough Clerk. The application shall include a site plan or drawing describing the location of the tree(s) to be removed and/or planted.
2. Upon inspection by municipal officials, Hazard Trees in the municipal right-of-way will be removed by the Public Works Department, unless the Public Works Department authorizes the homeowner to have the tree removed, with no fee or replacement requirement. Healthy trees of species listed in ~~Appendix A~~ the current "Approved List of Replacement Tree Species for Cape May Point" must remain unless it is determined that utilities or roadways are or will be damaged or impeded.
3. No person shall plant trees or other vegetation in the Municipal Right-of-Way without approval by the Borough, or a designated agent thereof, to ensure that utilities and infrastructure will not be damaged or impeded. Proposed trees shall be from the ~~Appendix A list~~ current "Approved List of Replacement Tree Species for Cape May Point" and ~~will be reviewed by members of the Tree Committee to ensure suitability as street trees in that location.~~

SECTION IV. Exemptions:

All persons shall comply with the tree replacement standard outlined above, except in one or more of the cases detailed below. All persons claiming an exemption shall submit written justification as follows:

- A. ~~Lots that will have a minimum number of healthy, native, trees with a DBH of 6" from the Appendix A list after the proposed removal. An assessment from a LTE Licensed Tree Expert or certified arborist attesting to the species and DBH size must accompany the application in order to meet this exemption. The required trees vary according to lot size:~~
 1. ~~Under 5000 square feet – three (3) trees of which one (1) must be a medium or large species;~~
 2. ~~5000 square feet – three (3) trees of which two (2) must be a medium or large species;~~
 3. ~~Over 5000 square feet and less than 7500 square feet – four (4) trees of which three (3) must be a medium or large species;~~
 4. ~~7500 to less than ten thousand square feet – five (5) trees of which four (4) must be a medium or large species;~~
 5. ~~Ten thousand (10,000) or more square feet shall meet the requirements of a standard lot for each 5000 square feet or part thereof.~~

~~BA.~~ Any trees removed pursuant to a New Jersey Department of Environmental Protection (NJDEP) or U.S. Environmental Protection Agency (EPA) approved environmental clean-up, or NJDEP approved habitat enhancement plan, or a NJDEP approved Community Forestry Management Plan.

~~CB.~~ Hazard trees may be removed with no replacement requirement so long as the conditions in Section II.D and ~~Section IV.A.~~ are satisfied.

SECTION V. Enforcement:

This ordinance shall be enforced by the ~~Police Department~~, Code Enforcement Officer, or other officials of the Borough during the course of ordinary enforcement duties. Borough officials or their designees will conduct site inspections as needed to ensure compliance with tree replacement requirements.

SECTION VI. Violations and Penalties:

A. Any person(s) found in violation of the provisions of this ordinance shall be subject to the following fines:

1. One Thousand (\$1000.00) Dollars per tree ~~removed~~ removal, as defined in section II.N., without permit plus the size associated replacement fee in lieu of planting from the Tree Replacement Requirements Table; or,
2. Five Hundred (\$500.00) Dollars per tree not planted by the specified date, or no longer living two years after the specified date, plus the size associated replacement fee in lieu of planting from the Tree Replacement Requirements Table.

B. The payment of fines does not release the property owner from complying with all provisions of this ordinance including additional application fees, planting, and maintaining replacement trees, and fees in lieu of planting in order to come into compliance.

C. All fines shall be deposited into the Borough's Community Tree ~~Fund~~Trust Account.

SECTION VIII. Severability:

Each section, subsection, sentence, clause, and phrase of this Ordinance is declared to be an independent section, subsection, sentence, clause, and phrase, and finding or holding of any such portion of this Ordinance to be unconstitutional, void, or ineffective for any cause or reason shall not affect any other portion of this Ordinance.

SECTION VIII. Effective Date:

This Ordinance shall be in full force and effect from and after its adoption and any publication as may be required by law.

Final Adoption	MOTION	SECOND	YES	NO	ABSTAIN	ABSENT
Geiger						
vanHeeswyk						
Yunghans						

ATTEST:

Elaine L. Wallace, Borough Clerk

Elise Geiger, Commissioner

Anita vanHeeswyk, Mayor

Suzanne Yunghans, Commissioner

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