

MAY 12, 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: Clerk Administrator Elaine Wallace and Solicitor 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:

Ordinance Changes for NJPACT REAL: Borough Engineer Dale Foster joined the Commissioners to go over the newest sample Flood Damage Prevention ordinance and how it differed from the current one. While the ordinance was long, not a lot was changed. He also provided a written overview to the Commissioners. Commissioner Geiger questioned his assertion that the Borough's base flood elevation would only be increased by 2', stating an increase to 4' plus 1' of freeboard would result in a 3' change for the Borough. Mr. Foster said the sample ordinance didn't mention the 1' of freeboard, but he would look into the matter. He also stated another impact of the increased elevation would be additional steps or ramps necessary to access a house. A solution could be allowing some encroachment into the setbacks. Mayor vanHeeswyk will be receiving some information from the Borough Planner on how that could be addressed. The Planning Board will be looking at some aesthetics. She also agreed that not a lot of changes will be needed in the Zoning Code. There was some discussion about the timing of introducing and adopting the necessary ordinance in a way that would allow for the least disruption if the NJREAL PACT rules would be rescinded prior to their effective date. Commissioner Geiger explained a big change for people is that they would need to get NJDEP permits to do just about any work on their property, from patios to decks to fences. She thought people need to be aware that doing that kind of work without a permit would become a state violation, not just a local zoning violation. In the meantime, the Mayor will share the information from the planner with the Planning Board, which could work on making some changes even if the new rules are rescinded. She also spoke with the Zoning Official who agreed with Engineer Foster's proposed wording for 150-12. There was some discussion about whether crawlspaces would be permitted or not, which is one item that the Borough has to decide. Commissioner Geiger felt clarification on substantial improvement and how it is cumulative was necessary. Lastly, there was discussion on stormwater changes that would be necessary as a result of REAL regulations. Engineer Foster said those changes would also have to be in place prior to the REAL rules going into effect. Those changes would involve pervious vs. impervious coverings. Commissioner Geiger was amazed by what is considered impervious under the new regulations – including decks, gravel, pavers and porous pavers. She expressed concern that the proposed expansion

of the Veteran's Memorial project would have to comply with the new regulations. Public Works Superintendent Gibson asked if the roadwork scheduled for the fall would have to comply with the new regulations and have to be elevated. Mr. Foster said elevation would only be necessary if roads were expanded, but the Borough's project is only repaving existing roadway.

Water/Sewer Connection Requirements: The Board of Commissioner discussed a request to adjust the performance bond requirements for water/sewer connections for smaller or less costly jobs. The Borough Solicitor had looked into the matter and suggested tying the bond amount to cover 100% of the cost of the work, feeling that would cover the Borough. There was some discussion of whether a performance bond was the correct vehicle for protecting the Borough and whether it could be used if a contractor damaged the Borough's infrastructure or if liability insurance would have to be involved. After several suggestions on how to make sure the Borough is fully covered in the event damage is done to its infrastructure, the Board decided not to change the requirements without further investigation. They also did not want to grant a waiver of the requirements at this time. Borough Engineer Dale Foster will provide a paragraph explaining how his firm handles bonding requirements on road projects and will provide it to the Borough solicitor for review. Then the Board could consider if the ordinance needs to be revised.

REPORTS:

Commissioner Geiger reported her department is gearing up for beach season. She also reported there were 103 service calls and no police investigations in the Point in April. There were a few traffic and parking violations.

Mayor vanHeeswyk announced the Auditor would start the Borough's audit after Memorial Day.

Commissioner Yunghans reported Public Works has been busy and thanked them for their work on: reconstructing the Brainard Avenue beach entrance, flushing hydrants, repairing the fences at Triangle Park and Alexander beach entrance. She also announced there is still an issue with iron in the well water at Pavilion Circle. Lastly, she reported the Alexander Avenue repaving was completed.

PUBLIC QUESTIONS ON AGENDA ITEMS: None

APPROVAL OF MINUTES:

April 28, 2026

Motion: vanHeeswyk, Geiger

Roll call: all in favor

ORDINANCES FOR INTRODUCTION/PUBLICATION: None

RESOLUTIONS:

- 75-26 Declaring the Official Opening Date of Cape May Point Beaches to Bathing and Fishing for 2026 Season
Motion: Geiger, Yunghans
Roll call: all in favor
- 76-26 Authorizing Acceptance of Grant Award and execution of Indemnification Agreement under the “CMC Land of the Free, Celebration 250” Grant Program
Motion: vanHeeswyk, Yunghans
Roll call: all in favor
- 77-26 Award of Professional Services Contract for Bond Counsel – McManimon, Scotland & Baum, LLC
Motion: vanHeeswyk, Geiger
Roll call: all in favor
- 78-26 Resolution Requesting Approval for the Inclusion of Revenue: Cape May County Land of the Free Celebration 250 Grant \$2,950
Motion: vanHeeswyk, Yunghans
Roll call: all in favor
- 79-26 Approval of Bill List
Motion: vanHeeswyk, Geiger
Roll call: all in favor
- 80-26 Amending Resolution Establishing Revision of Policies and Procedures for Claimant’s “Vendor” Certification Signature for Payments Pursuant to N.J.S.A. 40A:5-16, N.J.A.C. 5:30-9A.6 and N.J.A.C. 5:31-4.1
Motion: vanHeeswyk, Geiger
Roll call: all in favor

ORDINANCES FOR SECOND READING AND PUBLIC HEARING:

- 10-2026 Ordinance Appropriating \$95,000 from the Capital Improvement Fund for New Loader Backhoe
Motion to open public hearing: vanHeeswyk, Yunghans
Roll call: all in favor

When no one wished to speak, the public hearing was closed.
Motion to adopt: Yunghans, vanHeeswyk
Roll call: all in favor

PUBLIC PORTION:

When no one wished to speak, the meeting was adjourned at 6:58 pm on motion of Mayor vanHeeswyk, seconded by Commissioner Yunghans.

Respectfully submitted,

Accepted:

Elaine L. Wallace, RMC, CMR

Commissioner Geiger

Municipal Clerk

Mayor vanHeeswyk

Commissioner Yunghans