

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 – MAY 12, 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

- Ordinance Changes for NJPACT REAL
- Water/Sewer Connection Requirements

PUBLIC QUESTIONS ON RESOLUTIONS ONLY

APPROVAL OF MINUTES

April 28, 2026

ORDINANCES FOR INTRODUCTION / PUBLICATION

RESOLUTIONS

- 75-26 Declaring the Official Opening Date of Cape May Point Beaches to Bathing and Fishing for 2026 Season
- 76-26 Authorizing Acceptance of Grant Award and execution of Indemnification Agreement under the "CMC Land of the Free, Celebration 250" Grant Program
- 77-26 Award of Professional Services Contract for Bond Counsel – McManimon, Scotland & Baum, LLC
- 78-26 Resolution Requesting Approval for the Inclusion of Revenue: Cape May County Land of the Free Celebration 250 Grant \$2,950
- 79-26 Approval of Bill List

ORDINANCES FOR SECOND READING / PUBLIC HEARING / ADOPTION

- 10-2026 Ordinance Appropriating \$95,000 from the Capital Improvement Fund for New Loader Backhoe

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 raise your hand and the moderator will try to accommodate everyone in the order in which they are recognized.

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

RESOLUTION NO. 75-26

**DECLARING THE OFFICIAL OPENING DATE OF CAPE MAY POINT
BEACHES TO BATHING AND FISHING FOR 2026 SEASON**

WHEREAS, Section 58-11B of the annotated code of the Borough of Cape May Point requires that the commissioners declare by resolution which beaches are open or closed to swimming, fishing and kayaking, and

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Borough of Cape May Point as follows:

1. The beaches shall open on Saturday, June 20, 2026.
2. Bathing/swimming is allowed on protected beaches and within the designated areas only between the hours of 10 A.M. and 5 P.M. daily.
3. A Protected Beach is defined as one with a Lifeguard stand on the beach occupied by a Borough of Cape May Point certified lifeguard. The Coral Avenue beach may be protected if deemed to be safe and dependent on the availability of beach patrol staff. **No swimming shall be permitted on unprotected beaches. The Beach Patrol will endeavor to open as many beaches as possible contingent upon the availability of beach patrol staff and the conditions of specific beaches that compromise public safety**
4. All beaches are subject to closure at any time during the summer months at the discretion of the Beach Patrol Chief or his designee.
5. The beaches at Whilldin, Lighthouse and Alexander Avenues are designated as UNPROTECTED and swimming is prohibited at all times. Whilldin will be an unprotected beach due to the short distance to the beach-saver reef. The beach may be occupied; however, no swimming will be allowed at any time. Coral Avenue may be determined unsafe for similar reasons. The Alexander Avenue beach has been declared unsafe for swimming due to unseen, underwater hazards.
6. Additionally, Lighthouse Avenue beach is designated as a Precautionary Zone by the U.S Department of Fish and Wildlife and the New Jersey Department of Fish and Wildlife. The beach may be occupied; however, no swimming and other restrictions will be enforced as deemed necessary.

7. Launching of Kayak's is permitted from the Alexander Avenue beach. Beach tags are required.
8. Fishing from the beach is allowed on all non-bathing areas as designated by lifeguards during regular operating hours from 10 A.M. to 5 P.M. Beach tags are required.
9. All activities described above require beach tags. No person 12 years or older shall bathe at or otherwise use the beaches set forth and in Section 58-7B without having first acquired and then having in his/her possession a proper and effective badge.
10. All or part of the activities may be closed due to no-population or weather, especially lightning, and/or high or dangerous waves, at the discretion of the Chief of the Beach Patrol or his designee. Rules determining the above activities are described in Section 58 of the Code Book and the Operating Manual for the Beach Patrol.
11. All off-duty working members of the beach patrol do not require beach tags as they are 'on-call' at tall times. On-call is defined as assisting emergency situations as needed on the lifeguards' days off.

	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 May 12, 2026.

Municipal Clerk

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

RESOLUTION 76-26

**AUTHORIZING ACCEPTANCE OF GRANT AWARD AND EXECUTION OF
INDEMNIFICATION AGREEMENT UNDER THE “CMC LAND OF THE FREE,
CELEBRATION 250” GRANT PROGRAM**

WHEREAS, the County of Cape May has established the “*CMC Land of the Free, Celebration 250*” Grant Program to commemorate the 250th Anniversary of the founding of the United States of America through support of local patriotic events and initiatives; and

WHEREAS, the Borough of Cape May Point submitted an application to the County of Cape May seeking funding assistance for a patriotic program/event consistent with the goals and guidelines of said grant program; and

WHEREAS, the County of Cape May has approved a grant award to the Borough in the amount of \$2,950.00 subject to the terms and conditions set forth in the grant program guidelines and indemnification agreement; and

WHEREAS, the grant requires a hard cash match by the municipality and compliance with all applicable program requirements, including but not limited to eligible use of funds, reporting, and reimbursement procedures; and

WHEREAS, the Board of Commissioner of the Borough of Cape May Point desires to accept the grant award and to enter into a indemnification agreement with the County of Cape May to carry out the proposed program as outlined in its application.

NOW, THEREFORE, BE IT RESOLVED by the Borough of Cape May Point, County of Cape May, State of New Jersey, that:

1. The Board of Commissioners of the Borough of Cape May Point hereby accepts the grant award from the County of Cape May under the “*CMC Land of the Free, Celebration 250*” Grant Program in the amount of \$2,950.00.
2. The Borough agrees to provide the required hard cash matching funds and to comply with all grant program requirements, guidelines, and conditions.
3. The Mayor and Municipal Clerk are hereby authorized and directed to execute the indemnification agreement and any related documents necessary to accept and implement this funding on behalf of the municipality.

4. The appropriate municipal officials are further authorized to take all necessary actions to implement the project as described in the grant application and to submit all required documentation for reimbursement in accordance with County procedures.
5. The Borough acknowledges that failure to comply with grant requirements may result in the suspension, termination, or recapture of grant funds.
6. This Resolution shall take effect immediately upon adoption.

	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 77-26

**AWARD OF PROFESSIONAL SERVICES CONTRACT FOR BOND COUNSEL
MCMANIMON, SCOTLAND & BAUMAN, 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 Chief Financial Officer has determined and certified in writing that the value of the acquisition will not exceed \$17,500; and

WHEREAS, the term of this contract is 1 year expiring December 31, 2026; and

WHEREAS, McManimon, Scotland & Bauman, L.L.C. has submitted a proposal indicating the firm will provide the services of Bond Counsel pursuant to the terms of said proposal; and

WHEREAS, McManimon, Scotland & Bauman, 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 will be 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 McManimon, Scotland & Bauman, L.L.C. be appointed as Bond Counsel of the Borough of Cape May Point for a term of one (1) year effective January 1, 2026 and 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
Mullock						
vanHeeswyk						
Moffatt						

cc: CFO
McManimon, Scotland & Bauman, L.L.C.
Contract File

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 May 12, 2026.

Municipal Clerk

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

RESOLUTION NO. 78-26

**RESOLUTION REQUESTING APPROVAL FOR THE INCLUSION OF REVENUE:
CAPE MAY COUNTY LAND OF THE FREE CELEBRATION 250 GRANT \$2,950**

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount there of was not determined at the time of the adoption of the budget, and

WHEREAS, the Director may also approve that insertion of any item of appropriation for an equal amount.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Commissioners of the Borough of Cape May Point, New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of the following items of revenue in the budget of the year 2026 in the total sum of \$2,950.00 now available as revenues purusant to the provisions of the statute of the State of New Jersey:

Revenue: **CMC Land of the Free Celebration 250 Grant**

BE IT FURTHER RESOLVED, that the like sum of \$2,950.00 is hereby appropriated under the caption of:

Appropriations: Public and Private Programs Offset by Revenues: **CMC Land of the Free Celebration 250 Grant**

	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 79-26

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 \$733,343.52.

	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: 19284 to 19312
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	
19284	05/12/26	ACE01 ACE PLUMBING & HEATING SUPPLY			1974
	26-00228	SUPPLIES	187.56		
19285	05/12/26	ARAWA005 ARAWAK PAVING COMPANY			1974
	26-00254	Alexander PH2	181,759.41		
19286	05/12/26	CAP03 CAPE MAY STAR & WAVE			1974
	26-00229	LEGAL ADVERTISING	50.00		
19287	05/12/26	CAP31 CAPE MINING & RECYCLING LLC			1974
	26-00230	STUMPS/TREE PARTS	40.00		
19288	05/12/26	CAPEM005 CAPE MEDIATION SERVICES			1974
	26-00240	MEDIATION SERVICES 2026	54.90		
19289	05/12/26	CAS01 CASA PAYROLL SERVICE			1974
	26-00231	PAYROLL	151.50		
19290	05/12/26	CLE01 CLEAN-FLO INTERNATIONAL			1974
	26-00203	LAKE LILY	10,208.64		
	26-00242	COMP REPAIR, KIT	433.22		
			<u>10,641.86</u>		
19291	05/12/26	CMP01 CM POINT VOLUNTEER FIRE CO #1			1974
	26-00260	2026 LEASE PAYMENT	3,600.00		
	26-00266	AID TO VOLUNTEER FIRE	12,250.00		
			<u>15,850.00</u>		
19292	05/12/26	COAST005 COASTAL LANDSCAPING			1974
	26-00237	SPRINKLER SYSTEM	536.00		
19293	05/12/26	COAST010 COASTAL FENCE & RAILING LLC			1974
	26-00253	FENCING SPLIT RAIL	1,278.40		
19294	05/12/26	COPIE005 COPIERS PLUS			1974
	26-00226	COPIER MAINTENANCE	66.67		
19295	05/12/26	COU03 COUNTY OF CAPE MAY			1974
	26-00239	2ND QU TAXES	470,094.54		
	26-00251	FUEL MARCH 2026	596.23		
			<u>470,690.77</u>		
19296	05/12/26	DAT01 DATA NETWORK SOLUTIONS			1974
	26-00241	TELEPHONE	310.11		
19297	05/12/26	FLEIS005 FLEISHMAN DANIELS LAW, LLC			1974
	26-00238	BOND ANTICIPATE NOTE	4,786.09		
19298	05/12/26	FOR01 FORD SCOTT AND ASSOCIATES, LLC			1974
	26-00246	AUDIT 12/31/25	11,000.00		

May 8, 2026
01:14 PM

BOROUGH OF CAPE MAY POINT
Check Register By Check Id

Check #	Check Date	Vendor	Reconciled/Void	Ref Num
PO #	Description	Amount Paid	Contract	
19299	05/12/26	GREEN005 GREENMAN-PEDERSEN, INC. 26-00258 ENGINEERING SERVICES	5,234.25	1974
19300	05/12/26	JAC01 J & A CLEANING SERVICE 26-00232 CLEANIG APRIL 2026	375.00	1974
19301	05/12/26	LINDA005 LINDA THOMAS 26-00250 RECYCLING TONNAGE GRANT	250.00	1974
19302	05/12/26	LOW01 LOWE'S 26-00259 STATEMENT	414.75	1974
19303	05/12/26	MDI01 M. DIDONATO 26-00234 LETTERING NEW HONDA	100.00	1974
19304	05/12/26	NAT04 VAN EMBDEN, NATHAN, ESQUIRE 26-00252 SOLICITOR ADMIN BILLING	350.00	1974
19305	05/12/26	OCEAN010 OCEAN WHOLESALE NURSERY, LLC 26-00233 TREES	1,265.00	1974
19306	05/12/26	ONE02 ONE CALL CONCEPTS 26-00248 MARK OUTS	41.80	1974
19307	05/12/26	PINEL005 PINELAND CONSTRUCTION, LLC 26-00249 TRASH/RECYCLING	9,989.76	1974
19308	05/12/26	PRO02 PRO PET DISTRIBUTORS 26-00236 DOGIPOT LITTER PICK UP BAGS	1,607.24	1974
19309	05/12/26	SOU09 SOUTH JERSEY GAS 26-00257 801 LIGHTHOUSE AVENUE	2,202.47	1974
19310	05/12/26	STA11 STATE OF NEW JERSEY 26-00221 UNEMPLOYMENT	11,166.60	1974
19311	05/12/26	SWA01 SWAIN'S ACE HARDWARE 26-00247 STATEMENT	351.38	1974
19312	05/12/26	UNI05 UNITED UNIFORM 25-00687 UNIFORM REPLACEMENT	2,592.00	1974

Report Totals	<u>Paid</u>	<u>Void</u>	<u>Amount Paid</u>	<u>Amount Void</u>
Checks:	29	0	733,343.52	0.00
Direct Deposit:	<u>0</u>	<u>0</u>	<u>0.00</u>	<u>0.00</u>
Total:	29	0	733,343.52	0.00

Totals by Year-Fund Fund Description	Fund	Budget Total	Revenue Total	G/L Total	Total
CURRENT	5-01	2,592.00	0.00	0.00	2,592.00
CURRENT	6-01	534,749.96	0.00	0.00	534,749.96
	6-05	41.80	0.00	0.00	41.80
Year Total:		534,791.76	0.00	0.00	534,791.76
	G-02	182,009.41	0.00	0.00	182,009.41
TRUST ACCOUNT EXPENDITURES	T-13	13,950.35	0.00	0.00	13,950.35
Total of All Funds:		733,343.52	0.00	0.00	733,343.52

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

ORDINANCE 10-2026

**ORDINANCE APPROPRIATING \$95,000.00 FROM
THE CAPITAL IMPROVEMENT FUND FOR NEW LOADER BACKHOE**

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

Section 1. \$95,000.00 is hereby appropriated from the Capital Improvement Fund for Purchase New Loader Backhoe:

Purchase New Loader Backhoe \$95,000.00

Loader Backhoe's are bondable capital improvement with a useful life that exceeds the minimum of five (5) years.

Section 2. The Borough hereby certifies that is 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 purpose 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: April 28, 2026
1ST PUBLICATION: April 29, 2026
PUBLIC HEARING
AND ADOPTION: May 12, 2026
2ND PUBLICATION: May 13, 2026
EFFECTIVE DATE: June 2, 2026