

JULY 28, 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 12:00 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 John Amenhauser. This meeting was held electronically via ZOOM under local operation guidance from the NJDCA pursuant to P.L. 2020, c.11.

COMMISSIONERS' DISCUSSION:

Right of Way Regulations: Commissioner Geiger presented a slide show on ways the Borough could approach regulation of the Borough rights of way. Many property owners may be unaware of the fact the Borough owns the land along Borough roads for roughly 10' from the roadway. Options ranged from permitting only grass or other vegetation, to allowing limited amounts of gravel. Ms. Geiger suggested mirroring the lot coverage requirement under zoning, which would allow for a narrow strip of gravel along the roadway in addition to a standard driveway with the remaining area to be vegetative. Mayor vanHeeswyk was in favor of prohibiting irrigation systems in rights of way. She also thought any raised beds or vegetation permitted should be limited in height to allow emergency vehicles to go over them. If someone wanted hedges, they would have to be on their own property. Commissioner Yunghans also advised the homeowner would be responsible for anything in the right of way. If the Borough has to do work in the right of way, the Borough is not obligated to restore anything disturbed. Solicitor Amenhauser advised the Borough to have a waiver of liability and indemnification from property owners for any development they do of the right of way. She also felt it was important to note that due to the narrowness of street, it would be best for people to pull cars as far off the roadway as possible to make it passable for emergency vehicles. Solicitor Amenhauser would make some revisions to the Borough code and provide to the commissioners for further consideration. Commissioner Geiger suggested a guideline for things that would be permitted, not permitted, or would need further approval of the commissioners might be useful.

Request for Permission to Repair Sidewalk: The Commissioners discussed a request from property owners on Pearl Avenue who have a sidewalk that needs repairs. The Commissioners agreed to offer the owners two options. The first was to have the sidewalk removed by Public Works in the fall or winter, in compliance with the Master Plan. The second was to allow the owners to keep the sidewalk and repair it, provided they sign a waiver of liability and indemnification.

Trees Downed by Tornado: The Commissioners agreed to waive the requirement for tree permits for trees damaged by the recent tornado and unable

to be saved. Owners are still encouraged to replace the damaged trees. Trees that were knocked down by the storm wouldn't require a permit.

REPORTS:

Commissioner Geiger reported 55 contestants from 17 beach patrols participated in this year's women's race. She thanked all the employees and volunteers for making it a great event, especially Kristen Moorby who organizes a great event every year. The beach patrol also just finished another great junior lifeguard program that had 60 participants in 2026. The Borough also took delivery of a new lifeguard boat, allowing an older boat to be retired. Ms. Geiger reminded the public that Beach Team Appreciation Weekend is August 7th and will start with a safety breakfast for all employees funded by a JIF grant. She asked everyone to express their appreciation to all the members of the team. The Commissioner also reported the Planning Board is looking for volunteers to serve on a Master Plan reexamination committee, so anyone interested should reach out to Chair Brown. As part of the reexam, a survey has been included in the tax bill mailing and the Borough encourages everyone to fill one out and return it.

Commissioner Yunghans gave kudos to Public Works, Police, Fire, and Emergency Management for their immediate response to and efficient handling of the July 21st tornado that damaged several trees and downed power lines in the Borough. Ms. Yunghans also apologized for not providing more detail ahead of the invasive clearing conducted on the West Lake Drive shoreline of Lake Lily. She had mentioned previously the new skid steer was going to be used for beach maintenance, water sewer projects and clearing invasive vegetation. The equipment was used by Public Works with guidance on which plants were invasive and should be removed from Commissioner Geiger who, along with a team of volunteers, has been removing invasive plants around the lake for 4 years. Ms. Yunghans reported the equipment worked perfectly for the project and looks forward to continuing the work into the Fall. She assured the community that clearing invasive growth frees up trees and enables native plants and shrubs to thrive once again. The Borough will augment existing plants with additional native plants. The Commissioner also reported on the July 24th Dark Skies presentation by Jim Webster of the NJ Astronomical Society of Toms River who encouraged educating the public on the value of controlling nighttime light trespass which impacts migrating birds, insects and humans and interrupts our ability to see all the wonders of the night sky.

Commissioner Geiger commented on the invasive work done by Public Works with the skid steer saying the area was too dense with briars for the volunteer crew to work on it. The work done with the skid steer will allow the volunteer crew to maintain the area. She said a similar project was done several years ago. Native trees and vegetation were planted and a bench was placed. The area is free of invasives and offers a nice view of the lake.

Mayor vanHeeswyk suggested recommendations of the Nature Conservancy and other sources should be considered when doing such work in the future. She was concerned phragmites might overrun the area that was just cleared. She cited several examples of areas where phragmites overran areas of disturbance, including near the outfall pipe at the south end of the lake, the north end of the lake by the Veterans Memorial and the South Cape May Meadows. Commissioner Geiger felt the area would just have to be maintained, as the grove is, to control the return of phragmites. Commissioner Yunghans referred to the Rutgers article when considering the work and the guidance was June and July are the best time to cut phragmites because so they don't go to seed. Luckily, NJDEP permits aren't required for cutting phragmites. She felt the problem needed to be attacked judiciously to restore the native border around the lake and control the phragmites as well as possible.

PUBLIC QUESTIONS ON AGENDA ITEMS:

APPROVAL OF MINUTES:

July 14, 2026

Motion: vanHeeswyk, Geiger

Roll call: all in favor

ORDINANCES FOR INTRODUCTION/PUBLICATION: None

RESOLUTIONS:

96-26 Amending Professional Services Contract for Borough Engineer – Greenman-Pedersen, Inc., Dale Foster

Motion: Yunghans, vanHeeswyk

Roll call: all in favor

97-26 Authorizing Extension of the Grace Period for the August 2026 Tax Quarter – August 21, 2026

Motion: vanHeeswyk, Yunghans

Roll call: all in favor

98-26 Authorizing a Shared Services Agreement with the Cape May County Municipal Utilities Authority for Solid Waste Disposal and Recycling Service

Motion: Yunghans, vanHeeswyk

Roll call: all in favor

99-26 Authorizing Water Bill Adjustment in Accordance with Ch. 146-20.d "Water Leak Policy"

Motion: Yunghans, vanHeeswyk

Roll call: all in favor

100-26 Approval of Bill List

Motion: vanHeeswyk, Geiger

Roll call: all in favor

ORDINANCES FOR SECOND READING AND PUBLIC HEARING:

12-2026 An Ordinance Amending Chapter 109 "Litter; Maintenance of Property" of the Code of the Borough of Cape May Point

Motion to open public hearing: vanHeeswyk, Yunghans

Roll call: all in favor

John Oplinger spoke against the ordinance expressing concern it could allow corner properties to store trash at the street and he didn't want to see a return of trash corrals. He thought the ordinance should not be changed for the few properties that have difficulty complying. Those situations should be handled individually, rather than opening a can of worms that could be exploited by more properties.

Ellen Myer echoed the prior speaker and agreed the code shouldn't be changed. She felt "impractical" could give owners a free pass to store their trash at the street just because doing otherwise is inconvenient or undesirable to them. She also thought the ordinance should prohibit people from placing their trash closer to their neighbor's house than their own.

Touhey Myer asked how the proposed language doesn't allow every corner property to have trash at the street because of the way the property is configured. Solicitor Amenhauser stated it is up to the code enforcement officer to enforce. He cautioned the commissioners on how they respond to questions or comments as the Borough has been put on notice by a property owner with regard to this topic. Mr. Touhey showed in the background how his neighbor's trash is against his house by his front door. He also asked if it wouldn't be more sensible to store trash closer to your own structure than your neighbors.

Mary Beth McCarry echoed what the previous speakers said about the ordinance. She felt having a neighbor's trash closer to your home than their own devalues your property and quality of life. She also felt it was common decency.

John McCarry asked the commissioners to reflect on how they would feel if their neighbor put their trash against their home rather than in another place on the property. He felt it was important to be neighborly and kind and build relationships.

Sandy Allison recounted the history of the property next to the previous speaker. The owners originally moved their trash into a corral at the street and were asked to move it. Instead, they moved their fence in front of the corral to shield it from view. She felt that is still a trash corral in the front yard and shouldn't be permitted under the code. The cases should be taken individually and a solution on each property could be found. She hoped the commissioners would think hard before voting on the ordinance.

Solicitor Amenhauser stated it was clear that speakers are talking about one specific property, but the ordinance isn't just for one property. In addition, he explained the commissioners weren't responding because he recommended they don't because the Borough has been put on notice that they may sue.

Ralph Robert Smith said people can work out a place to store their trash if they have to. He lives on the second floor and keeps his trash up there until trash day.

John Oplinger spoke again and asked the commissioners to defer action on the ordinance and to consider what additional consequences it might have Boroughwide.

When no one else wished to speak, the public hearing was closed.

Motion to close: vanHeeswyk, Yunghans

Roll call: all in favor

Motion to Table: vanHeeswyk, Yunghans

Roll call: vanHeeswyk & Yunghans in favor, Geiger opposed

PUBLIC PORTION:

John Oplinger asked if the proposed process on the right of way discussion was to change the ordinance and then figure out how to implement and enforce it. Solicitor Amenhauser explained he would draft an ordinance first, then discuss implementation and have that in place before adoption.

Mary Vanderhoof stated she believed the Borough's sign ordinance leaves it open to legal challenges on constitutionality. She cited 2 supreme court decisions that ruled signs can't be regulated based on content and freedom of speech can't be eliminated for aesthetics. She asked the Borough to review and revise their sign regulations to protect against unconstitutionality and possibly costly lawsuits. Mayor vanHeeswyk asked Solicitor Amenhauser to look into the Borough's code. Ms. Vanderhoof cautioned the Borough against changing the code to only allow signs within 5' of their house, saying it could discriminate against houses on larger lots. She felt it was more reasonable to make people aware of where the right of way is and allow them to place signs anywhere on their own property.

Tom Reilly thanked Commissioner Yunghans for her update on activities at the lake. He asked if the skid steer would be used in other areas around the lake. It would be good for people to understand the benefits of removing invasives. Commissioner Geiger said the invasive crew is heading toward the north end of the lake and there aren't many areas that are conducive to use of the skid steer. Also, much of the north end has already been taken care of by the Audubon work. Public Work Superintendent Bill Gibson said the skid steer will be used to ease the burden on the people removing the invasive plants. He advised the public this work would be ongoing whenever and wherever feasible. The invasive crew will mark things to be saved and those to be removed and Public Works will get out deadfall and turn it into mulch to properly manage invasives. Commissioner Yunghans advised the Borough needs to look into phragmites at Veterans Memorial Park and managing the planted area near the bulkhead.

Touhey Myer apologized if he came off frustrated and emotional earlier in the meeting and thanked the Commissioners for their consideration.

When no one else wished to speak, the meeting was adjourned at 2:10 pm on motion of Mayor vanHeeswyk, seconded by Commissioner Geiger.

Respectfully submitted,

Accepted:

Elaine L. Wallace, RMC, CMR
Municipal Clerk

Commissioner Geiger

Mayor vanHeeswyk

Commissioner Yunghans