

SEPTEMBER 22, 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 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/REPORTS:

2026 Dune Day Plan: The proposed plan was reviewed and recommended by the Environmental Commission. In addition to work in the dunes, there will be 29 shrubs planted at Lake Lily and a black cherry tree planted at Triangle Park thanks to a generous donation from the Civic Club. The Commissioners approved the plan and thanked Jonathan Westcott for all his work and expertise in preparing the plan. Mayor vanHeeswyk asked that if Public Works plans to remove any dead trees at Whilldin and St. Pete's, they do so before any seeds are planted in those areas.

Proposed Tree Ordinance Revisions: Deputy Clerk Redington reviewed the data from the last 2 years under the existing tree ordinance and compared them to what would have been removed and planted under the proposed ordinance. Under the existing ordinance 67 trees were replaced, while under the proposed ordinance 94 would have been replaced. The proposed changes included a single application fee instead of a per tree fee, dead or dying trees don't have to be replaced, nuisance trees start at a 1 for 1 replacement and healthy trees start at 2 for 1 replacement. The applicant can pay into the trust fund, rather than planting, if they have at least 3 healthy trees on their property. They can also choose to plant some and pay into the fund for some, which isn't possible under the existing ordinance. Mayor vanHeeswyk thanked Commissioner Yunghans for working so hard to make changes that benefit both the environment and the community. Commissioner Geiger asked that dead trees have to be replaced if there aren't three healthy trees on the property. She also wanted to add language that would allow the Borough the ability to require a property owner remove a dangerous tree. Solicitor Amenhauser will work on those changes and the ordinance will be introduced at the next meeting.

REPORTS:

Mayor vanHeeswyk reported the NJ Run for the Fallen would take place on Thursday and the stop in Cape May Point will be at the Veterans Memorial Park at approximately 7:40 am.

Commissioner Yunghans' report is included at the end of these minutes. At the end of her report, she asked for input from the other Commissioners on making application

to do hydro-raking at the lake. Mayor vanHeeswyk agreed on investigating the possibility of hydro-raking and thought there might be a possibility of getting funding through hazard mitigation program. Commissioner Geiger felt having a list of pros and cons would be helpful, stating there could be some unexpected consequences. More investigation is needed before a decision can be made.

PUBLIC QUESTIONS ON AGENDA ITEMS: None

APPROVAL OF MINUTES:

September 8, 2026

Motion: vanHeeswyk, Geiger

Roll call: all in favor

ORDINANCES FOR INTRODUCTION/PUBLICATION: None

RESOLUTIONS:

114-26 Authorizing the Tax Collector to Refund Overpayment of Taxes

Motion: vanHeeswyk, Yunghans

Roll call: all in favor

115-26 Authorizing a Contract with My Beach Tags, LLC a/n My Beach Mobile

Motion: Geiger, vanHeeswyk

Roll call: all in favor

116-26 Resolution Authorizing Bulk Water Rate Adjustment

Motion: Yunghans, vanHeeswyk

Roll call: all in favor

117-26 Approval of Bill List

Motion: vanHeeswyk, Geiger

Roll call: all in favor

ORDINANCES FOR SECOND READING AND PUBLIC HEARING:

13-2026 An Ordinance Amending Chapter 130 "Streets and Sidewalks" of the Code of the Borough of Cape May Point

Motion to open public hearing: vanHeeswyk, Geiger

Roll call: all in favor

Mary Ellen Koscs-Fleming felt the ordinance wasn't clear that existing, non-compliant property are grandfathered. She has many things that aren't permitted by the ordinance and she wondered if she'd need a permit if she had to do work to maintain her existing conditions. Solicitor Amenhauser explained the ordinance allows properties to keep what already exists but would need to get permission to make any changes or additions. The Borough can't say people can keep what they have in perpetuity since the property belongs to the borough and it reserves the right to remove anything it deems necessary. Ms. Koscs-Fleming understood that if she wanted to expand her driveway, she would need to apply to the Borough, but asked if she was replacing stone if she would have to. Mr. Amenhauser said an application would be necessary if the stone was being expanded, but fresh stone in the existing footprint would not.

Cathy Stambaugh asked why sprinkler heads are prohibited in the right of way. She questioned the decision to encourage vegetation in the right of way while also prohibiting sprinkler heads, saying requiring sprinkler to be on the property and facing the right of way would be wasteful with water going into the street. Commissioner Geiger explained the Borough doesn't want other infrastructure in its right of way for several reasons but there is always the option to make a request to the Commissioners for consideration.

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

Motion to adopt: vanHeeswyk, Yunghans

Roll call: all in favor

PUBLIC PORTION:

Tom Reilly had follow up comments with regard to Lake Lily. He believed Dr Souza was complementary of overall water quality of the lake from earlier this summer. The Friends of Lake Lily was in the midst of a fundraising drive and have gotten a lot of feedback which has been unanimously positive and complimentary of the work being done and the direction the Borough is going. He thanked Public Works for their hard work.

When no one else wished to speak, the meeting was adjourned at 1:12 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

**Public Works Report
Commissioners Meeting on September 22, 2026**

1. Reminder: Beach mats will be pulled in the next 2 weeks and irrigation to garden beds will be turned off by early October
2. Work on Borough Hall is progressing – the new roof is done, the fascia is completed, the doors are being replaced next
3. The new educational butterfly signs are finished and have been placed at Borough Hall, in Pavilion Circle Park and at Triangle Park. These signs are a project of the Environmental Commission. Please take a moment to enjoy them.
4. Public Works will be starting Fall maintenance – storm drain cleanouts, continue to check homes for galvanized lead pipes in accordance state mandate
5. The borough met with Cape May City officials and settled on an interim water rate which is reflected in the resolution we will vote on later in this meeting while we work on a new shared services contract
6. We continue to be concerned about the overgrown phragmites that block drainage from Lake Lily to the Cape May Creek running through the State Park and the Nature Conservancy. We regularly remind the state of this concern and were encouraged to receive acknowledgement from NJ DEP Coastal Engineering last month that it is still on their radar to be addressed.
7. Update on Lake Lily: In August, Friends of Lake Lily Chair Tom Reilly and I had a zoom call with Dr. Stephen Souza regarding the lake. You might recall that Dr. Souza is the Rutgers lake management course instructor for NJ municipalities. We were seeking his expertise on next steps. He graciously gave his time to review what we've done so far and make the following recommendations. 1) We should do another water analysis at the end of the summer which we already acted on. The sample was pulled at the end of August by Clean-Flo. We should be receiving the results any day now which I will share in a future meeting. 2) Because the lake is fed by rain via our 130+ stormwater catch basins, he recommended we continue to educate our residents on the impact of run-off and look at the possibility of filtration inserts in key drains. 3) We spent a long time discussing the problematic overgrowth of aquatic vegetation at the south end. It's a difficult challenge because that part of the lake is so shallow which stimulates the vegetative growth. We certainly saw that last June when we had no rain for weeks and that area of the lake was virtually just mud and extensive vegetative growth. While he felt the lakemats we trialed this year was a good, cost-effective technique, we would need to purchase a lot more to cover the area. Dredging is not a viable option due to significant cost which leaves us with two alternatives: using annual DEP-approved herbicide treatments or hydroraking. With hydroraking, he felt it would last 3-5 years but requires a detailed DEP permit. The estimated cost to do the hydroraking is \$2500/day. Approximately 1/3 to 1/2 acre could be done per day. One company estimated 20 days to complete the south end

of the lake. The recommended timeframe to do hydroraking, so it is the least disruptive to wildlife, is the Fall. We would also need to consider where to put the vegetation until it could dry out before transporting it to a landfill. Note that all of these options have a cost and are not permanent. We are gathering updated quotes. As you would expect, we are collaborating with Friends of Lake Lily as we explore the options. Friends of Lake Lily continues to offer their funding support in conjunction with Borough efforts. Lastly, as you may have seen in a recent Environmental Commission email, restoration plans for the island continue with the intent to plant native vegetation next Spring.

8. Update on Veterans Memorial Park: thanks to the generosity of many residents, the CMPTA and the Civic Club we are in a good place to request a CM County Open Space grant to complete Phase 2 & 3 of the park. We have a Pre-Application meeting with the Open Space Planning Team on October 7 to present our concept and receive guidance in preparation for our application.
9. Our borough engineer, Dale Foster, is working on a package of DEP permits – both continuation ones and new ones that I'd like to review. The new ones reference the updates I just gave on Lake Lily and Veterans Memorial Park.
 - a. A Freshwater Wetlands Permit and a Flood Hazard Area permit to allow mechanical cutting of phragmites around the lake shoreline as well as other invasive vegetation that is not able to be cleared manually by our intrepid Invasive Patrol team.
 - b. Another Freshwater Wetlands Permit to develop the walkway planned for Veterans Memorial Park
 - c. A Transition Area Waiver for the East & West Pavilions also planned for Veterans Memorial Park
 - d. Lastly, there is an opportunity to include an application for a permit for hydroraking the south end of the lake. This permit requires an aquatic vegetation survey and a sediment analysis. Before we spend the time and expense for Dale to do this particular permit, I would like your feedback. Obviously, this is advance planning since this permit will take a while. Note that when and if we get permission from DEP, we will still need to decide if we want to do hydroraking and how it will be financed. The earliest it could potentially be done is Fall 2027.