

In compliance with COVID-19 guidelines 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: 811 6286 3329 Passcode: 908525

Direct link: <https://us02web.zoom.us/j/81162863329?pwd=ejQ1MHJxRjR3OXZYbUg5YjVNR01HUT09>

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 Wednesday before the meeting.

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

BOROUGH MEETING – AUGUST 12, 2021 – 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 Busch, Commissioner vanHeeswyk, Mayor Moffatt

COMMISSIONERS' REPORTS/DISCUSSION

ADMINISTRATOR'S REPORT

PUBLIC COMMENT ON AGENDA ITEMS ONLY

APPROVAL OF MINUTES

July 8, 2021 Regular Meeting
July 27, 2021 Work Session

ORDINANCES FOR INTRODUCTION / PUBLICATION

07-2021 Ordinance Amending Chapter 146 "Water and Sewer Utility" of the Borough of Cape May Point Municipal Code

RESOLUTIONS

95-21 Approval of 2021 Update to the Atlantic-Cape Multi-Jurisdictional Program for Public Information (MPPI)
96-21 Resolution to Close a Portion of Yale Avenue on Saturday, September 25, 2021
97-21 Authorizing Special Event Permit for Cape May Point Taxpayers Association
98-21 Authorizing Special Event Permit for Jane Porch and Christopher Spadaccini
99-21 Authorizing Participation in a Shared Services Agreement with the State of New Jersey, Cape May Point State Park for Sharing of Equipment
100-21 Authorizing Landscape Planting in Borough Right of Way at 201 Lincoln Avenue
101-21 Approval of Bill List

ORDINANCES FOR SECOND READING / PUBLIC HEARING / ADOPTION - None

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
STATE OF NEW JERSEY**

RESOLUTION 95-21

APPROVAL OF 2021 UPDATE TO THE ATLANTIC-CAPE MULTI-JURISDICTIONAL PROGRAM FOR PUBLIC INFORMATION (MPPI)

WHEREAS, in July 2021, The Atlantic-Cape Multi-Jurisdictional Program for Public Information was updated; and

WHEREAS, as part of the requirements for participation in the Community Rating System, the Borough must formally approve the annual updates to the MPPI.

NOW THEREFORE BE IT RESOLVED, that the Board of Commissioners of the Borough of Cape May Point, County of Cape May, State of New Jersey approves the 2021 update to the Atlantic-Cape Multi-Jurisdictional Program for Public Information.

	MOTION	SECOND	YES	NO	ABSTAIN	ABSENT
Busch						
Moffatt						
vanHeeswyk						

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 August 12, 2021.

Municipal Clerk

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

RESOLUTION 96-21

**RESOLUTION TO CLOSE A PORTION OF
YALE AVENUE ON SATURDAY, SEPTEMBER 25, 2021**

WHEREAS, the Cape May Point Volunteer Fire Company is holding its 100th Anniversary Celebration on Saturday, September 25, 2021 (rain date Sunday, September 26, 2021), and has requested that Yale Avenue be closed between Ocean and Cape Avenues from 8:00 am until 4:00 pm; and

WHEREAS, the Borough will provide appropriate barricades and signage to make traffic aware of the temporary closure.

NOW, THEREFORE, BE IT RESOLVED the Board of Commissioners of the Borough of Cape May Point hereby approves the request to close Yale Avenue between Ocean and Cape Avenues on Saturday, September 25, 2021 (rain date Sunday, September 26, 2021) from 8:00 am until 4:00 pm.

	MOTION	SECOND	YES	NO	ABSTAIN	ABSENT
Busch						
Moffatt						
vanHeeswyk						

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 August 12, 2021.

Municipal Clerk

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

RESOLUTION 97-21

**AUTHORIZING SPECIAL EVENT PERMIT FOR CAPE MAY POINT
TAXPAYERS ASSOCIATION**

WHEREAS, the Cape May Point Taxpayers Association has applied for a Special Event Permit for Dunes and More Day activities on the dunes and Alexander, Brainard, Cape, St. Pete's, Coral, Whilldin, and Lehigh beach entrances on Saturday, October 9, 2021 from 8:00 am to 12:00 pm; and

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

WHEREAS, the Taxpayers' Association has respectfully requested that the Governing Body waive the usual facilities use fees as they are a non-profit organization which benefits the taxpayers and 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 to the Cape May Point Taxpayers Association for Dunes and More Day activities on Saturday, October 9th from 8 am to 12 pm on dunes and beach entrances.

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

	MOTION	SECOND	YES	NO	ABSTAIN	ABSENT
Busch						
Moffatt						
vanHeeswyk						

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 August 12, 2021.

Municipal Clerk

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

RESOLUTION 98-21

**AUTHORIZING SPECIAL EVENT PERMIT FOR JANE PORCH
AND CHRISTOPHER SPADACCINI**

WHEREAS, the Jane Porch and Christopher Spadaccini have applied for a Special Event Permit for a wedding ceremony on St. Pete’s beach on Thursday, September 23, 2021 from 1:00 pm to 5:00 pm; and

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

NOW, THEREFORE, BE IT RESOLVED the Board of Commissioners of the Borough of Cape May Point, County of Cape May, New Jersey authorizes the Borough Clerk to issue a Special Event Permit to Jane Porch and Christopher Spadaccini for a wedding ceremony on St. Pete’s beach on Thursday, September 23rd from 1 pm to 5 pm.

	MOTION	SECOND	YES	NO	ABSTAIN	ABSENT
Busch						
Moffatt						
vanHeeswyk						

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 August 12, 2021.

Municipal Clerk

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

RESOLUTION NO. 99-21

**AUTHORIZING PARTICIPATION IN A SHARED SERVICES AGREEMENT WITH
STATE OF NEW JERSEY, CAPE MAY POINT STATE PARK FOR SHARING OF
EQUIPMENT**

WHEREAS, the Borough of Cape May Point (“Borough”) and the State of New Jersey, Cape May Point State Park (“Park”) each own various pieces of equipment which each entity uses for various public works purposes; and

WHEREAS, in the past, from time to time, the Borough and the Park had entered into a shared services contract to share equipment as a means of efficiently and economically providing their residents with necessary services; and

WHEREAS, both parties wish to continue the agreement; and

WHEREAS, N.J.S.A. 40A:65-1 et seq. permits municipalities to enter into agreements for shared services.

NOW, THEREFORE, BE IT RESOLVED the Board of Commissioners of the Borough of Cape May Point does hereby authorize the Borough to participate in a shared services agreement with the State of New Jersey, Cape May Point State Park for the sharing of equipment for a term of 5 years, expiring August 25, 2026.

	MOTION	SECOND	YES	NO	ABSTAIN	ABSENT
Busch						
Moffatt						
vanHeeswyk						

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 August 12, 2021.

Municipal Clerk

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

RESOLUTION 100-21

**AUTHORIZING LANDSCAPE PLANTING IN BOROUGH RIGHT OF WAY
AT 201 LINCOLN AVENUE**

WHEREAS, pursuant to written request by Ron Keren & Michelle Hu (“Applicants”), owners of 201 Lincoln Avenue (the “Property”), to perform native planting in the Borough right-of-way on the corner of their property at Lincoln & Whilden Avenues; and

WHEREAS, the Applicants have retained the professional services of Refuglia, Ltd., to craft a landscaping design plan, dated June 30, 2021 (the “Plan”), which has been submitted to the Borough for review and approval; and

WHEREAS, the Borough Engineer has reviewed the proposed Plan and has offered recommendations to the Borough pertaining to the Plan; and

WHEREAS, the Board of Commissioners of the Borough of Cape May Point has reviewed the Borough Engineer’s findings and now finds that it is advisable and appropriate, in the interest of promoting the health, safety and welfare of the citizens of the Borough, to approve the Plan, subject to the following conditions:

- (1) The Applicants shall be required to provide the Borough with a copy of all Cape May County permits and/or approvals pertaining to this project before planting may begin;
- (2) All ornamental grasses contained within corner sight triangles shall be maintained at a height not to exceed 2.5’ at any given time in order to ensure the safety and visibility of motorists and pedestrians in the roadway;
- (3) The Applicants understand and agree that the Borough and/or any public utility company performing services in the Borough shall be indemnified and held harmless by the Applicants if they are required to disturb or remove any landscaping contained in the Borough right-of-way in order to perform utility or roadway at any time in the future; and
- (4) The Applicants understand and agree that should they fail to abide by the aforestated requirements, as set forth above, the Borough reserves the right to rescind this Resolution and require that all plantings contained within the Borough right-of-way be immediately removed and that the grounds be restored to their pre-planting condition.

NOW, THEREFORE, BE IT RESOLVED the Board of Commissioners of the Borough of Cape May Point, County of Cape May, State of New Jersey, hereby approves the Plan, subject to all conditions set forth herein.

	MOTION	SECOND	YES	NO	ABSTAIN	ABSENT
Busch						
Moffatt						
vanHeeswyk						

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 August 12, 2021.

Municipal Clerk