

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 (New York), Meeting ID: 869 0277 0723 Passcode: 287008

Direct link: <https://us02web.zoom.us/j/86902770723?pwd=SUVieUNMZVJucU1WWE1IRXpTVkZrZz09>

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 Noon the Monday before the meeting.

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

BOROUGH MEETING OF JUNE 28, 2022 – 12:00 PM

MEETING CALLED TO ORDER / SUNSHINE STATEMENT / FLAG SALUTE

In compliance with the Open Public Meeting 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 law.

ROLL CALL: Commissioner Busch, Mayor Moffatt, Commissioner vanHeeswyk

COMMISSIONERS' DISCUSSION (NEW BUSINESS / OLD BUSINESS)

- Handicapped Parking Space Regulations

ADMINISTRATOR'S REPORT

PUBLIC QUESTIONS ON AGENDA ITEMS ONLY

ORDINANCE FOR INTRODUCTION AND PUBLICATION: None

RESOLUTIONS

- 78-22 Authorizing a Special Event Permit for Cape May Point Taxpayers Association
- 79-22 Approval to Submit a Grant Application and Execute a Grant Contract with the New Jersey Department of Transportation for the Resurfacing of Alexander Avenue, Phase 1
- 80-22 Reappointment of Municipal Clerk Elaine L. Wallace
- 81-22 Authorizing the Borough Engineer to Provide Engineering Services for the Yale Avenue Reconstruction Project for a Total Cost not to Exceed \$53,400
- 82-22 Adopting the Employee Handbook of the Borough of Cape May Point
- 83-22 Approval of Bill List
- 84-22 Authorizing an Executive/Closed Session in Accordance with the Provisions of the Open Public Meetings Act N.J.S.A. 10:4-12(b) – Attorney/Client Privilege and Contract Negotiations - Bequest to CMPTA

ORDINANCE FOR SECOND READING / PUBLIC HEARING / ADOPTION: None

- 02-2022 Ordinance Appropriating \$232,700.00 from the Capital Improvement Fund

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 78-22

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

WHEREAS, the Cape May Point Taxpayers Association has applied for a Special Event Permits for a concert in Pavilion Circle on Saturday, September 3, 2022 from 4:00 pm to 7:00 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 Special Event Permits to the Cape May Point Taxpayers Association for a concert and picnic on Saturday, September 3rd from 4 pm to 7 pm in Pavilion Circle.

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 June 28, 2022.

Municipal Clerk

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

RESOLUTION 79-22

**APPROVAL TO SUBMIT A GRANT APPLICATION AND EXECUTE A GRANT
CONTRACT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR
THE RESURFACING OF ALEXANDER AVENUE, PHASE 1**

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of the Borough of Cape May Point formally approves the grant application for the above stated project.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as MA-2023-Alexander Avenue Resurfacing Improve-00336 to the New Jersey Department of Transportation on behalf of the Borough of Cape May Point.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of the Borough of Cape May Point and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

	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 June 28, 2022.

Municipal Clerk

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

RESOLUTION 80-22

REAPPOINTMENT OF MUNICIPAL CLERK ELAINE L. WALLACE

WHEREAS, N.J.S.A. 40A:9-133 requires that each municipality in New Jersey has a municipal clerk; and

WHEREAS, on June 13, 2019, Elaine L. Wallace, was reappointed as the Municipal Clerk of the Borough of Cape May Point for a three-year term ending June 8, 2022; and

WHEREAS, the Board of Commissioners deems it to be in the best interest of the Borough to reappoint Elaine L. Wallace to another term pursuant to N.J.S.A. 40A:9-133.b.

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

1. The averments of the preamble are incorporated by reference.
2. Elaine L. Wallace is hereby reappointed the Municipal Clerk and Registrar of Vital Statistics for the Borough of Cape May Point for a three-year term commencing June 9, 2022.
3. The terms and conditions of the appointment shall be as reflected in the borough's Salary ordinance and resolution.
4. The Borough is authorized to take all steps necessary to perfect his appointment.
5. This resolution shall take effect immediately according to law.

	MOTION	SECOND	YES	NO	ABSTAIN	ABSENT
Busch						
Moffatt						
vanHeeswyk						

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Municipal Clerk

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

RESOLUTION 81-22

**AUTHORIZING THE BOROUGH ENGINEER TO PROVIDE
ENGINEERING SERVICES FOR THE YALE AVENUE RECONSTRUCTION
PROJECT FOR A TOTAL COST NOT TO EXCEED \$53,400**

BE IT RESOLVED, by the Board of Commissioners of the Borough of Cape May Point, County of Cape May, State of New Jersey, that Greenman Pedersen, Inc. be and is hereby authorized to provide engineering services for Yale Avenue Reconstruction Project for a total amount not to exceed \$53,400; and

BE IT FURTHER RESOLVED the award is contingent upon the issuance of a certificate of availability of funds by the Chief Financial Officer; and

BE IT FURTHER RESOLVED the proper Borough officials be and are hereby authorized to do all things necessary to carry out the intent of this Resolution.

	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 June 28, 2022.

Elaine L. Wallace, Municipal Clerk

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

RESOLUTION 82-22

**ADOPTING THE EMPLOYEE HANDBOOK
OF THE BOROUGH OF CAPE MAY POINT**

WHEREAS, the Board of Commissioners of the Borough of Cape May Point has previously adopted a Personnel Policies and Procedures Manual compliant with Atlantic County and Municipal Excess Liability Joint Insurance Funds; and

WHEREAS, the ACM/MEL JIFs also require the Borough to adopt an Employee Handbook based on the Personnel Policies and Procedure Manual.

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 adopts a new Employee Handbook compliant with JIF/MEL recommendations.

BE IT FURTHER RESOLVED copies of the Employee Handbook shall be provided to all Borough employees.

	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 June 28, 2022.

Municipal Clerk

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

RESOLUTION 83-22

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 \$.

	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 June 28, 2022.

Municipal Clerk

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

RESOLUTION NO. 84-22

**AUTHORIZING EXECUTIVE/CLOSED SESSION IN ACCORDANCE WITH THE
PROVISIONS OF THE OPEN PUBLIC MEETINGS ACT N.J.S.A. 10:4-12(b)**

WHEREAS, the Open Public Meetings Act (N.J.S.A. 10:4-6 et. seq.) requires all meetings of the Board of Commissioners of the Borough of Cape May Point to be held in public, except that N.J.S.A. 10:4-12(b) sets forth nine (9) types of matters that may lawfully be discussed in "Executive or Closed Session," i.e., without the public being permitted to attend; and

WHEREAS, the Board of Commissioners of the Borough of Cape May Point has determined that **THREE (3)** issues are permitted by N.J.S.A. 10:4-12(b) to be discussed without the public in attendance during the Executive or Closed Session to be held on **Tuesday, June 28, 2022 at approximately 12:30 PM.**; and

WHEREAS, the nine (9) exceptions to public meetings set forth in N.J.S.A. 10:4-12(b) are listed below, and next to each exception is a box within which the number of issues to be privately discussed that fall within that exception shall be written, and after each exception is a space where additional information that will disclose as much information about the discussion as possible without undermining the purpose of the exception shall be written:

_____ **"(1) Any matter which, by express provision of Federal law, State statute or rule of court shall be rendered confidential or excluded from public discussion."** The legal citation to the provision(s) at issue is: _____ and the nature of the matter, described as specifically as possible without undermining the need for confidentiality is _____

_____ **"(2) Any matter in which the release of information would impair a right to receive funds from the state or federal government."** The nature of the matter, described as specifically as possible without undermining the need for confidentiality is _____

_____ **"(3) Any material the disclosure of which constitutes an unwarranted invasion of individual privacy such as any records, data, reports, recommendations, or other personal material of any educational, training, social service, medical, health, custodial, child protection, rehabilitation, legal defense, welfare, housing, relocation, insurance and similar program or institution operated by a public body pertaining to any specific individual admitted to or served by such institution or program, including but not limited to information relative to the**

individual's personal and family circumstances, and any material pertaining to admission, discharge, treatment, progress or condition of any individual, unless the individual concerned (or, in the case of a minor or incompetent, his guardian) shall request in writing that the same be disclosed publicly." The nature of the matter, described as specifically as possible without undermining the need for confidentiality is _____

_____ **"(4) Any collective bargaining agreement, or the terms and conditions of which are proposed for inclusion in any collective bargaining agreement, including the negotiation of terms and conditions with employees or representatives of employees of the public body."** The collective bargaining contract(s) discussed are between the Borough and _____

_____ **"(5) Any matter involving the purchase, lease or acquisition of real property with public funds, the setting of bank rates or investment of public funds where it could adversely affect the public interest if discussion of such matters were disclosed."** The nature of the matter, described as specifically as possible without undermining the need for confidentiality is _____

_____ **"(6) Any tactics and techniques utilized in protecting the safety and property of the public provided that their disclosure could impair such protection. Any investigations of violations or possible violations of the law."** The nature of the matter, described as specifically as possible without undermining the need for confidentiality is _____

X

_____ **"(7) Any pending or anticipated litigation or contract negotiation in which the public body is or may become a party. Any matters falling within the attorney-client privilege, to the extent that confidentiality is required in order for the attorney to exercise his ethical duties as a lawyer."** The parties to and docket numbers of each item of litigation and/or the parties to each contract discussed are _____

Attorney-client Privilege and/or Contract Negotiation: Bequest to CMPTA

_____ **"(8) Any matter involving the employment, appointment, termination of employment, terms and conditions or employment, evaluation of the performance, promotion or disciplining of any specific prospective public officer or employee or current public officer or employee employed or appointed by the public body, unless all individual employees or appointees whose rights could be adversely affected request, in writing, that such matter or matters be discussed at a public meeting."** Subject to the balancing of the public's interest and the employee's privacy rights under *South Jersey Publishing Co. v. New Jersey*

Expressway Authority, 124 N.J. 478, the employee(s) and nature of the discussion, described as specifically as possible without undermining the need for confidentiality is _____

“(9) Any deliberation of a public body occurring after a public hearing that may result in the imposition of a specific civil penalty upon the responding party or the suspension or loss of a license or permit belonging to the responding party as a result of an act or omission for which the responding party bears responsibility.” The nature of the matter, described as specifically as possible without undermining the need for confidentiality is _____

WHEREAS, the Board of Commissioners shall reconvene the public meeting at the conclusion of the authorized closed or executive session, which may or may not include formal action as a result of the discussion(s) held.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Borough of Cape May Point, assembled in public session on the date of the meeting of the governing body set forth herein above, that a closed session shall be held for the discussion of matters relating to the specific items designated above involving the Borough of Cape May Point. The governing body shall convene a closed session discussion immediately upon passage of this resolution and it is anticipated that the deliberations conducted in closed session shall be disclosed to the public upon conclusion of the matter and/or after determination of the Board of Commissioners that the public interest will no longer be served by such confidentiality and that the meeting will return to open session at the conclusion of the discussion and formal action may be taken if/as authorized.

BE IT FURTHER RESOLVED that the Municipal Clerk, at the present public meeting, shall read aloud enough of this resolution so that members of the public in attendance can understand, as precisely as possible, the nature of the matters that will be privately discussed.

BE IT FURTHER RESOLVED that the Municipal Clerk, on the next business day following this meeting, shall furnish a copy of this resolution to any member of the public who requests one at the fees authorized by N.J.S.A. 47:1A-1, et. seq.

	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 June 28, 2022.

Municipal Clerk

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

ORDINANCE 02-2022

**ORDINANCE APPROPRIATING \$232,700.00 FROM
THE CAPITAL IMPROVEMENT FUND**

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

Section 1. \$232,700.00 is hereby appropriated from the Capital Improvement Fund for the following items:

Road Improvement Harvard Avenue – Includes but not limited to Milling, Paving, Reconstruction and Resurfacing, Repairing and/or Installation of Curbs, Sidewalks, Driveway Aprons, and Associated Drainage \$230,000.00

Purchase Beach Patrol Equipment – PWC Sled \$2,700.00

Road Improvement Projects and Beach Patrol Equipment – Sled are each a bondable capital improvement with a useful life that exceeds the minimum of five (5) years.

Section 2. The Borough hereby certifies that it 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 Vote	MOTION	SECOND	YES	NO	ABSTAIN	ABSENT
Busch						
vanHeeswyk						
Moffatt						

Catherine Busch, Commissioner

Anita vanHeeswyk, Commissioner

Robert Moffatt, Mayor

ATTEST:

Elaine L. Wallace, Borough Clerk

FIRST READING: June 9, 2022

PUBLICATION: June 15, 2022

PUBLIC HEARING: June 28, 2022

PUBLICATION: July 6, 2022

I hereby certify that the foregoing is a true copy of an Ordinance adopted by a majority of the 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 June 28, 2022.

Elaine L. Wallace, RMC, CMR
Municipal Clerk