

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](mailto:ewallace@capemaypoint.org) by 12:00 Noon the Monday before the meeting.

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

**BOROUGH MEETING OF NOVEMBER 22, 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)**

- Rental Permit Fee Update – Insurance Policy Registration Processing
- Protection of Vegetation on Dunes and Increasing Fines

**ADMINISTRATOR'S REPORT**

**PUBLIC QUESTIONS ON AGENDA ITEMS ONLY**

**ORDINANCE FOR INTRODUCTION AND PUBLICATION:**

07-2022 An Ordinance Amending Chapter 58 "Beaches", Article II "Use of Beaches", Section 8 "Fees" of the Code of the Borough of Cape May Point to Establish Commercial Beach Tags  
*Second Reading/Public Hearing/Consideration for Adoption – Dec. 8, 2022 at 6 pm*

**RESOLUTIONS**

- 124-22 Authorizing Water Bill Adjustment in Accordance with Ch. 146-17.d "Water Leakage Policy" of the Code of the Borough of Cape May Point
- 125-22 Approval of Bill List
- 126-22 Authorizing Executive/Closed Session in Accordance with the Provisions of the Open Public Meetings Act N.J.S.A. 10:4-12(b) - Potential Litigation – water/sewer billing and Borough easement
- 127-22 Authorizing the Transfer of Funds

**ORDINANCE 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 124-22**

**AUTHORIZING WATER BILL ADJUSTMENT IN ACCORDANCE WITH  
CH. 146-17.d "WATER LEAKAGE POLICY" OF THE CODE OF THE BOROUGH  
OF CAPE MAY POINT**

**WHEREAS**, Chapter 146, Section 17.d of the Code of the Borough of Cape May Point allows for relief of the excess water usage fee if a homeowner experienced a catastrophic event not specifically related to winterizing their home, such as a broken water line or malfunctioning equipment or similar event, for which there was no reasonable way for the leakage to be discovered, and there had been no other breakage or unusually large water consumption in the prior five-year period; and

**WHEREAS**, when these conditions are met, the water bill shall be computed in the manner described by Code; and

**WHEREAS**, it has been determined that the following property owner has met these conditions and is therefore eligible for billing relief:

<u>Account #</u>	<u>Name/ Address</u>	<u>Amount Billed</u>	<u>Adjustment Granted</u>	<u>Adjusted Bill Amount</u>
36-0	Russell 221 Alexander Avenue	\$1,439.65	\$ 603.42	<u>\$ 836.23</u>

**NOW, THEREFORE, BE IT RESOLVED** that the Board of Commissioners of the Borough of Cape May Point hereby approve the aforementioned adjusted water bill in accordance with Chapter 146-17 of the Code of the Borough of Cape May Point.

**BE IT FURTHER RESOLVED** there shall be no further relief granted on this account over the next five years.

	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 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 November 22, 2022.

\_\_\_\_\_  
Municipal Clerk

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

**RESOLUTION 125-22**

**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						

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Municipal Clerk

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

**RESOLUTION NO. 126-22**

**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 **ONE (1)** issue is 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, November 22, 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 \_\_\_\_\_

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\_\_\_\_\_ **"(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 \_\_\_\_\_

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\_\_\_\_\_ **"(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 \_\_\_\_\_

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\_\_\_\_\_ **"(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 \_\_\_\_\_

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\_\_\_\_\_ **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 is Potential Litigation: water/sewer billing; Borough easement

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\_\_\_\_\_ **"(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 November 22, 2022.

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Municipal Clerk

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

**RESOLUTION NO. 127-22**

**A RESOLUTION AUTHORIZING THE TRANSFER OF FUNDS**

**BE IT RESOLVED** by the Commissioners of the Borough of Cape May Point that the following transfers of 2021 appropriations are hereby approved in accordance with N.J.S.A 40A:4-58:

Current Fund:

From:

Beach Tag Inspector S/W	2-01-28-232-012	\$2,000.00
Lifeguards S/W	2-01-28-231-011	\$4,000.00

To:

Beach Tag Inspector OE	2-01-28-232-023	\$2,000.00
Utilities – Street Lighting	2-01-31-435-021	\$4,000.00

	MOTION	SECOND	YES	NO	ABSTAIN	ABSENT
Busch						
Moffatt						
vanHeeswyk						

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Municipal Clerk