

**BOROUGH OF CAPE MAY POINT
BOARD OF COMMISSIONERS MEETING MINUTES
August 11, 2011**

OPEN PUBLIC MEETINGS ACT STATEMENT

A meeting of the Board of Commissioners of the Borough of Cape May Point was called to order on Thursday, August 11, 2011 at 7:00 p.m. in the Fire House Meeting Room at 412 Yale Avenue. Mayor Carl Schupp announced that this meeting having been properly posted and advertised, was being held in accordance with the Open Public Meetings of 1975 (N.J.S.A. 10:4-6) also known as the Sunshine Law.

ROLL

FLAG SALUTE

Mayor Schupp led the audience in the Flag Salute.

PUBLIC HEARINGS

**ORDINANCE 597-11
ORDINANCE AMENDING CHAPTER 105 OF THE
REVISED ORDINANCES OF THE BOROUGH OF CAPE MAY POINT ENTITLED "LAND USE
PROCEDURES"**

Commissioner vanHeeswyk made a motion to table Ordinance 597-11 until September 8, 2011 due to it not be published in accordance with law. Commissioner Henderson seconded he motion. The Municipal Clerk took the following roll call vote:

Commissioner Henderson	YES
Commissioner vanHeeswyk	YES
Commissioner Schupp	YES

MINUTES

Commissioner VanHeeswyk made a motion to approve the minutes (as previously read by the governing body) of the meetings July 12, July 14 and July 28, 2011. Commissioner Schupp seconded the motion and the Municipal Clerk took the following roll call vote:

Commissioner Henderson	YES
Commissioner vanHeeswyk	YES
Commissioner Schupp	YES

VOUCHERS

Commissioner vanHeeswyk made a motion to amend the bill list. She asked that two items on pg. 2 (move attorney fees to escrow account for applicant) and pg 3 (move washer and dryer to Public Works Other Expenses.) Commissioner vanHeeswyk made a motion to approve the bill list as amended. (Bill list attached) Commissioner Henderson seconded the motion. Commissioner Schupp seconded the motion and the Clerk took a roll call vote as follows:

Commissioner Henderson	YES
Commissioner vanHeeswyk	YES
Commissioner Schupp	YES

TREASURER'S REPORT

Commissioner vanHeeswyk asked that the Treasurer's Report be tabled until next month as it was presented prior to the meeting this evening.

Commissioner vanHeeswyk made a motion to table the Treasurer's Report. Commissioner Henderson seconded the motion. Commissioner Schupp seconded the motion and the Clerk took a roll call vote as follows:

Commissioner Henderson	YES
Commissioner vanHeeswyk	YES
Commissioner Schupp	YES

Commissioner vanHeeswyk reported that two newspaper articles appeared in newspapers last week. She stated that the first was a Star and Wave article about a citizen of the borough who received a summons for a trash violation. She stated that she went to his house and spoke with him and then our Code Enforcement Official went over to speak with him. She added that they both offered to help him, although tearing up a summons was not an option. The following Sunday the person who received the summons called Code Enforcement to point out a violation at the Municipal Building. Commissioner vanHeeswyk stated that his request that the borough receive a summons was considered. She stated that since she had to make the final decision, a call was made to our judge to ask if a municipality can be issued a summons for violation of its own ordinance. We heard from the judge and then a summons was written last week. She stated that the borough takes their own ordinances seriously and wants to be clear on that point but added that she does not believe that the taxpayers of this municipality should have to pay for a mistake of a borough employee, so everyone should know that the fine of \$50.00 comes right back to the borough coffers. She stated that she would personally pay the \$24.00 court costs so that there is no cost to the taxpayers. She stated that most importantly after discussion of the problem Public Works agreed to implement new procedures of putting trash and recyclables out at the curb at 7am on Monday mornings. Commissioner vanHeeswyk stated that the second article is by a travel writer from Los Angeles about her vacation to Cape May in late July. One line jumped out as she described the view of Cape May Point from the Lighthouse as "a patchwork of tidy streets, greenery and cedar shingled houses". She stated that everyone deserves to be acknowledged for their dedication to keep Cape May Point "Clean and Green"! She stated that it has been a learning curve for everyone!

Commissioner Henderson happily reported that, thus far, we have had a safe and successful season. He stated that there have been some rescues and other activity that is less dramatic, but our guards have responded. He also reported that tag revenue is approximately on track. Commissioner Henderson stated that on their own time, our lifeguards train and competes in sanctioned lifeguard competitions. He proudly reported some results that he believed reflected well on our program. Commissioner Henderson stated that the USLA National Lifeguard Championships were hosted in Cape May from August 3, 2011 through August 6, 2011. He explained that over 1,000 lifeguards from all over the nation competed in various races. Competitors for Cape May Point Beach Patrol included Chief Pete Pietras, Kristen Moorby, Anna Remy, Kathryn Moorby, and Sam Weintraub. Kathryn Moorby placed 15th in the women's open swim race; Chief Pete Pietras placed 4th in the American Ironman for his age group and 14th in the paddleboard race for his age group; and Sam Weintraub placed 8th in the open 2k beach run race. Commissioner Henderson stated that tonight we would consider a proposal to solicit bids on a somewhat unusual contract, and explained what it is and what it is not. He stated that we are seeking a contractual arrangement for recovery clean-up after a natural or manmade disaster. Assuming we get suitable responses, the selected contractor would remove debris (sand, trees, rubble, etc.) from public property and rights of way. In a sufficiently big storm, such tasks would go far beyond the capabilities of Borough equipment and personnel. This contract would not remove debris from private property unless it was deemed a general safety hazard – such private clean-up is still the responsibility of the homeowner. Commissioner Henderson explained that what the contract does enable is that the homeowner could actually reach his property. Commissioner Henderson stated that there will be no cost to the Borough to implement this contract. He explained that costs accrue when actual work is undertaken, which would be at Borough request and that the costs of implementing any particular clean-up effort are unknowable before the event, because it depends on the magnitude of the damage. Commissioner Henderson stated that the contract is bid in terms of cost-per-unit-volume of debris removed and what the contract does for the Borough is give us a specific contract who is obligated to respond when we need it most. He stated that otherwise we start from scratch and must compete with other communities who would also be struggling for attention after an emergency. He noted that both Avalon and Ocean City have recently put contracts like this in place. He added that our document soliciting bids is almost identical to theirs, and we are grateful for their assistance in creating the document.

Commissioner Schupp stated that in a recent tax bill mailing, and important notice regarding natural gas was included. The notice stated that South Jersey Gas would begin construction in the late fall. He stated that those who sign up before the end of September would be included on a master street opening permit and would be among the first to enjoy natural gas. He stated that those who wait will have to get an individual street opening permit. Commissioner Schupp stated that the surveillance system is finally in motion again. He stated that the poles have been installed and the installation of the cameras is now underway. He stated that the delay was caused by the necessity to reconfigure of part of the installation to avoid interference from a high voltage line. He reported that in 2001, we budgeted \$39,000 for workers compensation and liability insurance for the borough. He stated that in 2012 we will budget, on a preliminary basis \$39,000 for workers compensation and greatly expanded liability insurance (the same amount as 11 years ago.) He stated that our current JIF coverage also covers the firehouse. He added that the Borough has undoubtedly saved thousands of dollars by joining the Atlantic County JIF. Mayor Schupp announced that the Senior Olympics will be again held in Woodbridge from September 9th to the 11th. Mayor Schupp stated that this September 11th marks the 10th anniversary of the attack on the World Trade Center in New York. He stated that Senator Lautenberg has introduced and the Senate has approved a National Moment of Remembrance at 1:00 pm on Sunday, September 11, 2011. He stated that we would be sounding the fire siren for 1 minute at 1:00 pm on that day; He asked that everyone stop and participate in this moment of remembrance.

RESOLUTION NO. 75-11

AUTHORIZING THE APPLICATION FOR AND THE EXECUTION OF A SUBCONTRACT WITH THE COUNTY OF CAPE MAY FOR THE MUNICIPAL ALLIANCE PROGRAM

WHEREAS, pursuant to P. L. 1989, Ch 51, the Municipal Alliance Program has been made available to each county in order to increase drug and alcohol prevention services; and

WHEREAS, the BOROUGH OF CAPE MAY POINT has agreed to join the LOWER CAPE MAY MUNICIPAL ALLIANCE CONSORTIUM to organize and coordinate efforts involving schools, law enforcement, business local organizations and the community for the purpose of reducing alcoholism and drug abuse; and

WHEREAS, the Lower Cape May Municipal Alliance Consortium consisting of Lower Township, Cape May City, West Cape May, and Cape May Point will continue to work toward the development and implementation of community based alcoholism and drug abuse education, awareness, alternative and prevention programs; and

WHEREAS, the Lower Cape Consortium will submit an application to conduct prevention activities during the subcontract period.

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 BOROUGH OF CAPE MAY POINT hereby authorizes and designates the TOWNSHIP OF LOWER, as LEAD MUNICIPALITY for the LOWER CAPE MAY CONSORTIUM, to submit an application for the 2012 DEDR Grant Funds, and, if approved, to execute on behalf of the BOROUGH OF CAPE MAY POINT a contract between the County of Cape May and the LOWER CAPE MAY MUNICIPAL ALLIANCE CONSORTIUM: the Contract (Subcontract) period to be from January 1, 2012 to December 31, 2012.

BE IT FURTHER RESOLVED, that the Chief Finance Officer of Lower Township is hereby authorized and directed to execute the section of the Subcontract entitled "Statement of Assurances."

BE IT FURTHER RESOLVED, that the total amount of the Contract shall be \$66,994 that the total amount of the County Grant shall be \$33,497, that the amount of local in-kind match shall be \$25,123, and that the amount of local cash match shall be \$8,374. Cape May Point's cash match shall be \$84.00.

Upon Motion by Commissioner Henderson, seconded by Commissioner vanHeeswyk this resolution was approved. The Municipal Clerk took the following roll call vote:

Commissioner Henderson	YES
Commissioner vanHeeswyk	YES
Commissioner Schupp	YES

RESOLUTION NO. 76-11
Borough of Cape May Point Joining the National Moment of Remembrance of the 10th Anniversary of September 11th

WHEREAS, the governing body of the Borough of Cape May Point expresses their support of the United States Senate regarding coming together as a Nation and ceasing all work or other activity for a moment of remembrance beginning at 1:00 p.m. Eastern Daylight Time on September 11, 2011, in honor of the 10th anniversary of the terrorist attacks committed against the United States on September 11, 2001; and

WHEREAS, at 8:46 a.m., on September 11, 2001, hijacked American Airlines Flight 11 crashed into the upper portion of the North Tower of the World Trade Center in New York City, New York; and

WHEREAS, 17 minutes later, at 9:03 a.m., hijacked United Airlines Flight 175 crashed into the South Tower of the World Trade Center; and

WHEREAS, at 9:37 a.m., the west wall of the Pentagon was hit by hijacked American Airlines Flight 77, the impact of which caused immediate and catastrophic damage to the headquarters of the Department of Defense; and

WHEREAS, at approximately 10:00 a.m., the passengers and crew of hijacked United Airlines Flight 93 acted heroically to retake control of the airplane and thwart the taking of additional American lives by crashing the airliner in Shanksville, Pennsylvania, and, in doing so, gave their lives to save countless others; and

WHEREAS, nearly 3,000 innocent civilians were killed in the heinous attacks of September 11, 2001; and

WHEREAS, tens of thousands of individuals narrowly escaped the attacks at the Pentagon and World Trade Center and, as witnesses to this tragedy, are forever changed; and

WHEREAS, countless fire departments, police departments, first responders, governmental officials, workers, emergency medical personnel, and volunteers responded immediately and heroically to those horrific events; and

WHEREAS, the Fire Department of New York suffered 343 fatalities on September 11, 2001, the largest loss of life of any emergency response agency in United States history; and

WHEREAS, the Port Authority Police Department suffered 37 fatalities in the attacks, the largest police force in loss of life of any United States history in a single day; and

WHEREAS, the New York Police Department suffered 23 fatalities as a result of the terrorist attacks; and

WHEREAS, the impact of that day on public health continues through 2011, as nearly 90,000 people are at risk of or suffering from negative health effects as a result of the events of September 11, 2001, including 14,000 workers and 2,400 community residents who are sick, and tens of thousands of others whose health is being monitored; and

WHEREAS, 10 years later, the people of the United States and people around the world continue to mourn the tremendous loss of innocent life on that fateful day; and

WHEREAS, 10 years later, thousands of men and women in the United States Armed Forces remain in harm's way defending the United States against those who seek to threaten the United States; and

WHEREAS, on the 10th anniversary of this tragic day, the thoughts of the people of the United States are with all of the victims of the events of September 11, 2001 and their families; and

WHEREAS, the lives of Americans were changed forever on September 11, 2001, when events threatened the American way of life; and

WHEREAS, in 2009, Congress and the President joined together to designate September 11 as a National Day of Service and Remembrance under the Serve America Act (Public Law 111-13; 123 Stat. 1460); and

WHEREAS, in September 2009 and 2010, President Obama issued Proclamation 8413 (74 Fed. Reg. 47045) and Proclamation 8559 (75 Fed. Reg. 56463) proclaiming September 11, 2009, and September 11, 2010, respectively, as Patriot Day and National Day of Service and Remembrance; and

WHEREAS, September 11 will never, and should never, be just another day in the hearts and minds of all people of the United States;

NOW, THEREFORE BE IT RESOLVED that the governing body of the Borough of Cape May Point:

- (1) recognizes September 11, 2011, as a day of solemn commemoration of the events of September 11, 2001, and a day to come together as a Nation; and
- (2) offers its deepest and most sincere condolences to the families, friends, and loved ones of the innocent victims of the September 11, 2001, terrorist attacks; and
- (3) honors the heroic service, actions, and sacrifices of first responders, law enforcement personnel, State and local officials, volunteers, and countless others who aided the innocent victims of those attacks and, in doing so, bravely risked and often gave their own lives; and
- (4) recognizes the valiant service, actions, and sacrifices of United States personnel, including members of the United States Armed Forces, the United States intelligence agencies, the United States diplomatic service, homeland security and law enforcement personnel, and their families, who have given so much, including their lives and well-being, to support the cause of freedom and defend the security of the United States; and
- (5) reaffirms that the people of the United States will never forget the challenges our country endured on and since September 11, 2001, and will work tirelessly to defeat those who attacked the United States; and

BE IT FURTHER RESOLVED that on the 10th anniversary of this tragic day in United States history the governing body of the Borough of Cape May Point calls upon all of the people and institutions of the United States to observe a moment of remembrance on September 11, 2011, including (i) media outlets; (ii) houses of worship; (iii) military organizations; (iv) veterans organizations; (v) airlines; (vi) airports; (vii) railroads; (viii) sports teams; (ix) the Federal Government; (x) State and local governments; (xi) police, fire, and other public institutions; (xii) educational institutions; (xiii) businesses; and (xiv) other public and private institutions; and

BE IT FURTHER RESOLVED that the governing body of the Borough of Cape May Point encourages the observance of the moment of remembrance to last for 1 minute beginning at 1:00 p.m. Eastern Daylight Time by, to the maximum extent practicable ceasing all work or other activity; and marking the moment in an appropriate manner, including by ringing bells, blowing whistles, or sounding sirens.

Upon Motion by Commissioner Henderson, seconded by Commissioner vanHeeswyk this resolution was approved. The Municipal Clerk took the following roll call vote:

Commissioner Henderson	YES
Commissioner vanHeeswyk	YES
Commissioner Schupp	YES

RESOLUTION NO. 77-11
AUTHORIZING THE REQUESTS FOR BIDS FOR POST-EVENT DISASTER RECOVERY CLEAN-UP FOR THE BOROUGH OF CAPE MAY POINT

WHEREAS, it is in the best interest of the citizens of the Borough of Cape May Point to be prepared in the event of a natural or manmade disaster; and

WHEREAS, the governing body is desirous of having a contract in place to provide post-disaster recovery clean-up to ensure that the town's streets are clear of debris so that emergency response personnel can safely and efficiently do their jobs; and

WHEREAS, this post disaster recovery clean-up must be publically bid in accordance with the Local Contracts Law N.J.S.A 40A: 11-4; and

NOW THEREFORE BE IT RESOLVED, by the Board of Commissioners of the Borough of Cape May Point, in the County of Cape May And State of New Jersey that The Clerk/Administrator is hereby authorized to advertise for the solicitation of bids for post-disaster recovery clean-up for the Borough of Cape May Point.

Upon Motion by Commissioner vanHeeswyk, seconded by Commissioner Henderson this resolution was approved. The Municipal Clerk took the following roll call vote:

Commissioner Henderson	YES
Commissioner vanHeeswyk	YES
Commissioner Schupp	YES

RESOLUTION NO. 78-11
APPOINTMENTS TO THE ZONING BOARD OF ADJUSTMENT

WHEREAS, the Board of Commissioners desire to appoint following individuals to serve as members of the Zoning Board of Adjustment as follows:

Name	Title	Term Expires
KATHLEEN MOTTOLA	Member	Dec. 31, 2011
LUANN DANIELS	Alternate #1	Dec. 31, 2012
MARIE RICE	Alternate #2	Dec 31, 2011

NOW, THEREFORE BE IT RESOLVED, that the above stated individuals are hereby appointed members of the Zoning Board of Adjustment for the terms listed above commencing immediately.

Upon Motion by Commissioner vanHeeswyk, seconded by Commissioner Henderson this resolution was approved. The Municipal Clerk took the following roll call vote:

Commissioner Henderson	YES
Commissioner vanHeeswyk	YES
Commissioner Schupp	YES

RESOLUTION NO. 79-11

RESOLUTION GRANTING APPROVAL TO SUBMIT A GRANT APPLICATION AND EXECUTE A GRANT CONTRACT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR THE RECONSTRUCTION OF WEST LAKE DRIVE PROJECT

NOW THEREFORE BE IT RESOLVED, by the Board of Commissioners of the Borough of Cape May Point, in the County of Cape May and State of New Jersey 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-2012- Cape May Point Borough- 00062 to the New Jersey Department of Transportation on behalf of the Borough of Cape May Point.

BE IT FURTHER RESOLVED that 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.

Upon Motion by Commissioner Schupp, seconded by Commissioner vanHeeswyk this resolution was approved. The Municipal Clerk took the following roll call vote:

Commissioner Henderson	YES
Commissioner vanHeeswyk	YES
Commissioner Schupp	YES

ORDINANCE INTRODUCTION

ORDINANCE NO. 598-11

AN ORDINANCE RECINDING ORDINANCE 585-10 IN ITS ENTIRETY GIVING AND GRANTING CONSENT AND PERMISSION TO THE SOUTH JERSEY GAS COMPANY, A CORPORTATION OF THE STATE OF NEW JERSEY, TO FURNISH GAS FOR LIGHT, HEAT AND POWER IN THE BOROUGH OF CAPE MAY POINT IN THE COUNTY OF CAPE MAY AND STATE NEW JERSEY

The Board of Commissioners of the Borough of Cape May Point do ordain:

Section 1. That exclusive and perpetual consent and permission to furnish gas for light, heat and power in the Borough of Cape May Point, County of Cape May, State of New Jersey, is hereby given and granted to South Jersey Gas Company, a corporation of the State of New Jersey, subject to approval of such consent and permission by the Board of Public Utilities of the State of New Jersey.

Section 2. That exclusive and perpetual consent and permission is hereby given to South Jersey Gas Company to lay and construct its pipes and mains and related appurtenances and facilities within the streets, alleys, squares and public places within the Borough of Cape May Point in the manner required by N.J.S.A. 48:9-21, and subject to reasonable regulations imposed by ordinance or resolution with respect to the opening of streets and public places, subject to approval of such consent and permission

by the Board of Public Utilities.

Section 3. The consents granted in Sections 1 and 2 are granted for the entire geographical area of the Borough of Cape May Point and extend to the boundaries of the Borough of Cape May Point.

Section 4. The said South Jersey Gas Company shall within thirty (30) days after the passage of this ordinance shall file with the Municipal Clerk a bond in the amount of Ten Thousand Dollars (\$10,000.00) conditioned for the restoration of any street or public place which may be opened by it in a manner satisfactory to the Borough Engineer.

Section 5. Should any section, part or provision of this Ordinance be held unconstitutional or invalid by any Court, such holding shall not affect the validity of this Ordinance or any remaining part of this Ordinance as whole or in part, other than the part held unconstitutional or invalid.

Section 6. Ordinance 585-10 is hereby rescinded in its entirety and repealed.

Section 7. This Ordinance shall take effect 20 days after final passage and publication, according to law.

Upon Motion by Commissioner Henderson, seconded by Commissioner vanHeeswyk this ordinance was approved upon first reading. The Municipal Clerk took the following roll call vote:

Commissioner Henderson	YES
Commissioner vanHeeswyk	YES
Commissioner Schupp	YES

PUBLIC PORTION

Marie Rice asked what happened to the road reconstruction on Lincoln Avenue that was supposed to be done years ago. Mayor Schupp responded that Lincoln Avenue is a county road and must be considered by the County Engineer and Freeholders. He added that he has asked the County Engineer to deal with water problems near the convent to no avail. Commissioner vanHeeswyk stated that a natural dune was proposed to hold back the growing dune at the intersection of Cape and Lincoln Avenues during the planning stages of the resurfacing of Lincoln Avenue. She stated that the neighbors in that immediate area strongly objected to it and after some time and negotiation the project was abandoned by the County.

Tom Maye stated that he recalled Dale Foster meeting with the neighbors and discussing the eastern end of Lincoln Avenue. He stated that nothing ever materialized and the road continues to deteriorate. He thanked the Commissioners for allowing the beach clean-up to have their collection area at the Municipal Building.

Irene Schreiner stated that the Taxpayers Association will have an article posted regarding the lifeguard's participation in the USLA Competition. She asked if the disaster recovery contract had any up-front costs. John Henderson stated that there was no cost to the borough until the company was called in. Mrs. Schreiner stated that she remembers the dune growing over Chrystal Avenue until that roadway was finally abandoned. She stated that the previous road is currently a large dune. Mrs. Schreiner stated that she spoke to individuals at South Jersey Gas regarding the transition from propane to natural gas. She stated that she was cautioned that she should be prepared to have enough propane to get through the winter.

Helena Bew thanked the public works department for purchasing a chipper.

Tom Maye stated that it is his opinion that if taxes are paid for the whole year, the taxpayer should receive a discount.

ADJOURNMENT

Upon motion to adjourn by Commissioner vanHeeswyk, seconded by Commissioner Henderson the meeting was adjourned at 7:50 pm.

ATTEST:

Constance A. Mahon, Municipal Clerk

Commissioner Anita vanHeeswyk

Commissioner John G. N. Henderson

Commissioner Carl Schupp