

**BOARD OF COMMISSIONERS
MEETING MINUTES
August 25, 2011**

OPEN PUBLIC MEETINGS ACT STATEMENT

A meeting of the Board of Commissioners was called to order at 10:00 on Thursday, August 25, 2011 in the Conference Room at the municipal building located at 215 Lighthouse Avenue. Mayor 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. The Municipal Clerk took the following roll call vote:

ROLL CALL

Commissioner Henderson	PRESENT
Commissioner vanHeeswyk	PRESENT
Commissioner Schupp	PRESENT

VOUCHERS

Commissioner vanHeeswyk made a motion to approve the vouchers as presented for payment. (Bill list attached) Commissioner vanHeeswyk 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 made a motion to approve the July's Treasurer's Report as previously presented. Commissioner Henderson seconded the motion. The Municipal Clerk took a roll call vote:

Commissioner Henderson	YES
Commissioner vanHeeswyk	YES
Commissioner Schupp	YES

OLD BUSINESS

Commissioner vanHeeswyk stated that she has many questions pertaining to the installation of the surveillance camera system. She stated that this highly technical system should be reviewed and understood by our IT Department Manager Liz Shay. She suggested that Public Works include Ms. Shay in any training being done by Comtec to assure that proper backup of the system is in order. Commissioner vanHeeswyk asked the Mayor if this system requires the use of internet. The Mayor responded that the cameras located at the Municipal Building would require internet but that the cameras at the Public Works Building, access points to town and Pump House are wired directly to monitor at Public Works Building. She asked if the Mayor authorized the purchase of a large flat screen television to be purchased in addition to this equipment and questioned why a monitor was not used. The Mayor explained that a television was purchased at Wal-Mart in lieu of a monitor which would be far more expensive. Commissioner vanHeeswyk asked at what point the IT department would be informed of the system configuration. Mayor Schupp stated that his department is not operating in a vacuum and would share any information with anyone interested. Lizabeth Shay asked that Bill Gibson set up a time to review the new system with Comtec present to answer questions. Commissioner vanHeeswyk asked who would be monitoring the tapes and backing them up on a daily, weekly or monthly basis so that OPRA laws could be adhered to. She also suggested that the Cape May City Police be consulted on the monitoring of tapes to ensure compliance with law. Ms. vanHeeswyk stated that Code Enforcement would frequently need access to surveillance system when code violations are present. Commissioner vanHeeswyk stated for the record that there is no contract on file with the resolution awarding such. She

stated specifically that she did not want this to reflect poorly on the Clerk, who asked for a contract numerous times and was only given a quote. Commissioner Henderson stated that this project was sold to the public as deterrent to crime therefore we should ensure that the images are backed up and stored for use by the police in investigations. The Mayor agreed. Commissioner vanHeeswyk asked if we have written permission to have a utility pole on the County's property. Solicitor Russell stated that a written agreement is necessary.

Commissioner Henderson asked to discuss emails among Board of Commissioners. Brock Russell, Solicitor stated that a recent decision on July 29th by Judge Doyne of Burlington County disapproved of government officials using personal emails to conduct or discuss borough business. He also mentioned that West Cape Mays solicitor concurs that emails are not to be used to discuss borough business as it is in-fact a violation of the Open Public Meetings Act. Solicitor Russell stated that it is his opinion that the use of emails with regard to the Open Public Meetings Act must be addressed by the State legislature. Commissioner Henderson agreed but added that he hopes that government will catch up with technology.

The Municipal Clerk read the following resolutions:

**RESOLUTION NO. 80-11
HONORING CHIEF DIANE SORANTINO FOR RECEIVING THE INTERNATIONAL ASSOCIATION
OF WOMEN "POLICE OFFICER OF THE YEAR"**

WHEREAS, the governing body of the Borough of Cape May wishes to congratulate and honor Cape May City Police Chief Diane Sorantino for receiving the distinguished honor of "Officer of the Year" by the International Association of Women Police; and

WHEREAS, Chief Sorantino's dedication to law enforcement and professionalism are an asset to all of the Cape Island communities; and

WHEREAS, Chief Sorantino's numerous accomplishments and dedication to her profession make her a positive role model to all women; and

WHEREAS, as much as our entire community understands and respects Chief Sorantino's abilities, we are happy that the entire country will be made aware of her unique skills and exemplary service.

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 they congratulate Chief Diane Sorantino for receiving this distinguished award and thank her for her dedicated and professional service to our community.

Commissioner Henderson made a motion to approve the above resolution which was seconded by Commissioner vanHeeswyk. Upon the following roll call vote the resolution was adopted:

Commissioner Henderson YES
Commissioner vanHeeswyk YES
Commissioner Schupp YES

**RESOLUTION NO. 81-11
UPDATING POLICIES AND PROCEDURES MANUAL**

WHEREAS, the Borough of Cape May Point's policies and procedures manual requires updating from time to time; and

WHEREAS, in order to keep the Borough' Policies and Procedures Manual as current as possible it is necessary to replace or update existing policies.

NOW, THEREFORE BE IT RESOLVED, that the Board of Commissioners hereby adopts and approves the attached policies and procedures.

Commissioner Henderson made a motion to approve the above resolution which was seconded by Commissioner vanHeeswyk. Upon the following roll call vote the resolution was adopted:

Commissioner Henderson YES
Commissioner vanHeeswyk YES
Commissioner Schupp YES

Commissioner vanHeeswyk stated that she felt the change to the vehicle use policy was necessary to make sure that seatbelts and other motor vehicle laws are followed.

RESOLUTION NO. 82-11
OPPOSING UNMUFFLED ENGINE BRAKING

WHEREAS, unmuffled engine breaking noise from diesel trucks is extremely loud and travels for long distances throughout the day and night, disturbing the repose and well being of taxpayers, and adversely affects the quality of life of many New Jersey residents; and

WHEREAS, New Jersey is the most densely populated state in the USA and therefore has many residents living within close proximity to highways; and

WHEREAS, truck traffic (and resulting noise) on highways in New Jersey has greatly increased over the past 10-years and is expected to continue to increase; and

WHEREAS, new trucks are required to be equipped with effective mufflers when first sold, but many truck owners have purposely and illegally modified or removed them resulting in increased noise; and

WHEREAS, truck, engine and equipment manufacturer studies have consistently proven that improperly muffled vehicles are the root cause of the loud noise, and that about 5% of all trucks have illegal mufflers; and

WHEREAS, unmuffled truck engine braking is illegal in New Jersey where State law forbids the use of ineffective muffler systems on any motor vehicle, including trucks; and

WHEREAS, the law has in many instances not been enforced for trucks in New Jersey; and

WHEREAS, Federal (EPA) regulations specifically prohibit tampering with, removing or rendering inoperative any truck noise control device, and allows states to enforce their own anti-tampering (effective muffler) laws in trucks engaged in interstate commerce; and

WHEREAS, Federal noise regulations require trucks to meet specific noise emission standards; and

WHEREAS, the New Jersey Effective Muffler Law, NJSA 39:3-70 has recently been updated to clarify the language and make it easier to enforce violations; and

WHEREAS, New Jersey State Police have recently promised to purchase sound meters and begin an unspecified level of enforcement this summer at only two locations; and

WHEREAS, the NJ Effective Muffler law carries only a \$25 fine and therefore does not create an effective deterrent; and

WHEREAS, many states have passed laws banning unmuffled engine braking with an increased fine of \$500 (see, e.g., Colorado Rev. Stat. 42-4-255); and

WHEREAS, trucks are "self-inspected" and such inspections do not specifically include noise testing or the presence of and effective of the muffler; and

WHEREAS, the New Jersey State Police-staffed truck weigh/inspection stations on Interstate Highways such as Route 295 and Route 78 are often closed, especially in the middle of the night when the noise is most disturbing to residents trying to sleep; and

WHEREAS, New Jersey has a very active truck lobby that contributes substantial amounts of money to the campaigns of elected officials, (including the Transportation Committee chairs) that support their interests; and

WHEREAS, New Jersey taxpayers must rely on their elected representatives to also represent the public interest including their right to undisturbed repose; and

WHEREAS, the New Jersey League of Municipalities adopted Conference Resolution 2008-04 "Unmuffled Engine Braking" specifically calling for actions similar to those called for in this Resolution;

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 they encourage the New Jersey Assembly and Senate Transportation Committees shall bring out of committee a bill that will raise the fines for unmuffled engine braking to \$500 (see Bill Number A3341 and other similar bills that have been introduced over the past four years); and it is further

RESOLVED, that the New Jersey State Police shall be encouraged to more aggressively enforce the noise and muffler laws for trucks in New Jersey, incorporating creative approaches such as state-wide "zero tolerance" days, conducted at random, as an effective deterrent at an economical cost to taxpayers during these times of budgetary constraints; and is further

RESOLVED, that truck weigh and inspection stations on New Jersey interstate highways shall be funded, opened and staffed at times that are most appropriate to enforce these laws for the benefit of the public; and it is further

RESOLVED, that copies of this resolution shall be sent to Senator Jeff VanDrew, Assemblyman Matt Milam, Assemblyman Nelson Albano, Senate Transportation Chair Nicholas J. Sacco and Assembly Transportation Chair John S. Wisniewski, and to New Jersey State Police Col. Fuentes.

Commissioner Henderson made a motion to approve the above resolution which was seconded by Commissioner vanHeeswyk. Upon the following roll call vote the resolution was adopted:

Commissioner Henderson YES
Commissioner vanHeeswyk YES
Commissioner Schupp YES

RESOLUTION NO. 83-11
AWARD OF EMERGENCY CONTRACT FOR POST-STORM BEACH PROFILE SURVEY

WHEREAS, there is a strong possibility that Hurricane Irene will severely impact Cape May Point and entire eastern seaboard; and

WHEREAS, the Cape May Point Beach Cells 0 thru 6 (Lighthouse to Emerald Beaches) have recently been reconstructed by the Army Corps of Engineers; and

WHEREAS, it is critical that these beaches be closely monitored and to have regular annual data on each of its beach fronts in order to keep informed as to the ever changing ocean floor, so the Borough can properly plan for any corrective action that is needed; and

WHEREAS, it is also critical to have a post-storm survey completed performed to accurately convey damages resulting from severe coastal storms such as this; and

WHEREAS, Dr. Stewart Farrell is a professional at Stockton State College and a recognized expert in this field and has been providing beach profiles for the Borough since 1988.

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 emergency contract for Beach Profile Surveying is hereby awarded to Dr. Stewart Farrell of Stockton State College for the year 2011 as specified in attached contract.

1. Nine (9) sites will be surveyed ONCE after the storm to provide current data on Army Corps reconstructed beaches.
2. Field data will be collected and analyzed while under supervision.
3. A final report will be issued upon completion of work.
4. Total project costs are not to exceed \$6154.40.

Commissioner Henderson made a motion to approve the above resolution which was seconded by Commissioner vanHeeswyk. Upon the following roll call vote the resolution was adopted:

Commissioner Henderson YES
Commissioner vanHeeswyk YES
Commissioner Schupp YES

Upon motion by Commissioner vanHeeswyk, seconded by Henderson the meeting was continued to 5:15 pm. The Municipal Clerk took the following roll call vote:

Commissioner Henderson YES
Commissioner vanHeeswyk YES
Commissioner Schupp YES

Commissioner vanHeeswyk stated that the volunteer coverage was being reduced to eliminate duplications and because many people listed are no longer performing the work they are insured to do. She mentioned that Barbara Weigand (Risk Management Consultant) stated that Civic Club members are not covered by volunteer insurance. Volunteers that help set up for the Civic Club Bazaar are covered. According to Ms. Weigand the Civic Club should be insuring their own event and providing a facilities and use application and agreement in addition to a certificate of insurance naming the Borough and Volunteer Fire Company as additional insured. Commissioner vanHeeswyk stated that the new price for volunteer insurance was reduced from \$611 to \$258 (a 60% savings.)

Commissioner Henderson stated that he was asked to review a safety situation at Yale and Cambridge and Coral Avenues. He was asked to consider a 4-way stop at that particular intersection but has determined after investigation that it was not warranted. Commissioner Henderson stated that he contacted Capt. Sheehan of the Cape May City Police who had his staff access the situation. Their response was that Cape May Point certainly does not need additional stop signs. He suggested that an inventory off all stop signs in the borough be done and upon completion a request sent the NJDOT requesting approval of such.

Commissioner Henderson reported that the lifeboat previously stored at Chief Pietras' home in Maryland was brought to Triangle Park for use as a planter. He mentioned that Chief Pietras worked very hard restoring the boat which washed up onshore after a storm and was given to him by the Cape May City Beach Patrol Captain.

The public was noticed that the meeting would be continued to 5:15.

Hurricane Preparedness

Bill Gibson announced a mandatory evacuation of all Borough residents and visitors as of 8:00 am tomorrow morning. He stated that all of Cape May County was being evacuated in order to prepare for the approaching storm.

Linda Adams asked about re-entry to Cape May Point after the storm. It was suggested that property owners have a utility bill or some proof of ownership for re-entry purposes. Bill Gibson, Emergency Management Coordinator stated that he would leave a message on his telephone at 884-1454 when it safe to return. He asked that residents refrain from returning until that notice is posted.

Bill reported that all lifeguard equipment was stored away and secured as of yesterday and he stated that his staff would be concentrating their efforts on the Municipal Building tomorrow. The Board discussed a plan of action to secure the server and permanent records. Commissioner vanHeeswyk asked why he OEM is not following their previously determined planned to move all important file cabinets to Vineland. Bill explained that he has no place to store them in that area. He offered to rent a U-haul and drive it to a location (yet to be determined) in Vineland and park it. Commissioner vanHeeswyk stated that is a not an acceptable plan. After much discussion, it was determined that the files would left in the vault, covered with a tarp and the outside of the vault covered with duct tape to help waterproof it.

PUBLIC PORTION

Members of the public spoke out upon reconvening.

ADJOURNMENT

Upon motion by Commissioner Henderson, seconded by Commissioner vanHeeswyk the meeting was adjourned at 6:45 pm.

Constance A. Mahon, Municipal Clerk

John G.N. Henderson, Commissioner

Anita vanHeeswyk, Commissioner

Carl F. Schupp, Commissioner