

**BOROUGH OF CAPE MAY POINT
COMMISSIONER'S MEETING
August 9, 2011**

OPEN PUBLIC MEETINGS ACT STATEMENT

A meeting of the Board of Commissioners of the Borough of Cape May Point was called to order by Mayor Carl Schupp on Tuesday, August 9, 2011 at 10:00 a.m. in the Conference Room at the Cape May Point Municipal Building located at 215 Lighthouse Avenue. Mayor Schupp announced that this meeting having been properly posted and advertised in the Cape May Star & Wave, 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

REVIEW UPCOMING MEETING AGENDA FOR August 11, 2011

The Board of Commissioners reviewed Agenda with some discussion.

REPORTS OF THE COMMISSIONERS AND GENERAL DISCUSSION

Commissioner Henderson reviewed the bid specifications for post-disaster recovery services. Commissioner Henderson explained the need for this service. Commissioner Schupp recommended that we consider a reserve to help pay for such a big expenditure. Discussion ensued.

The Municipal Clerk stated that the Mayor has requested that our engineer prepare a grant for the resurfacing of West Lake Drive. Bruce Graham, Borough Engineer, stated that the NJDOT recently announced that grant money is available for coming year. He reviewed the grant programs available and recommended that the Borough apply for up to 2 grants as allowed. He recommended that West Lake Drive be given priority. He stated that the area involved encompasses 2000-feet of roadway. Mr. Graham cautioned officials that not all of the cost for this project would be covered by the grant. He estimated that \$15,000 to \$25,000 of Borough funds would be needed to supplement the grant. Bruce Graham stated that the roadway must be built to ASHTO standards as always. Commissioner Henderson asked if the Borough roads meet these standards. Mr. Graham stated that some changes may be necessary. Mr. Graham stated that the current 24-feet of roadway does not allow enough room for a bike path or walkway, therefore the governing body might have to consider widening the roadway by up to 3-feet if they desired a bikeway. Commissioner vanHeeswyk stated that our Master Plan does not recommend curbing, markings, or sidewalks. She asked that the grant application be consistent with the Master Plan. Bruce Graham stated that Cape May Point's streets do not fit well with the Complete Streets design. Bruce Graham stated that the street improvements do not have to be consistent with the Master Plan. Solicitor Russell stated that the governing body can make changes and must place findings on record of why the changes being made are not consistent with the Master Plan. Commissioner Henderson stated that bike lines are unlikely to be effective in Cape May Point. Mr. Graham presented a resolution authorizing the grant to the Clerk for future use. The Mayor stated that we have a road that is deteriorating and may require extensive maintenance if it is not addressed shortly. He recommended that the improvements be made. He stated that the bikeway or walkway improvements do not have to be included in the grant application if the governing body feels that they are not necessary. The board agreed not to widen the road and include bikeways but to go ahead with the grant application. Bill Gibson stated that the roadway where no bulkhead exists has cracks and needs repair. Commissioner vanHeeswyk asked if there is a cost estimate prepared for the project at this time. Bruce Graham stated that he did not want to expend money doing the cost estimate before getting approval of the governing body to apply for the grant funding. The board agreed to place the resolution authorizing the grant application on the agenda for Thursday evening.

The Clerk/ Administrator reviewed the Best Practices Checklist item by item as required by new DCA guidelines. All departments were present.

Commissioner vanHeeswyk distributed a picture of trash placed at the curbside prior to 3pm on a Sunday at the Cape May Point Municipal Building. She explained that this is setting a bad example as summons were issued to many taxpayers recently for this exact thing. She stated that our Code Enforcement Officer was asked by a taxpayer to issue a summons to the Borough. Public Works Supervisor, Bill Gibson stated that his department starts at 7:00 am on Mondays and would be placing trash at the curb at that time to avoid future problems.

Liz Shay, CFO, presented the bill list for review. She mentioned that two items were not presently listed and that the bill list would be amended before Thursday's meeting.

Commissioner Schupp stated that he received an email from Treacy Henry regarding the unsafe use of tents on public beaches. He reported that he spoke with both Public Works and the Lifeguards regarding this issue. He reported that the Beach Patrol has made it a policy to advise all tent users that they must not leave them unattended and must remove them at the end of the day. He stated that any tents left on public property at the end of the day would be removed by Public Works.

Commissioner Schupp also stated that he received a letter from John Reilly regarding speeding on Lighthouse and Yale Avenues. This letter requests 4-way stops at certain intersections along Yale Avenue to prevent accidents with pedestrians and/or cyclists. Commissioner vanHeeswyk deferred to Commissioner Henderson as Commissioner of Public Safety. Commissioner Schupp suggested we draft an ordinance to make certain intersections 4-way stops as the letter suggests. He also asked the Commissioner of Public Safety to consider speed-humps as used on Alexander Avenue. Commissioner Henderson stated that he would consider both requests and report back.

Commissioner Henderson stated that the governing body must address the issue of emails. Solicitor Russell stated that there are no cases pertaining to emails violating the Sunshine Law. Initial jurisdiction is with the Prosecutor who has a very strict approach to the use of email in violation of the Open Public Meetings Act. Commissioner Henderson proposed that an email reflector to give the public access. What he proposed is similar to public bulletin board. Solicitor Russell asked how access would be determined. The Clerk reminded everyone that two laws collide in the case of emails. They are OPRA and the Open Public Meetings. She suggested that Solicitor Russell contact Bill Kearns to get his thoughts on a State level through use of the NJLOM. Solicitor Russell suggested that the Attorney General's office be contacted for guidance.

Commissioner Henderson stated that Emelia Oleson requested that we join the statewide beach clean-up be held again this fall. He asked if the Municipal Building could be used for sorting of materials.

Commissioner Schupp suggested that the driveway in the back of the Municipal Building could be utilized for the meeting and sorting of materials on September 17th. Liz Shay offered to post the information on the website.

Commissioner Henderson stated that there has been some concern regarding the removal of vitex shrubs around the lake. He mentioned that as Public Safety Commissioner he was not consulted.

Mayor Schupp stated that this was a safety issue not an environmental issue. The Mayor stated that this was an immediate safety issue that needed to be addressed. Commissioner vanHeeswyk stated that the Borough's JIF Safety Committee met and the minutes from that meeting reflect that we were going to consider the removal of the vitex as a project. It was even suggested that they be relocated eventually, not removed immediately. Mayor Schupp responded that this would not be practical. Commissioner vanHeeswyk stated that she was very surprised that the vitex was immediately removed. Commissioner Henderson stated at the very least he should have been consulted as Public Safety Director.

Commissioner Schupp stated a member of the Environmental Commission, a member of the Lake Committee and the Public Works supervisor were present at a meeting at which the determination was made to remove the bushes

PUBLIC PORTION

Megane Smith read a prepared statement. She first thanked those who had the courtesy to respond to her recent request for clarification of the status of the Environmental Commission, given the appearance of the Public Works actions on matters which have a clear environmental impact. She disagreed with the Mayor's statement that the removal of the vitex was merely a safety issue. She took issue with the lack of communication with the Environmental Commission and the use of only one member to make a decision for the entire Commission. She added that a member of the Lake Committee was consulted on this matter and gave approval for the removal of the vitex. She stated that the Lake Committee merely makes recommendations to the Environmental Commission for relay to the governing body and cannot make decisions, policy or expend money on their behalf.

Mrs. Smith asked that the governing body set up something to make clear the responsibilities of the Environmental Commission and the process that should be followed in a case such as this. She stated that it is not really the issue of the bushes but the process of how things like this should be done in town that have an environmental component. She stated that she thought this was a knee-jerk reaction and did not warrant an immediate removal. She asked that guidelines be established in accordance with State Statutes and local ordinances in mind. She also requested that legal advice be sought when creating a schedule of how things should flow.

Commissioner vanHeeswyk referred to the tree inventory, which was paid for by the Environmental Commission. She stated that the list of trees is very specific and should be followed whenever and where ever possible. In addition, she stated that the entire Environmental Commission group should be consulted when dealing with vegetation.

Sally Sachs stated that the Environmental Commission should be consulted whenever possible. She stated that the Environmental Commission members need more definitive instruction on what should be considered. She stated that the term "environmental" is very broad and needs to be more closely examined. She stated that it appears that this was a safety issue, therefore was not brought to them for consideration.

Commissioner Henderson suggested that the Environmental Commission draft some guidelines for review by Solicitor Russell and the Commissioners.

Megane Smith stated again that she personally would like to see guidelines prepared by the governing body and reviewed by the Solicitor. She added stated that the issue of the vitex could have been handled quickly by email to all members.

ADJOURN

Upon motion by Commissioner Henderson, seconded by Commissioner vanHeeswyk the meeting was adjourned at 12:15 pm. The Municipal Clerk took a final roll call vote.

ATTEST:

Constance A. Mahon, Municipal Clerk

Commissioner Henderson

Commissioner vanHeeswyk

Commissioner Schupp