

**BOROUGH OF CAPE MAY POINT
BOARD OF COMMISSIONERS MEETING MINUTES
June 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 on Thursday, June 9, 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 CALL

Commissioner Henderson	PRESENT
Commissioner vanHeeswyk	PRESENT
Commissioner Schupp	PRESENT

FLAG SALUTE

Mayor Schupp led the audience in the Flag Salute.

PUBLIC HEARINGS

None

MINUTES

Commissioner Henderson made a motion to approve the minutes (as previously read by the governing body) of the meetings May 5, and May 12, 2011. Commissioner vanHeeswyk 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 approve the vouchers as presented for payment. (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 made a motion to approve the Treasurer's Report of 6/6/11 as presented. 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

REPORTS OF THE COMMISSIONERS

Commissioner vanHeeswyk stated that last month she reported that the Borough's Bi-annual report of our Plan Endorsement follow up to the NJ Department of Planning Advocacy would be considered on May 25th. She reported that the Planning Implementation Committee reviewed the report on that date and has agreed with our two requests: to allow our Environmental Commission to serve instead of a Shade Tree Commission and to allow us to postpone rewriting the recycling element of our Master Plan until our required periodic review. The PIC has

forwarded the report on to the Planning Advocacy Department which will make the final decision on Wed. next week. She stated that she would attend the hearing. She stated that one new requirement though is that the borough needs to hold a public hearing on these proposed changes so you can expect that hearing probably next month. Commissioner vanHeeswyk stated that every month your commissioners vote to accept a Bill List which is a list of all checks issued for the month. She explained that the Bill List must be attached to our minutes in our record books yet up until now only the minutes have been online. She stated that from this point on the Bill List will be online with the minutes every month. Commissioner vanHeeswyk stated that everything all three of us do here is to actually serve as Trustees of your tax dollars. She added that the citizens elect us to make decisions on their behalf as to how their municipality functions. She stated that every cent we spend belongs to the taxpayers and it is important for everyone to understand how and why decisions are made. She stated that being aware of the Bill List all year will greatly help in your understanding of the budget and the budget presentation in early 2012.

Commissioner Henderson stated that lifeguard tryouts will be held again this Saturday morning. He stated that two beaches are planned to be opened this weekend with the remainder of the beaches to be opened the following weekend. Commissioner Henderson stated that Chief Pietras would be evaluating the safety of our beaches and water and would determine the beaches to be opened for bathing this summer season. He stated that this should be done next week sometime. Beach Taggers will be more mobile this year. He asked that beach tags be worn and visible and asked that beachgoers be courteous to the taggers who are doing the job that has been required of them. He also reported that the ACMJIF safety inspection was recently performed and the report had no recommendations for change.

Mayor Schupp stated that the annual evaluation and inspection of our water collection system was conducted last month by the EPA and everything was found in good order. The Mayor stated that the State Assembly is reviewing the "Seaside Lodging and Rental District Act," A-2657. He stated that this bill would reduce the current Hotel/Motel Occupancy Tax from 14% to 7% but would include all rental properties not just hotels and motels. He explained that the bill requires that the municipality collect 2% for tourism marketing. He stated that this community has opposed this legislation as we have no desire to market tourism. Mayor Schupp reported that Cape May Point has seen an increase in recycling numbers so far this year. He reported that our current rate as of April is 49%! Mayor Schupp stated that the energy audits for the firehouse and borough buildings. He stated that the marketing manager would review the audit and determine what actions would be cost effective. The Mayor also reported that he and the Clerk met with South Jersey Gas to get an update on installation progress. He reported that SJ Gas is currently awaiting CAFRA approvals which are taking longer than expected. He stated that South Jersey Gas representatives have estimated that would begin in Cape May Point in the winter of 2012. He stated that they mentioned that those streets with the most applications received would get service installations first. He also stated that there is not application fee due at the time of application.

CORRESPONDENCE

None

NEW BUSINESS

None

LEGISLATION

RESOLUTION NO. 60-11 AUTHORIZING 2011 BEACH TAG CHANGE FUND

WHEREAS, it is necessary for the efficient operation of the beach tag program to have a change fund available;

WHEREAS, the Beach Tag Supervisor has recommended that the governing body authorize a change fund of \$1,100.00 for the 2011 summer season.

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 Chief Financial Officer and Treasurer is hereby authorized to give the Beach Tag Supervisor a check for \$1,100.00 to be used as the 2011 beach tag change fund.

BE IT FURTHER RESOLVED, that said monies will be returned to the Chief Financial Officer no later than September 15, 2011 for deposit in the general fund of 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. 61-11
Resolution Opposing the Passage of A-3285

WHEREAS, A-3285 would require that certain public contract bid advertisements include certified cost estimates or estimate ranges of projected contract cost and it would amend the grounds for rejection of all bids; and

WHEREAS, advocates for A-3285 argue that the best interests of taxpayers are served by the provisions of A-3285, because it promotes, they claim, openness and broad dissemination of information; and

WHEREAS, we agree that taxpayers are best served by openness and board dissemination of information, however, A-3285, would, in fact, limit a competitive process that is the foundation of the Local Public Contracts Law and would not best serve the public interest; and

WHEREAS, A-3285 would require a municipality to include in the public advertisement its cost estimates or cost estimate ranges for construction projects in excess of \$500,000; and

WHEREAS, A-3285 also amends the provision to reject all bids; and

WHEREAS, one of the amendments would permit a municipality to reject all bids only if the lowest bid substantially exceeds the municipality's cost estimates or cost estimate ranges for the goods or services as published and attested; and

WHEREAS, as a result of this amendment, **all contracts, including goods and services**, over the contracting unit's bid threshold will now require the public advertisement for bids to include cost estimates or cost estimates ranges; and

WHEREAS, municipal engineers and other design professionals will typically prepare the projects cost estimates based on the current industry cost and bids received for similar projects in different municipalities; and

WHEREAS, these estimates tend to be in the middle of the current industry cost; and

WHEREAS, we are concerned that A-3285 will create the "floor" as opposed to a "ceiling" for bid pricing, removing the incentive for competitiveness and prohibit a municipality from receiving the best possible price for the project; and

WHEREAS, requiring the advertisement of the cost will lead to unfair pricing and increased cost for already strained taxpayers; and

WHEREAS, A-3285 also has the potential to expose municipalities to protracted disputes and litigation; and

NOW, THEREFORE, BE IT RESOLVED, by the governing body of the (*insert name of municipality*) strongly opposes the passage of A-3285 as it will delay construction projects, lead to increased costs, limit the rejection of bids and expose municipalities to protracted disputes and litigation; and

BE IT FURTHER RESOLVED, that copies of this Resolution be forwarded to New Jersey Governor Christopher Christie, to Senate President Stephen Sweeney, to Assembly Speaker Sheila Oliver, to our State Senator, to our two Representatives in the General Assembly, and to the New Jersey League of Municipalities.

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. 62-11
RESOLUTION REQUESTING APPROVAL FOR THE
JIF SAFETY INCENTIVE FUND
IN THE AMOUNT OF \$1700.00**

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Finance may approve the insertion of any special item of revenue in the Budget of any county when such item shall have been made available by law and the amount therefore was not determined at the time of the adoption of the Budget; and

WHEREAS, the said Director may also approve the insertion of any item of appropriation for equal amount;

NOW, THEREFORE, BE IT RESOLVED, that the Commissioners of the Borough of Cape May Point in the County of Cape May, State of New Jersey, hereby requests the Director of the Division of Local Finance to approve the insertion of items of revenue in the Budget for the year 2011 in the sum of \$1700.00 now available as a revenue pursuant to the provisions of statute under the State of New Jersey:

Revenue: State and Federal Revenues Offset

ATLANTIC COUNTY JOINT INSURANCE FUND

2010 SAFETY INCENTIVE	\$1700.00
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BE IT FURTHER RESOLVED, that the like sum of \$1700.00 be and the same is hereby appropriated under the caption of::

Appropriation: State and Federal Programs Offset by Revenues

2010 JIF SAFETY INCENTIVE	\$1700.00
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BE IT FURTHER RESOLVED, that the above is a result of the AWARD OF THE ATLANTIC COUNTY JIF for exemplary safety for the year 2010.

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 63-11
RESOLUTION REQUESTING APPROVAL FOR THE
INCLUSION OF REVENUE- CLEAN COMMUNITIES
IN THE AMOUNT OF \$4000.00**

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Finance may approve the insertion of any special item of revenue in the Budget of any county when such item shall have been made available by law and the amount therefore was not determined at the time of the adoption of the Budget; and

WHEREAS, the said Director may also approve the insertion of any item of appropriation for equal amount;

NOW, THEREFORE, BE IT RESOLVED, that the Commissioners of the Borough of Cape May Point in the County of Cape May, State of New Jersey, hereby requests the Director of the Division of Local Finance to approve the insertion of items of revenue in the Budget for the year 2011 in the sum of \$4000.00 now available as a revenue pursuant to the provisions of statute under the State of New Jersey:

Revenue: State and Federal Revenues Offset

2011 NJ CLEAN COMMUNITIES GRANT	\$4000.00
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BE IT FURTHER RESOLVED, that the like sum of \$4000.00 be and the same is hereby appropriated under the caption of::

Appropriation: State and Federal Programs Offset by Revenues

2011 CLEAN COMMUNITIES GRANT	\$4000.00
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BE IT FURTHER RESOLVED, that the above is a result of the AWARD OF THE 2011 CLEAN COMMUNITIES GRANT.

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

PUBLIC PORTION

Chris Windberg stated that he resides in a two unit dwelling in Cape May Point and thinks that the new rental ordinance is unfair to 2 unit properties. He asked about the fees.

Solicitor Russell stated that the fee is actually \$150.00 plus a \$50.00 fire inspection fee. Hotel or motels could be charged \$150 per unit up to three units plus the fire inspection fee of \$50.00.

Mr. Wimberg asked if the Commissioners knew of anyone that has experienced suspension problems with their vehicles and also asked for help with this matter. Commissioner vanHeeswyk

Joan D'Avanzo suggested that Sunset Blvd. is also heavily utilized by cyclists and pedestrians that this is a serious safety issue. Commissioner vanHeeswyk offered to speak to her fellow Commissioners about writing a letter to the County Freeholders.

Ed Hagen received a letter from Ford, Scott Associates pertaining to our audit. He asked if it is legitimate. The Clerk explained that the auditors always send out a verification to randomly selected taxpayers and that it was indeed legitimate.

ADJOURNMENT

Upon motion to adjourn by Commissioner vanHeeswyk, seconded by Commissioner Henderson the meeting was adjourned at 7:25 pm.

ATTEST:

Constance A. Mahon, Municipal Clerk

Commissioner Anita vanHeeswyk

Commissioner John G. N. Henderson

Commissioner Carl Schupp