

**BOARD OF COMMISSIONERS  
MEETING MINUTES  
November 22, 2011**

**OPEN PUBLIC MEETINGS ACT STATEMENT**

A meeting of the Board of Commissioners was called to order at 9:30 on Thursday, November 22, 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**

<b>Commissioner Henderson</b>	<b>PRESENT</b>
<b>Commissioner vanHeeswyk</b>	<b>PRESENT</b>
<b>Commissioner Schupp</b>	<b>PRESENT</b>

**Commissioner vanHeeswyk made a motion to enter into executive session to discuss contract negotiations with Lou Dwyer, Joan Dollinger and a representative from the Sisters of St. Joseph. Commissioner Henderson seconded the motion and the Municipal Clerk took the following roll call vote:**

<b>Commissioner Henderson</b>	<b>YES</b>
<b>Commissioner vanHeeswyk</b>	<b>YES</b>
<b>Commissioner Schupp</b>	<b>YES</b>

**The Municipal Clerk read the following resolution aloud:**

**RESOLUTION 95-11  
EXECUTIVE SESSION RESOLUTION**

**WHEREAS**, NJSA 10:4-12 Allows for a Public Body to go into closed session during Public Meeting; and

**WHEREAS**, the Governing Body of Cape May Point has deemed it necessary to go into closed session to discuss certain matters are exempted from the Public; 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 will go into closed session for the following reason(s) as outlined:

**Contract Negotiations**

Upon motion by Commissioner vanHeeswyk, seconded by Commissioner Schupp, a unanimous roll vote was taken as follows:

**Commissioner Henderson  
Commissioner vanHeeswyk  
Commissioner Schupp**

**The meeting reconvened at 10:02.**

**The Municipal Clerk read the following resolution aloud;**

**RESOLUTION NO. 94-11**

**Authorize Shared Services Agreement With Middle Township for Animal Control Services 2012**

WHEREAS, NJSA 40A: 65-1 et seq. authorizes municipalities to enter into an Agreement for Shared Services; and

WHEREAS, the Board of Commissioners of the Borough of Cape May Point must provide animal control services to protect the health and welfare of its citizens; and

WHEREAS, Middle Township has professionally and efficiently provided such animal control services for several years; and

WHEREAS, the governing body desires to continue this productive relationship for the upcoming year.

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 attached Shared Services Agreement for Animal Control Services be ratified.

BE IT FURTHER RESOLVED, that the Mayor and Clerk are hereby authorized and directed to sign the attached Shared Services agreement.

Upon motion by Commissioner vanHeeswyk, seconded by Commissioner Schupp, a unanimous roll vote was taken as follows:

**Commissioner Henderson**  
**Commissioner vanHeeswyk**  
**Commissioner Schupp**

Mayor Schupp asked that Bill Gibson, Public Works Superintendent be given the chance to explain DEPTCOR procedures to the Board of Commissioners so that the issues plaguing the Pole barn could be resolved. Mayor Schupp stated that he recently had a lengthy conversation with Mayor Mahaney of Cape May City who uses DEPTCOR in many situations. He stated that Mayor Mahaney never had a bad experience and in-fact praised DEPTCOR for their fine work. He also mentioned that the New Jersey League of Municipalities encourages the use of DEPTCOR for municipal projects due to low cost of labor.

Commissioner Henderson stated that his opposition to the construction of the Pole Barn is due to the high exposure to liability and inability of the Borough to obtain a "hold harmless agreement or certificate of insurance naming the Borough as additional insured as required by the ACMJIF. Bill Gibson stated that he has made attempts to secure these two documents but was unable to do so. The Clerk stated that she contacted the purchasing agent at DEPTCOR who responded to these requests by sending a letter explaining the State's self-insurance.

Commissioner Henderson stated that the Borough holds everyone to the same standards required certificates of insurance from even the Taxpayers Association and Civic Club and stated that it is only fair that we as the municipal government hold ourselves to same standard.

Commissioner vanHeeswyk stated that she visited the DEPTCOR booth at the NJLOM Convention and asked John Muniz, Division Director, some very pointed questions. She explained that she was disturbed by the lack of a contract or hold harmless but was told that this is normal procedure for DEPTCOR projects. Commissioner vanHeeswyk stated that she was curious about the price and did some research of her own.

The Clerk asked Bill Gibson to explain who would be on site on a daily basis and what the responsibilities of those present would be. Bill indicated that 2 supervisors, 6 inmates, 1 corrections officer and 2 civilian employees would be on-site daily. He stated that the supervisors and civilian employees are skilled labor and do a bulk of the work while inmates carried materials and handled clean-up. He added that the guard keeps an eye on prisoners.

Bill Gibson stated that he understood that some people were uneasy about having inmates on site and would consider using the public works employees to replace the inmates in order to alleviate those concerns. Commissioner Henderson stated that this would be acceptable to him as it would lessen the liability to the borough and also address the "skilled labor" problem.

Solicitor Russell asked if there was an additional cost for the use of inmates and suggested that if there is a cost savings could be negotiated. He asked if there was a signed purchase order for the pole barn. Bill Gibson responded that there was indeed a purchase order signed by the Mayor. He indicated that

DEPTCOR would not have purchased the pole barn kit without a signed purchase order. Liz Shay, CFO, stated that there is no purchase order in the Edmonds system. She asked if maybe the requisition was being confused with a purchase order. The Clerk asked that the purchasing department at DEPTCOR be contacted to secure a signed PO (if one exists.) After several minutes, a requisition (signed by the Mayor) was faxed by DEPTCOR along with a breakdown of the costs associated with the project. Commissioner Henderson asked if the Pole Barn building would be heated and have electricity. He mentioned that this was not listed on the requisition. Bill responded that electric service would be installed at an additional cost.

Solicitor Russell asked to recap the previous conversation so that a decision could be made about moving ahead on the project. He stated that if public works would supply labor in lieu of inmates and a signed purchase order could be secured it appeared that the governing could agree to move ahead with the project. The board agreed.

Commissioner vanHeeswyk asked Bill Gibson how soon the new doorknobs would be installed on some of the borough offices. He responded as soon as possible.

Commissioner vanHeeswyk stated that Lori Griffa, DCA Commissioner resigned today. She referred to recent COAH correspondence and stated that COAH is still in limbo as pending litigation has not yet been settled.

Liz Shay, CFO asked the governing body if they would commit to paying the pending unemployment bills in the current year instead of using the Emergency Appropriation to pay it. Both Commissioners vanHeeswyk and Commissioner Henderson stated that they were in favor of paying the Unemployment bills this year. Mayor Schupp stated that he could not commit until he spoke to Bill Gibson about items needing to be purchased this year. Commissioner vanHeeswyk stated that it has been common practice to spend whatever is left in an OE rather than put to into surplus or use it for emergent situations such as this. Mayor Schupp disagreed.

Liz Shay asked if the Board would be introducing a transfer resolution. Commissioner vanHeeswyk questioned why we would be moving money out of certain line items at this time. She objected to using beach restoration money for public works to buy things. Liz Shay, CFO, stated that she thought the unemployment bill was the reason for the transfer. Commissioner vanHeeswyk asked Mayor Schupp if that was the reason for these transfers. Mayor Schupp responded that he had to talk to Bill Gibson. Commissioner vanHeeswyk made a motion to table the resolution. Commissioner Henderson seconded the motion and the municipal clerk took the following roll call vote:

<b>Commissioner Henderson</b>	<b>YES</b>
<b>Commissioner vanHeeswyk</b>	<b>YES</b>
<b>Commissioner Schupp</b>	<b>YES</b>

Commissioner vanHeeswyk stated that the new pension and healthcare reform bill requires the Borough to offer a Flexible Spending plan to its employees. She stated that she has researched the FSP and met with two vendors thus far. She stated that she would report back to the board. At first glance, she stated that it appears that the start-up cost of \$1000.00 is inevitable.

Commissioner vanHeeswyk stated that she has requested that the Clerk draft an ordinance amending the Flood and Storm Zone Chapter. She stated that our Construction Official has indicated that our ordinance requires more than the NFP and asked that it be amended to mirror the NFP. The Clerk responded that she has a draft ready for review. Commissioner Henderson questioned how the removal of the need for pilings could help the borough.

Mayor Schupp reported that Zoning and Planning Board member classes would be offered at the Cape May County Technical High School on January 28<sup>th</sup>.

The Mayor also reported that our Clerk drafted a resolution for the NJLOM which was warmly received at the conference by numerous towns. He stated that it is his hope that this resolution is considered by our local legislators. He asked the clerk to send a copy to Senator VanDrew.

Mayor Schupp announced that LuAnn Daniels has agreed to serve as liaison to the Planning/Zoning Board. He also reported that Dominic Miranda has resigned from the Zoning Board and was seeking a replacement. He stated that Mike Keosky has agreed to serve and Steve Altman is still considering.

Commissioner vanHeeswyk stated that she contacted Roger Smith to get prices for installing 2 to 3 wells in the circle for irrigation. She stated that Mr. Smith would be contacted to get information on the use of sprinklers and the system before he can finalize his quote. She stated that Mr. Smith would have price together shortly which would be forwarded to the Mayor for consideration. Commissioner vanHeeswyk suggested that the 2 or 3 wells be placed in flower beds to disguise the plumbing out of ground. She also recommended that a mineral be used to counteract the rust color in the water.

Liz Shay stated that SPG3 has submitted 2 outstanding bills for work on the Cape May Point Volunteer Fire House that she would like to add to the bill list. The Commissioners agreed.

### **VOUCHERS**

The Board discussed the layout of the bill list. 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:

<b>Commissioner Henderson</b>	<b>YES</b>
<b>Commissioner vanHeeswyk</b>	<b>YES</b>
<b>Commissioner Schupp</b>	<b>YES</b>

### **PUBLIC PORTION**

**Sally Sachs** thanked Commissioner vanHeeswyk for getting a quote for the wells in the circle. She asked the Mayor if he would pursue the installation of the wells. He responded yes. He stated that once a cost estimate is evaluated a decision would be made.

**Emelia Oleson** asked if the use of grey water was still being considered. The mayor responded that a study was done with unfavorable results. He indicated that the cost was prohibitive.

Emelia Oleson also stated that she recently spoke to someone about geothermal energy. She said that this individual mentioned that most geothermal wells are about feet in depth. She suggested that the governing body speak to contractor- Randy Payne. Ms. Oleson expressed her concern that drilling wells could cause aquifer collapse. She asked that care be taken and a hydrologist be consulted.

**Megane Smith** stated that a large area at the base of the Whillden Avenue beach entrance roadway has been disturbed and a large pile of sand left behind. She asked a large amount of I-5 was removed and if it would be returned to its original state. Mayor Schupp stated that the I-5 was needed to repair an area where a water main break occurred.

Commissioner vanHeeswyk mentioned that Megane Smith donated tulip bulbs to the Borough. She stated that public works department planted them in front of the municipal building.

**Emelia Oleson** questioned why the County and/or municipality did not promote the recycling of cereal and pizza boxes. Mayor Schupp stated that County has asked us not to promote it as it is currently a pilot program.

### **ADJOURNMENT**

Upon motion by Commissioner vanHeeswyk, seconded by Commissioner Henderon the meeting was adjourned at 12:48 pm.

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Constance A. Mahon, Municipal Clerk

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John G.N. Henderson, Commissioner

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Anita vanHeeswyk, Commissioner

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Carl F. Schupp, Commissioner