

**BOROUGH OF CAPE MAY POINT
BOARD OF COMMISSIONERS MEETING MINUTES
September 8, 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, September 8, 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.

PRESENTATION BY SOUTH JERSEY GAS

Mayor Schupp introduced Deb Spinella, who introduced the representatives of SJ Gas present:

Rob Shropshire

Mark Andrews

Todd Gordon

Deb Spinella

Todd Gordon stated that South Jersey Gas is coming to Cape May Point late this fall. He stated that SJ Gas is currently awaiting CAFFA approval which is expected in early October. He stated that over 200 applications are in hand at this time. Mr. Gordon stated that the plan is to continue construction in Cape May Point in areas of high concentration first and then throughout the entire town for the better part of a year. He stated that applications are currently being accepted without fee. He explained that Rob Shropshire will be taking to customers about meter location and how installation will proceed once their application is received. At the time Mr. Shropshire visits the home the application fee will become due. Mr. Gordon stated that once gas connection occurs and service is turned on there is a \$20 activation fee applied to first bill.

Mr. Andrews stated that a deposit is also required for two months of average appliance usage (calculated by South Jersey Gas.) He further added that this deposit is waived upon receipt of a letter of recommendation from another utility stating that you are a customer in good standing. Mr. Andrews stated that social security numbers are not required on the application and credit histories are not taken, therefore a deposit or letter of recommendation from another utility is necessary.

Member of the audience asked many questions which were answered by the representatives listed above. Answers are summarized below:

South Jersey Gas will install meter service at house at least 3 feet from any other utility. There will be a \$65.00 Application fee due at the time of installation. Checks already received are being held until installation commences. South Jersey Gas will not determine the location of the current propane tank or any other mark out on private property. All utilities will be notified under State's One Call program. All other mark outs will be the customer's responsibility. Mr. Shropshire indicated that gas lines would be installed at a depth of 18 to 35 inches. They indicated that to the extent possible all disrupted areas would be put back in original condition. The Clerk stated that a representative of Van Note-Harvey would be present on site to inspect work. South Jersey Gas intends to eventually run gas mains throughout the entire borough; however, they will not be installing lines on those streets with little or no interest at this time. They indicated that it is important that for neighbors to be aware of the program. Once lines are installed there is a \$20.00 activation fee applied to first bill. This can be waived by submitting a letter from another utility company of good standing. South Jersey Gas representatives asked that letters be provided only after bill is generated. South Jersey Gas representatives indicated that all installations must be to UCC Codes and permits

are required for all installations. Meter locations cannot be moved once installed. If there is a need to move the meter a fee would be charged. South Jersey Gas stated that once the main is installed on a particular street, the property owners will have time to arrange for connection work with a plumber. It is expected that natural gas consumption begin within 90 days of meter placement, however it is not necessary for customers to switch all appliances over in that time frame, dual use is acceptable until propane in tank is depleted. South Jersey Gas officials highly recommended that customers use high-efficiency appliances and encouraged property owners to take advantage of rebates offered. SJ Gas has a list of designated installers and stated that it is beneficial to use them as they are aware of grants and have proven reputations.

South Jersey Gas officials explained that if a resident does not want natural gas installed at this time it could be installed at a later date as long as the gas main was installed on that particular street. They explained that if no main was present additional charges would be incurred by a property owner to bring the gas to the location.

South Jersey Gas representatives stated that the Borough would be given information weekly on the location of installations. The Borough will post this information for the public. They reminded everyone that installations will be done in areas with the most interest first and reiterated that it is their intention to have the entire town serviced within a year. The initial installation of the gas trunk line on Seagrove Avenue is expected upon CAFRA approval in late October.

PUBLIC HEARINGS

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

(** tabled from August 11, 2011)

PUBLIC COMMENT

No comments

Commissioner vanHeeswyk made a motion to adopt ordinance 597-11. Commissioner Henderson seconded he motion. The Municipal Clerk took the following roll call vote:

Commissioner Henderson	YES
Commissioner vanHeeswyk	YES
Commissioner Schupp	YES

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**

PUBLIC PORTION

No comment

Commissioner vanHeeswyk made a motion to adopt Ordinance 598-11. 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 August 9, August 11 and August 25, 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 approve the 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 August 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 in light of the recent Emergency Declaration for Hurricane Irene, I she is encouraging all three of our departments to work on updating our Emergency Plan for "re-organizing" and running the borough government during such an emergency. She indicated that the reality is that once an emergency is officially "declared" your elected officials are no longer in charge. Although a Director of Emergency Management makes ALL decisions for the duration, they certainly are not able to perform all of the functions of running the borough government. There is a plan which must be updated and then should be followed. For example, the IT director moves from my department to Emergency Management so that information can be disseminated. The same with our CFO since checks may need to be written during the emergency. Backup to our CFO in the current plan is Clerk, then the Commissioner of Rev & Finance. The Borough Clerk will become our Director of Communications and would co-ordinate with our IT department to get information out in a timely manner. She stated that the plan will also spell out procedures for protecting our valuable files and computer hardware. She reported that during this particular incident, our server and computers were taken to a county "bunker" in Woodbine. The fact that we have a commitment from the county to do so is the type of information that will be incorporated in the plan being drafted. She stated that we certainly hope and pray that we won't ever have to use such a plan but the reality is that in order to function smoothly under any and all circumstances even up to a major catastrophe setting forth a plan is the prudent thing to do, especially in light of changing administrations every four years. Commissioner vanHeeswyk stated that it is our responsibility to share what we have learned. She stated that her department is already working on their segment of the plan and are waiting for the County to set up the P-Card system with us. She explained that this will become a valuable asset should we need to re-build or set up out offices off site. She thanked everyone for what they did here to protect lives and to help friends and neighbors AND also for all of those who left early and without complaint. She stated that it was the right decision no matter the outcome.

Commissioner vanHeeswyk reported that CRS or the Community Rating Service reports are due at the end of the month. For many years, we have been a few points above the requirements in order to receive a 15% discount on your flood insurance premiums. Information about our Army Corps beach replenishments, our Stockton beach surveys and the Water Management Agreement with the DEP, the Nature Conservancy, CM County and the borough) to regulate the level will be submitted to CRS this year. She explained that she is trying to hit the 20% discount for property owners.

Finally, she asked everyone mark your calendars for the weekend of Sept 23rd and 24th for the NJ RUN for the Fallen in honor of every NJ service member killed in Iraq and Afghanistan. She stated that at 5:00pm Friday at the Lighthouse a run/walk begins and will end at Sunset Beach for the Flag Ceremony. Recruits from the coast

Guard will run and the Coast Guard Recruit Band will perform. Many family members of the fallen soldiers will be attending. She reported that at 6:15 AM on Saturday morning at Sunset Beach the Run Team will assemble for a short ceremony before taking off on a two day/150 mile run finishing at Holmdel on Sunday. She explained that each mile run is dedicated to a fallen soldier and that on Saturday morning around 7am at Hero Mile Marker 5 a flag and personalized biographical card will be placed in honor of Captain Thomas J Casey of Cape May Point.

Commissioner Henderson stated that our beach season is officially over. He reported that we have had a safe summer and that there were no full-blown rescues, which means that the lifeguards offered good preventative supervision. He stated that he doesn't yet have all the revenue and cost figures in order, but expects that we will come reasonably close to our budget plans. Commissioner Henderson spoke about the hurricane. He stated that we were of course very fortunate in that we were spared the worst of the storm, but wanted to credit and thanks some of the people who prepared our storm defenses. He praised Malcolm Fraser for his vision and hard work in getting us into the sand fill projects, in securing the artificial reefs, the revetments, the jetties, and the dune engineering, for the system that enables us to pump down Lily Lake so that it can absorb floodwater, and for his guidance and engineering skill to put the whole system together. He also thanked Dick Miller for his crusade and hard work to create a strong and preserved dune system, built with snow fences, plantings, vision, organization of volunteer help, and his own hard work. Commissioner Henderson also thanked to all who supported Dune Days, beach clean-ups, and who respect and preserve the dunes and their plantings. He walked down to the beach at high tide on the night when the hurricane arrived off our shore. He reported that the waves were the biggest he has ever seen on our beaches. He stated that the wash was knee-deep and flowing fast at the level of the grasses at the base of the dunes. He reported the Borough's beaches lost sand, particularly on St. Pete's and Brainard beaches, but the dunes held. He also thanked Emergency Management people, especially Bill Gibson and Joe Nietubicz, our Public Works staff, and our volunteer firemen. He stated that all those folks stayed throughout the storm, responded to the downed wires, patrolled the streets, denied access to the Point to folks they did not recognize, and mobilized the generators and earth moving equipment and rescue equipment in case it were needed. He also mentioned that Connie Mahon arranged a contingency contract for cleanup, which we were grateful not to use. Commissioner Henderson commented about what we should and should not think we learned from the experience. He stated that we must not conclude that the reality will always be easier than the predictions, and we must continue to heed the evacuation instructions and that he does not understand why the surge predictions changed so much when the forecast track and strength of the storm changed little. Commissioner Henderson stated that we were fortunate that the storm passed at a time close to low tide. Storm surge models are apparently tricky to get right. Regardless, he thinks that we need to take the predictions seriously, because meteorologists will keep improving the predictions. He stated that there are those who say that the County Emergency Management over-reacted to the storm, but he does not agree. He stated that the evacuation call was based on good judgment of the best facts and predictions. He also added that there are those who have called for an earlier announcement by NOAA of the storm's expected landfall, which would enable an earlier evacuation, but such calls are also meaningless. He stated that no one is keeping secrets. As we saw, the meteorological judgments were remarkably good, but not perfect, and pretending we can make earlier judgments accurately is wishful thinking at today's state of the prediction art.

Commissioner Schupp stated

ORDINANCE INTRODUCTION

ORDINANCE NO. 599-11

AN ORDINANCE TO ESTABLISH A POLICY FOR THE AWARDING OF PROFESSIONAL SERVICE CONTRACTS IN THE BOROUGH OF CAPE MAY POINT IN THE COUNTY OF CAPE MAY AND STATE OF NEW JERSEY

(PAY TO PLAY)

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

Section 1. Policy

It is the policy of the Borough of the Borough of Cape May Point to create regulations stating that a professional business entity which makes political contributions to elected officials who are responsible for awarding professional service contracts shall be ineligible to receive a public professional contract from the Borough of Cape May Point.

Section 2. Definitions

- a) Commissioners shall mean the Governing Body of the Borough of Cape May Point
- b) Mayor shall mean the Mayor of the Borough of Cape May Point
- c) Professional Business Entity shall mean an individual, including an individual spouse and any child living at home, person, firm, corporation, professional corporation, partnership, organization or association that is seeking a professional services contract with the Borough of Cape May Point. The definition of a professional business entity also includes all principals who own 10% or more of the equity in the corporation or business trust, partners, and officers in the aggregate employed by the entity as well as any subsidiaries directly controlled by the business entity.
- d) Professional Services Contract shall mean those contracts awarded for professional services as defined by N.J.S.A.40A: 11-2(6) and 40A:11-5(1)(a)(i).

Section 3. Prohibition on Awarding Professional Service Contracts to Certain Contributors

- a) The Borough of Cape May Point its agencies or ties independent authorities, shall not enter into an agreement or otherwise contract to procure professional services, including banking for the purpose of promoting or supporting Cape May Point municipal candidates or municipal officeholders, within one year immediately preceding the date of the contract or agreement.
- b) No professional business entity which enters into negotiations for, or agrees to any professional services contract with the Borough of Cape May Point, its agencies or independent authorities for the rendition of professional, banking or insurance coverage services shall solicit or make any contribution of money, or pledge of a contribution, including in-kind contributions to any Cape May Point candidate for the office of Commissioner or Mayor, or to any Cape May Point or Cape May County committee or to any PAC that is organized for the primary purpose of promoting or supporting candidates for the office of Mayor or Commissioner between the first communication between the business entity and Cape May Point regarding a specific professional services contract and the later of the termination of negotiations with the Borough for the professional services contract or the completion of the contract.
- c) All Cape May Point contracts shall provide that it shall be breach of the terms of the contract to violate Section 2 or to conceal or to misrepresent contributions given or received, or to make or solicit contributions through intermediaries for the purpose of concealing or misrepresenting the source of the contribution.
- d) All requests for proposals sent by the Borough of Cape May Point for professional services contracts shall provide that it shall be a breach of the terms of the contract for a professional business entity to violate any portions of this ordinance or to conceal or misrepresent contributions given to or received by, or to make or solicit contributions through intermediaries for the purpose of concealing or misrepresenting the source of the contribution.

Section 4. Contributions made prior to the Effective Date.

Any contribution of money or any other thing of value, including in-kind contributions, made by a professional business entity to any candidate for the office of Mayor or Commissioner in the Borough of Cape May Point, or municipal or county party committee or PAC references in this ordinance shall not be deemed a violation of this section, as shall any agreement for property, goods, or services of any kind whatsoever, if that contribution was made by the professional business entity prior to the effective date

of this section.

Section 5. Contribution Statement by Professional Business Entity

- a) Prior to awarding any professional services contract, including banking or insurance coverage services, with any professional business entity, the Borough of Cape May Point or agencies, as the case may be, shall receive a sworn statement from the professional business entity that the bidder has not made a contribution in violation of Section 2 of this act.
- b) The professional business entity shall have a continuing duty to report any violations of this Act that may occur during the negotiation or duration of a contract. The certification required under this subsection shall be made prior to entry into the contract or agreement with the Borough of Cape May Point and shall be in addition to any other certifications that may be required by any other provision of law.

Section 6. Penalty

- a) Any professional business entity, who fails to reveal a contribution made in violation of this ordinance, or who makes or solicits contributions through intermediaries for the purpose of concealing or misrepresenting the source of the contribution, shall be disqualified from eligibility for future Cape May Point contracts for a period of four (4) calendar years from the date of the violation.
- b) Any person who acts as an intermediary to violate, or assists others in violating, any portions of this ORDINANCE shall be subject to a fine not to exceed \$1,000 per violation or imprisonment not to exceed ninety (90) days, or community service not to exceed (90) days, in the discretion of the municipal court judge.

Section 7. Severability

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 8. Repealer

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

Section 9. Effective Date

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

Joe Jordan of Cape Avenue expressed his disappointment in the lack of information provided on the Borough's website up-to, during and after the hurricane. Commissioner vanHeeswyk stated that this would be improved and addressed in the new plan.

Sarah Jordan thanked Commissioner vanHeeswyk for information provided in her personal email regarding the effects of the hurricane. She seconded her husband's comments.

Meghane Smith stated that the worst effect of the hurricane was the inability to get gasoline. She also stated that it took 10 days to restore her telephone service.

Sandy Allison thanked Public Works for the chipper.

Irene Schreiner encouraged preparedness by all property owners.

Emelia Oleson stated that she has noticed an unusually high amount of particles in the drinking water lately. She stated that anyone that has a filter on their water system has been using more filters as of

late. She said she spoke to Cape May's Water Superintendant who indicated that a new well (#5) was recently opened up which contains a large amount of particulates. The Mayor stated that he knew nothing of this and would look into it and report back.

Dick Miller stated that he did a thorough review of all sewer vents in town a few years ago but has noticed at least a half-dozen with broken or missing caps. He asked that this problem be addressed.

ADJOURNMENT

Upon motion to adjourn by Commissioner vanHeeswyk, seconded by Commissioner Henderson the meeting was adjourned at 8:50 pm.

ATTEST:

Constance A. Mahon, Municipal Clerk

Commissioner Anita vanHeeswyk

Commissioner John G. N. Henderson

Commissioner Carl Schupp