

**MINUTES OF A CAUCUS MEETING OF THE BOARD OF COUNTY COMMISSIONERS,
HELD IN THE COUNTY ADMINISTRATION BUILDING, 4 MOORE ROAD, CAPE MAY
COURT HOUSE, NEW JERSEY ON TUESDAY, MARCH 22, 2022 AT 3:00 P.M.**

Director Thornton called the meeting to order. The following members answered roll call:

Commissioners Hayes, Morey (Virtual) and Thornton-Present (3)
Commissioner Desiderio- arrived at 3:13 p.m. (1)
Commissioner Pierson-Absent (1)

Statement of the Director:

“This is a notice read pursuant to the requirements of the “Open Public Meetings Act.” At least 48 hours advance notice of this meeting has been provided by posting of the same in writing on the bulletin boards in the County Administration Building, and the County Clerk’s Office and mailing a copy of the notice to the Cape May County Herald and the Atlantic City Press and filing the same with the County Clerk, all being done on Wednesday, January 6, 2021.”

Moment of Silence dedicated to Tony Solis, retired Stone Harbor Police Chief, in memory of the passing of his wife, Eleanor Solis.

Flag Salute-Led by Director Thornton.

1. Allison Hansen- Purchasing Report

Ms. Hansen detailed awards, extensions, or changes to contracts, and competitive contracting of the following resolutions: Res. Nos. 165-22, 167-22, 174-22 and 194-22.

Res. 165-22 awarding Contract No. C2-47 to Odin Cyber Technologies, LLC to furnish, install, upgrade and maintain a Video Management System (VMS) for the Cape May County Correctional Center.

Res. 167-22 authorizing Change Order No. 1 to Contract No. C1-237 with Tyler Technologies, Inc. for Civil Process Software for the Sheriff’s Office in the net credit amount of \$40,000.00.

Res. 174-22 awarding Contract No. C2-42 to Senior Care Centers of America, Inc. dba Active Day of Cape May County to Provide Adult Day Services-Medical for the Division of Aging & Disability Services.

Res. 194-22 awarding Contract No. C2-46 to Triad Associates, Inc., to provide Grant Administration for Construction of a Multi-Tenant Technology Building at the Cape May County Airport.

2. Robert Church-Engineer’s Update

The following resolutions on the agenda to be authorized during the Regular Meeting of Board tonight were acknowledged or discussed by Mr. Church.

Res. 177-22 awarding contract to Byrd Dog Paving, LLC in the amount of \$345,747.16 for Cape May Bikeway Expansion.

March 22, 2022, (Continued)

Res. 178-22 accepting proposal of Remington & Vernick Engineers in the amount of \$409,663.01 for Professional Construction Engineering Services for Ocean Drive (CR619) 62nd Street to 80th Street Resurfacing Improvements, Borough of Avalon.

Res. 179-22 authorizing the County of Cape May to execute “Temporary Construction Easements” for Bridge Replacement of Hand Avenue (CR658) over Skeeter Island Creek, Township of Middle.

Res. 181-22 modifying No Passing Zones along Bayshore Road (CR603), Township of Lower.

Res. 183-22 modifying No Passing Zones along Dias Creek Road (CR612) in the Township of Middle.

Res. 184-22 closing the contract and accepting the work of RTW Construction, Inc. for 2020 Drainage Improvements II, Townships of Middle and Lower.

Res. 185-22 accepting the work and closing the contract of South State, Inc. for Bayshore Road (CR603) Phase 3 Reconstruction from Wilde Avenue to Weber Avenue, Township of Lower.

Res. 186-22 authorizing Change Order No. 1-Final in the amount of <\$15,440.83> to South State, Inc. for Seashore Road (CR626) Missing Bicycle Link Improvements, Township of Lower.

Res. 187-22 authorizing Change Order No. 2-Final in the amount of <\$3,990.93> to South State, Inc. for Rio Grande Avenue (CR661) Entrance Improvements from George Redding Bridge to Arctic Avenue, City of Wildwood.

Res. 188-22 Modifying No Passing Zones along Stone Harbor Boulevard (CR657), Borough of Stone Harbor.

Res. 189-22 to establish Speed Limit on Stone Harbor Boulevard (CR657) in the Township of Middle.

Res. 191-22 authorizing the County of Cape May to execute “Temporary Construction Easements” for Dennisville-Petersburg Road (CR610) Resurfacing Improvements from NJ Route 47 to the Dennis Township Municipal Driveway, Township of Dennis.

Res. 195-22 authorizing Atlantic County Improvement Authority to execute Professional Service Agreements with Stokes Architectural & Design and Stantec Consulting Services, Inc. for the design and construction of Tech Village, Building 2.

Commissioner Morey stated he had been corresponding with Dennis Township Mayor Matalucci recently, therefore he asked Mr. Church for a progress update on Fidler Road.

3. Kevin Lare-Administrator Update

He reminded Director Thornton, Commissioner Hayes and Commissioner Morey of the Special Meeting for the Board of School Estimate at 2:00 p.m. on March 29th.

4. Commissioner Discussions

March 22, 2022, (Continued)

Commissioner Hayes- After meeting yesterday with North Wildwood Administrator Ron Simone, City of Margate Engineer Roger McLarnon, Cape May City Deputy Manager Lou Belasco and Environmental Consultant Jim Rutala, the commissioner was compelled to share what she had learned about the Governor Murphy's Executive Order No. 100 and NJDEP PACT (Protecting Against Climate Threats) Regulations. Municipalities were required to revise their existing flood damage protection ordinances to include language that would automatically impose the NJ PACT Regulations once they are adopted, she explained.

Commissioner Hayes went over the following bullet points and stated the reasons she felt this initiative would affect the county negatively if implemented:

- State Model Floodplain Management Ordinance issued by Governor Murphy in Executive Order No. 100 did not go through the legislative process in the Assembly and Senate.
- The initiative under NJ PACT was being regulated by the NJDEP and included a model of a Floodplain Management Ordinance for higher regulatory flood plain standards.
- The ordinance established and included a condition that when the State issued or implemented a 5-foot freeboard, plus Base Flood Elevation (BFE) building standard, the building standard would automatically become the standard in every community that adopted the model ordinance.
- The ordinance created what it referred to as a Floodplain Development Permit for all work outside of the Uniform Construction Code (UCC). Municipalities within the special flood hazard area would have to enforce permit compliance. (She provided an example of when a permit would be required).
- The ordinance would require most campgrounds that have trailers and temporary structures, cabins, etc. to have foundations built to the current height standard of the BFE plus the freeboard.
- It would mandate that all roads and parking areas within the municipality that adopt the ordinance be built to BFE plus 1 foot freeboard which would cause flooding inundations in and around surrounding properties.
- Due to higher construction standards and the need for more compliance officials, the ordinance would put a strain on local municipal budgets and local economies.

North Wildwood Administrator Ron Simone explained the BFE. He stated the Model Floodplain Management Ordinance would be extremely difficult and straining on all municipal governing bodies. It would have a very negative impact on the economy as well, he added. It could halt construction in some areas. It would cause a strain on municipal capital projects. He offered to be available to answer any questions the Board might have around the topic. As a goal they were seeking a resolution in opposition of NJ PACT, Executive Order 100 and the Model Floodplain Management Ordinance from the CMC Board of County Commissioners, and all the coastal communities, to adopt the same resolution of opposition as well. Atlantic and Cape May Counties were the first communities they were trying to issue this mandate on, the test subjects, he further stated.

Commissioner Vice-Director Desiderio agreed with everything conveyed by Commissioner Hayes and Mr. Simone. This had not gone before the legislators, and it was an Executive Order by the Governor, he stated, that was true. Sea Isle City residents already received a 35% discount on their flood insurance plus the mayor's office had gone above and beyond FEMA mandated regulations to ensure properties were safe, he further stated. We all must join and stick together, get everyone involved on this.

March 22, 2022, (Continued)

Commissioner Morey wondered about an economic impact analysis and benefit for the NJDEP to implement these regulations. Did the legislature intentionally not want to be involved, he asked. Additionally, he wondered whether they were hearing from the Homebuilders Association or the NJ Realtors Association. He mentioned the democratic side of the house if there had been movement or interest from the democratic party.

Director Thornton felt most people around the nation were uninformed regarding the flooding issue. He noted that this would destroy property values on the barrier islands if the regulations were enacted. It was done this way intentionally because the State didn't want resistance. We need to take a hard stand against this even if we must hire outside counsel to help, he finished.

Ron Simone made final comments and said the tactic being used to force compliance was threatening to take municipalities out of the Community Rating System (CRS). Lou Belasco added that the ordinance was voluntary in early 2021, then became a mandate in December 2021, starting with Cape May and Atlantic Counties. Most towns in the state were still unfamiliar with the ordinance. He thanked CMC for taking the time to hear this out.

Director Thornton asked Leslie Gimeno if this would impact on the State Master Plan.

Commissioner Morey asked Commissioner Hayes possibly through her involvement with NJAC, that the other 21 counties could be made aware.

Moved by Mr. Desiderio seconded by Ms. Hayes to adjourn the caucus. Roll call: Commissioners Desiderio, Hayes, Morey (Virtual) and Thornton (AYE-4) (NAYE-None) (ABSTAIN-None) (ABSENT-One). Carried.

Caucus adjourned at 3:45 p.m.

Administrator/Clerk of the Board