

**BOROUGH OF LONGPORT WORKSHOP COMMISSION MEETING
MUNICIPAL BUILDING, 2305 ATLANTIC AVE
LONGPORT, NJ 08403
WEDNESDAY, September 16, 2020 – 4:00 PM**

The meeting was called to order.

Municipal Clerk Kyle read the Opening Statement pursuant to the Open Public Meetings Act. A notice of this meeting was emailed to the Press of Atlantic City and the Current on September 10, 2020. In addition, copies of notices were posted on the bulletin board and filed in the office of the municipal clerk. Notices on the bulletin board have remained continuously posted.

ROLL CALL:	Nicholas Russo	present
	James P. Leeds, Sr.	present
	Daniel Lawler	present

Borough Solicitor Affanato, Administrator Porter, Engineer Carter, CFO Kelly, Zoning Officer Funk, and Municipal Clerk Kyle also present.

The Mayor stated the location of emergency exits.

Mayor Russo:

Mayor Russo stated that he had a question about a bulkhead located between the gazebo and Lamberti's empty lot. He noted that he was seeking an answer on behalf of a resident as they felt it was one of the areas that has not been addressed in the Borough. Solicitor Affanato noted that one of the issues encountered with this particular bulkhead is that the owner of the lot is unknown and deed research is required to determine if the street end had been vacated years ago to another entity that would have ownership. This would determine whose responsibility it is to maintain that bulkhead. Engineer Carter noted that there was a letter from a former Borough Engineer that stated that the street end was vacated. He noted that he checked the files and could not locate an ordinance in the timeframe. He suggested getting a title report. He noted that Public Works has been keeping the area safe. Mayor Russo said that the Borough needs to have a definitive answer on this issue.

Mayor Russo also discussed a Margate project that is moving forward that could have an impact on the Borough if Amherst Avenue vehicle traffic is made one way in Margate. Mayor Russo noted that he would reach out to Commissioner Blumberg in Margate for more information. Engineer Carter noted that Margate would have to notify the Borough if this change is going to be made. Commissioner Leeds noted that he was told that a section of Amherst would be made one-way in Margate. He supported the Mayor reaching out to Margate for more information.

Commissioner Leeds:

Commissioner Leeds discussed a memo from Jim Rutala that opposed the diversion of Clean Community Funds from Recycling in the 2021 budget into the State's general funds. He noted that Mr. Rutala was requesting a letter be sent to the State opposing the change. He suggested the Borough keep track of the issue, he noted it was important to keep the funds in Clean Communities.

Commissioner Lawler:

Commissioner Lawler had a question about beach tags. He noted that some people felt that more tags had been sold and more people were checked on the beach this year and some felt the opposite. Commissioner Lawler noted that last he saw that beach tag sales were up \$20,000 this summer. Commissioner Leeds noted that the operations have come a long way, but added that there is always room for improvement. He also discussed all the costs involved with the beach. Commissioner Lawler noted that each time he went to the beach he was asked for a tag and he noted that the taggers were also canvassing the beach for tags, too. He felt that the Recreation Supervisor and the employees did a great job. There was further discussion on beach tag checkers. It was noted that this past summer was a very busy beach year. CFO Kelly noted that tag revenues are almost even with last year.

Municipal Administrator:

Administrator Porter stated that the capacity limit for the room was 26 members of the public. He discussed the NJ DEP Boat Lift Permit for the Fire Department located behind Borough Hall. He noted that the DEP approved the permit, but put a condition on it that it also needed to be approved by the Army Corps of Engineers. He noted that he has not heard from the ACOE, yet. He noted that Mr. Ponzio believed the permit would be ready soon. He said that he has not received an update on the Beach Maintenance Plan/ Fish and Wildlife Component from the NJDEP. Solicitor Affanato noted that he has received information from them and would discuss it.

He noted that he recently attended a Beach Fill Replenishment Project meeting and that it would begin sometime in early November and that it would take six days and take place between 17th and 11th avenues. Commissioner Leeds asked if the sand had washed out, and if the NJDEP would provide the Borough with a bill. Administrator Porter discussed the process and the funding formula, he explained the Federal Government pays 65% and the State pays the remaining 35% and of that 35% the municipality pays 25%. Engineer Carter also discussed the beach fill project. Solicitor Affanato noted he reviewed the specs on the project. He explained that the Borough only pays for the work done in the Borough. He said that Longport's beaches have fared pretty well. He explained that the cost is not evenly divided between the four municipalities, it is based on the work done. Commissioner Leeds asked what the Borough's share is. CFO Kelly noted an estimated \$119,000.

Administrator Porter discussed the Atlantic County Radio Network that the Borough initially joined in 2004. He said it was supposed to be renewed every seven years, but the agreement has been recently revised by the County and municipalities are being asked to renew their agreement with the County. Administrator Porter explained that the agreement does not cost the Borough any money and that it is very similar to what was agreed upon in 2004. He said he would have the documents ready for the next commission meeting.

He noted he was working with Engineer Carter on street opening permits. He noted that they are in the process of identifying the locations that need work to be done.

Solicitor:

Solicitor Affanato noted that he received an email from the NJDEP and that the Municipal Public Access Plan will require Land Use Review at the State level.

He noted that he had a meeting with the building department, tax assessor and tax attorney on two issues. The first was as to when a house can be assessed. He noted that one of the issues is that homes

are being knocked down and replaced with a new home and that the assessment is for the land only and that the Temporary Certificate of Occupancy/ Certificate of Occupancy inspections are being delayed as this would trigger an assessment of the new home. He noted that houses would be inspected to see where they are in completion to see if they are substantially completed. He also noted that another situation that was also discussed is when a property is transferred to an LLC and then the LLC is purchased and on the deed is recorded as a \$1 transaction. He noted that house sales are used as comparatives in tax appeal cases. He also noted that it affects the need for a re-assessment in the Borough as these sales can skew the assessments. He noted that this can trigger a need for a reassessment. He explained that this process is legal. He discussed having an actual sale cost associated the Land Use Compliance certificate. He said he suggested that the ordinance be prepared for amendment at the next meeting.

He discussed the upcoming General Election and that it is primarily a Vote by Mail election. He explained that ballots should be received by October 5th. He noted that if someone comes to Borough Hall that they could vote via a Provisional Ballot unless they have ADA requirements then there would be ADA accessible voting machines available. He said that a notice would be going out next week in the tax bills with more information about the upcoming election.

Engineer Carter:

Engineer Carter noted that the Borough would be receiving several bids on September 22nd for four projects in the Borough: the Atlantic Avenue State Aid Project, Well #4, Police Department HVAC and the Sidewalk Project.

He also discussed the street openings. He said he finished the specs and that it would be put out for bid informally first. He also discussed the Fish and Wildlife Component and the NJ Division of Fish and Wildlife would like to put a camera up to see wildlife in the area and he suggested placing it around 11th Avenue.

Administrator Porter discussed Resolution 2020-114 and that he asked Zoning Officer Funk to attend the meeting to discuss the FEMA Grant resolution.

Municipal Clerk:

Municipal Clerk Kyle noted Solicitor Affanato covered the upcoming election information in his report. Clerk Kyle also said there might be an opportunity in November to participate in a Shred-It event and if the Governing Body was interested in participating. The Governing Body indicated it would like to participate.

Commissioner Lawler noted that if you don't receive your vote by mail ballot by October 12th the voter should make a phone call. Calls should be made to the Atlantic County Clerk's Office.

Miscellaneous:

Zoning Officer Funk discussed a planning grant from FEMA for an estimated \$18,750 for 2021. He said he originally applied for the grant to update the Borough's All Hazard Mitigation Plan, but the County is doing the same and the Borough would be included. So he explained the money could be used for other mitigation efforts in the Borough. He discussed several potential project ideas the Borough could implement with grant funds. He noted he would make a recommendation to the Governing Body regarding his suggestion for use of the funding. Mayor Russo asked if any of these projects would help the Borough's CRS rating. Zoning Officer noted that it definitely could, he mentioned in particular a

'repetitive loss analysis'. He explained that the Community Rating System Program gives the municipality a number of points/ credit for actions it takes to help mitigate flooding. He said when the Borough first started approximately 15 to 20 years ago, the Borough was a class 9 and that it is now nearing a class 3 which would help reduce borough's flood insurance premiums by 35%. He noted that the Borough now receives a 25% reduction.

Motion to Adjourn – Commissioner Lawler, seconded by Commissioner Leeds. All in Favor – Yes. None Opposed. Meeting adjourned at 4:35 pm.

**BOROUGH OF LONGPORT COMMISSION MEETING
MUNICIPAL BUILDING, 2305 ATLANTIC AVE
LONGPORT, NJ 08403
WEDNESDAY, September 16, 2020**

The meeting was called to order with the flag salute at 4:37 pm.

Municipal Clerk Kyle read the Opening Statement pursuant to the Open Public Meetings Act. A notice of this meeting was emailed to the Press of Atlantic City and the Current on September 10, 2020. In addition, copies of notices were posted on the bulletin board in the Municipal Building and filed in the office of the municipal clerk. Notices on the bulletin board have remained continuously posted. Official action may be taken at this meeting.

ROLL CALL:	Nicholas Russo	present
	James P. Leeds, Sr.	present
	Daniel Lawler	present

Borough Solicitor Affanato, Administrator Porter, Engineer Carter, Zoning Officer Funk, and Municipal Clerk Kyle also present.

Emergency Exits, Public Speaking Announcement – announced by Mayor Russo.

Approval of minutes-

Municipal Clerk Kyle requested a motion for approval of the minutes from the August 19, 2020, Workshop and Regular Commission Meeting. Commissioner Leeds made a motion, seconded by Commissioner Lawler, to approve the minutes of the August 19, 2020, Workshop and Regular Commission Meeting. ALL AYES- none opposed.

Second Reading/ Public Hearing on Ordinance O2020-07 – An Ordinance Amending Chapter 161-13 – Vehicles and Traffic of the Code of the Borough of Longport, Atlantic County, New Jersey, as it Pertains to No Parking on Ventnor Avenue

Mayor Russo indicated that he wished to table this ordinance. He explained that letters were sent to affected homeowners and that feedback from these residents had not yet been received. Solicitor Affanato explained that the public hearing needed to be held as this was a second reading on the ordinance. He also noted that the Municipal Clerk must publish a legal notice prior to any future second reading of this ordinance.

Commissioner Leeds noted that he was hoping that the Police Chief could attend the meeting in order to discuss the ordinance, but that he was currently in Pleasantville as the Longport Police Department was providing school backpacks to students.

Number	Title
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2020-07	An Ordinance Amending Chapter 161-13 – Vehicles and Traffic of the Code of the Borough of Longport, Atlantic County, New Jersey, as it Pertains to No Parking on Ventnor Avenue.
Purpose	The purpose of this ordinance is to add a section of No Parking on Ventnor Avenue.
Public Hearing	<p>Mark Hyman of 4 N. 31st Avenue, he noted that that the actual no parking area was not from 31st to 32nd, but would be from 29th to 32nd avenues. He requested that the Governing Body vote no on this ordinance. He was also concerned that if the ordinance was passed that this would increase parking on his street.</p> <p>Mayor Russo said that he might be interested in holding a vote at today’s meeting, but also had concerns about residents that wished to provide additional feedback. Commissioner Lawler suggested waiting until the Governing Body received feedback from the homeowners affected by this ordinance.</p>
Motion	Motion to <u>TABLE</u> –Mayor Russo, seconded by Commissioner Lawler to TABLE Ordinance #O2020-07.
Roll Call Vote	<p>Mayor Russo – Yes. Commissioner Leeds – Yes. Commissioner Lawler – Yes. ALL AYES. None opposed.</p> <p>ORDINANCE 2020-07 TABLED.</p>

Administrator Porter noted that there is a resolution on the agenda that he did not have the opportunity to review with Commissioner Lawler. Commissioner Lawler indicated that he would like to also have the opportunity to discuss this resolution with the Chief of Police and that he would like to withdraw it at this time. Commissioner Lawler made a MOTION TO WITHDRAW Resolution 2020-117, Seconded by Mayor Russo. All In Favor – All Ayes. Resolution 2020-117 WITHDRAWN.

Public Comment or questions on listed resolutions:

Mark Hyman of 4 N. 31st Avenue said that since this is an election year and that there is the possibility that the current Governing Body could change in November that the Administrator’s contract should not be approved at this time. He noted that the Borough currently has employees and department heads to handle borough operations and that an Administrator was not necessary. He said that this cost for an administrator should not be burdened on the taxpayers. He also felt that water/sewer rates were increased as a means to pay for the Administrator’s position. He voiced his opposition to this resolution. Solicitor Affanato explained that the resolution extended the Administrator’s contract, which was ending in October, to the end of the year. He further explained that the Administrator was not being appointed for full year term with the upcoming municipal election in mind. Commissioner Lawler also noted that water/sewer funds could not be used to pay for the Administrator’s salary and were limited to infrastructure costs.

George Baumgardner of 3210 Atlantic Avenue, congratulated the Governing Body on the Wounded Warrior Parade. He also thanked the Governing Body for not re-appointing the Administrator for a full year’s appointment.

Peter Isen of 1301 Beach Terrace discussed Resolution 2020-113 regarding Fire Department Medical Examinations. He wanted to know if the Borough's health insurance would cover this type of examination. He did not understand the need for the Borough to pay for this type of examination when an individual's health insurance could cover costs. Mayor Russo discussed the program and that the company performs these types of physicals throughout the country and that these are specialized tests provided by the company. He noted that there six tests that are performed for \$250 per person. He explained that the test then rates those tested into four different types of categories: A – D. He said that the categories provide for what role the firefighter can perform within the department. He noted that the previous solicitor felt that this was a good program and helped protect the borough from a liability aspect. He also explained that the borough saves a great deal of money by having a volunteer department versus a full-time paid department or a shared department with another municipality. Mr. Isen said that he felt that the fire chief could assess members and classify them into the aforementioned categories after their health insurance paid for the medical assessments.

Mark Hyman of 4 N. 31st Avenue noted that the Longport Volunteer Fire Department does get paid. He also said that the Mayor passed a law that also provided the Mayor, who is a member of the department, a stipend of \$150 for each night spent in the fire department.

RESOLUTIONS

Number	Title
2020-108	A Resolution to Appoint Members of the Board of Trustees of the Free Public Library of the Borough of Longport Pursuant to NJ Statutes Annotated Title 40 Section 54 Subsections 9 and 10 MOTION – RUSSO, SECOND- LAWLER, All AYES- none opposed.
2020-109	A Resolution Recognizing the Governor's Council on Alcoholism and Drug Abuse Fiscal Grant Cycle July 2020 – June 2025 MOTION – RUSSO, SECOND- LAWLER, All AYES- none opposed.
2020-110	A Resolution Chapter 159 – Budget Insertion for NJ Department of Transportation FY 2019 Municipal Road Program MOTION – LAWLER, SECOND- LEEDS, All AYES- none opposed.
2020-111	A Resolution Awarding a Professional Service Contract for Borough Special Labor Counsel MOTION – LEEDS, SECOND- LAWLER, All AYES- none opposed.
2020-112	A Resolution Change Order to a Contract for W.B. Mason Co., Inc., PO Box 981101, Boston, MA, 02298, for the Purchase and Installation of Flooring in Commission Chambers at 2305 Atlantic Avenue MOTION – LEEDS, SECOND- LAWLER, All AYES- none opposed.
2020-113	A Resolution Awarding a Professional Service Contract – Fire Department Medical Examination MOTION – LAWLER, SECOND- LEEDS, All AYES- none opposed.

2020-114	Approval to Submit a Grant Application and Execute a Grant Agreement with the Federal Emergency Management Agency for the FY 2020 FEMA Flood Mitigation Assistance (FMA) Program MOTION – RUSSO, SECOND- LAWLER, All AYES- none opposed.
2020-115	A Resolution Authorizing Appointment of a Municipal Administrator MOTION – RUSSO, SECOND- LAWLER, All AYES- none opposed.
2020-116	A Resolution to Recognize Knock Out Opioid Abuse Day, October 6, 2020 MOTION – RUSSO, SECOND- LAWLER, All AYES- none opposed.
2020-117	A Resolution Authorizing Award of Contract for a 2021 Chevy Tahoe Using the Education Services Commission of New Jersey Cooperative. MOTION TO <u>WITHDRAW</u> – LAWLER, SECOND- RUSSO, All AYES- none opposed.

BILL LIST

Commissioner of Finance and Revenue, Jim Leeds, Sr., asked if there were any questions on the Bill List of September 16, 2020. There were none. MOTION – LEEDS, SECOND – RUSSO. ALL IN FAVOR - ALL AYES. NONE OPPOSED. **Engineer Carter noted that there was a company on the Bill List that had recently completed a roof on his shore house and that he had no connection with the bill listed.*

FINANCIAL SUMMARY REPORT

Commissioner of Finance and Revenue, Jim Leeds, Sr., asked if there were any questions on the Financial Summary Report. There were none. MOTION – LEEDS, SECOND – RUSSO. ALL IN FAVOR - ALL AYES. NONE OPPOSED.

COMMISSIONERS REPORTS:

MAYOR RUSSO

Mayor Russo commended the American Legion Post 469 on its recent 9/11 Ceremony and the Wounded Warrior Program. He also discussed the Wounded Warrior Banners placed on poles along Oberon Avenue.

COMMISSIONER LEEDS

Commissioner Leeds noted that as a veteran, two years ago he had the Wounded Warrior stay at his home and that they have become good friends. He also commended the Legion on this program and noted how great the organization is.

COMMISSIONER LAWLER

Commissioner Lawler nothing further to report.

MUNICIPAL ADMINISTRATOR’S REPORT:

Nothing further to report.

SOLICITOR’S REPORT

Nothing further to report from the workshop.

ENGINEER'S REPORT

Nothing further to report, unless the Governing Body had questions.

PUBLIC COMMENT

Trish English of 130 N. 32nd Avenue noted that in front of her house there was a public works worker placing paint down on the street, who said that there was underground electric work being done in the area and that he had difficulty finding a specific address. She wanted to know if she would be notified if her street was going to be dug up.

Ms. English also discussed recent flooding in her area and that neighbors had asked her to attend the meeting to represent them as the water actually got into homes with this event. She asked if the roads could be blocked off to help eliminate the wake created by vehicles when they go down the street.

Engineer Carter noted that when the Borough does construction that it tries to notify homeowners, but it was not a requirement for other property owners. Ms. English noted her concern that there was some confusion regarding the underground electric work in front of her home as the worker was looking for 127 N. 32nd and she noted that the address does not exist in the Borough.

Mayor Russo noted that rainfall was up approximately seven inches this year.

Commissioner Lawler also noted that he also had water in the garage and he had not had that happen since Superstorm Sandy. He agreed with blocking off certain streets during flooding events. He noted that the ground has been so saturated with all the rain recently. Engineer Carter noted that some of the pumps had gone down and that repair was needed. He also noted that there is a strange connection with the drainage system in that area that is causing an issue. He suggested that there could be another outfall located midblock in the area.

Veronica Iezzi of 3101 Monmouth Avenue also noted that she has been complaining about flooding in the Borough for many years and felt that her street on 31st Avenue could possibly be the most flooded in the Borough. She also noted that a friend of hers recently sent the Governing Body a letter regarding flooding. She also suggested video camera testing to help address flooding. She also noted that she felt that cars should be permitted to park on Ventnor Avenue. She also agreed that the Wounded Warrior Program was a wonderful event.

Bob English of 130 N. 32nd Avenue stated that for disclosure purposes, he is one of several people running for commission in the Borough. He noted that beach tag checking needed to be increased. He also discussed a safety concern he brought up at a previous meeting about a site triangle on 33rd Avenue. He said that you could not see up 33rd Avenue, especially when there are numerous cars parked there. Mayor Russo checked with Administrator Porter to see that status of this issue. Administrator Porter noted that he and the Mayor had looked at the area. He also said that there were a couple of options that neighbors might not be in favor of and that a decision had not been made yet regarding which way to proceed. He discussed marking off a 25-foot marcation area or placing a Stop sign in the area.

Mr. English asked the Governing Body its position on the use of borough facilities on a for profit basis. Solicitor Affanato noted that he discussed this issue with the Recreation Director and that certain

requirements had been implemented on an interim basis due to the COVID-19 pandemic. He noted that this Fall he was going to work with the Recreation Director to come up with a more comprehensive plan for the Governing Body to consider. Mr. English explained in his business he looks at risk. He cited that the facility user could provide a certificate of liability insurance, but there could be exclusions, such as COVID-19. He said indemnification language for the use of the facilities agreement needs to be tightened up.

He also noted that Longport voters can also return their Vote by Mail Ballots to Borough Hall on Election Day. He also said that the last day to register to vote is October 13, 2020. He said he was unclear how those who register at that time, when they would receive their ballots and that might have to vote via a provisional ballot. Administrator Porter noted that it was his understanding that the ballot would still be mailed.

Dennis DiFlorio of 118 S. 18th Avenue thanked the Borough and Longport Police Department for a fabulous summer. Mr. DiFlorio noted that he had questions about dune heights and maintenance of the dune heights. He discussed permits required for dune maintenance, including the height. He also discussed an upcoming dune grass planting, that the dunes are quite high and need to be maintained. He said with the last wind storm, that homes near the dunes were blasted with lots of sand. He wanted to know when the permits would be applied for and if the funding had been placed in the budget for the dune maintenance. Engineer Carter discussed the permit situation and that the Governing Body could allocate funds for dune maintenance for 2021. He said the work would have to be scheduled so the plantings could occur in the Fall. He also said he was not aware of any plantings for this Fall. Mr. DiFlorio asked if the Governing Body was still committed to maintain the dune heights. Commissioner Lawler noted that the Borough is and had purchased special equipment to do so, but that the Borough needed the permits to do so. The Governing Body stated that it is committed to maintaining dune heights.

Peter Isen of 1301 Beach Terrace discussed the blue mats on the beach and noted that one in front of his home has been rolled up since June. He wanted to know if they would be removed. Engineer Carter noted that the mats are rolled up for maintenance.

Mr. Isen also discussed the Borough spending \$11,000 for new floors in the commission chambers and wanted to know the status of the consolidation of the courts with the City of Margate and the City of Ventnor. Mayor Russo noted that court would no longer be held in this room, he said it would be held in Margate. He explained that the room would be a multi-purpose room. He said the Borough was currently in negotiations with Margate. Administrator Porter said he is waiting for a proposal and that the Borough should have a proposal within the next week or two. Mr. Isen asked why was there a need to consolidate. Mayor Russo noted that courts with less than 3,000 filings a year would have to consolidate with another court. He said the Borough could wait when the court legislation passes mandating this consolidation or could be proactive. He also discussed potential consolidations with Linwood, and Margate and Ventnor that had been discussed, but were no longer being considered. He explained that he believed Margate was the best option as it is only blocks away. Mr. Isen noted that since it's not being mandated, he felt it was important for residents to know about the consolidation, and that maybe the decision should wait until the next administration. Commissioner Lawler noted that no decisions have been made and that he wanted to be sure it would provide a savings to the Borough and that it would not be decided before the next administration or should the current Governing Body be re-elected. Solicitor Affanato explained that the Borough is in the negotiating phase and that a vote would have to take place at a public meeting. Mr. Isen wanted to know where things stood as he was told by people in the Margate Court said that on December 31st the courts would be merged.

ADJOURNMENT

MOTION – COMMISSIONER LAWLER, SECOND – MAYOR RUSSO. All AYES- none opposed. Adjournment
- 5:33 pm.