

Posted: 5/27/2022
Revised: 5/31/2022
5/31/2022
5/31/2022

 **DRAFT**



**BOROUGH OF LONGPORT
COMMISSION WORKSHOP MEETING
June 1, 2022
4:00 pm**

This meeting was called pursuant to the provisions of the Open Public Meetings Law. Notices of this meeting were emailed to The Current and The Press of Atlantic City on May 27, 2022. 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.

Members of the public will have the option to listen to meeting audio only. *Remote public participation is not permitted.* The public can access meeting audio by calling:

United States (Toll Free): 1-877-309-2073

United States: +1 (646) 749-3129

And entering the access code: 464-810-189.

Or you can join from your computer, tablet or smartphone with the following link:

<https://global.gotomeeting.com/join/464810189>. If you do not have the GoToMeeting

Application, please access it with the following link:

<https://global.gotomeeting.com/install/464810189>.

1. Meeting called to order/OPMA notice announced
2. Roll call taken
3. Emergency Exits
4. Presentation by the Herb Stern Longport Education Foundation
5. Municipal Administrator
6. Borough Solicitor
7. Borough Engineer
8. Mayor Russo
9. Commissioner Leeds
10. Commissioner Lawler
11. Municipal Clerk
12. Miscellaneous
13. Adjournment

Posted: 5/27/2022
Revised: 5/31/2022
5/31/2022
5/31/2022

THE FOLLOWING ITEMS ARE SCHEDULED FOR ACTION AT THE JUNE 1, 2022 REGULAR COMMISSION MEETING:

**BOROUGH OF LONGPORT
COMMISSION MEETING AGENDA
June 1, 2022**

This meeting was called pursuant to the provisions of the Open Public Meetings Law. Notices of this meeting were emailed to The Current and The Press of Atlantic City on May 27, 2022. 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.

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1. Flag Salute
2. Meeting called to order- OPMA notice announced
3. Roll Call
4. Emergency exit announcement/Public Speaking time limit
5. Presentation – Years of Service to Members of the Longport Volunteer Fire Department: Levon “Lefty” Clayton, Richard B. Hirsch, Jr., Anthony Viccharelli, Jr., and Willam A. Fiore
6. Approval of Minutes – May 18, 2022, Board of Commissioners Workshop and Regular Meeting. Minutes have been previously distributed for Commissioners’ Review.
7. **ORDINANCES – First Reading/ Introduction. A Second Reading and Public Hearing is scheduled to be held on June 15, 2022, following the 4 pm Workshop Meeting:**
 - **O2022-08** – An Ordinance Amending Chapter 167 – Zoning, of the Borough of Longport, County of Atlantic and State of New Jersey
 - **O2022-09** – An Ordinance Amending Chapter 82-8 – Dogs on Beaches
8. **RESOLUTIONS – CONSENT AGENDA – Resolutions R2022-64 through R2022-67**

Public Comment – Limited to 3 Minutes per Person, please state name and address.

- **R2022-64** – A Resolution Authorizing the Disposal of Surplus Property
- **R2022-65** – Authorizing a Water/Sewer Refund Due to Overpayment
- **R2022-66** – Authorizing A Non Fair and Open Professional Services Contract with James M. Rutala Associates, LLC, of Linwood, NJ for Planning and Grant Assistance
- **R2022-67** – A Resolution Amending Resolutions R2022-50 and R2022-61 – Designating the Bathing Season and the Guarded Beaches Including Authorized Staffing in the Borough of Longport

9. Bill List

10. Municipal Administrator's Report

11. Borough Solicitor's Report

12. Borough Engineer's Report

13. Commissioners' Reports

14. Public Comment

15. Adjournment

**BOROUGH OF LONGPORT
COUNTY OF ATLANTIC
ORDINANCE 2022-08**

**AN ORDINANCE AMENDING CHAPTER 167 – ZONING, OF THE BOROUGH OF
LONGPORT, COUNTY OF ATLANTIC AND STATE OF NEW JERSEY**

NOW THEREFORE BE IT ORDAINED by the Commissioners of the Borough of Longport, County of Atlantic and State of New Jersey as follows:

SECTION 1. Amend Section 167-20B(1) to add the underlines and delete the strikethrough:

B(1) ~~An in-ground private residential swimming pool area must be surrounded by a fence of six feet in height. All fencing for private swimming pools, hot tubs or spas shall conform with Section 167-26A.~~ Fences or any portion thereof in excess of six feet are specifically prohibited. See Section 167-26 for additional standards. All measurements shall be made on the outside of the fence from the average existing grade of the adjoining property, or of the adjoining property if located on the property line.

SECTION 2. Amend Section 167-20B(5) to add the underlines and delete the strikethrough:

B(5) All fencing within the front yard setback, which shall include the front property line and both side lot lines, as required by the district regulations, shall not be higher than four feet to top of fencing. Posts not greater than six inches by six inches, and spaced not less than six feet apart, may be permitted to extend not more than 12 inches above the permitted height. All fencing between posts must be of a material that is at least 50% open. Walls in lieu of fencing shall not be permitted along any property line within the front yard setback. Walls in the front yard setback as may be permitted as in § [167-7](#) as a planter; but in no case shall any wall/planter, which meets the setback requirements of § [167-7](#), exceed three feet in height. Yard areas abutting alleys shall be considered a front yard for the purpose of fencing, and shall conform to the provisions of this subsection.

SECTION 3. Amend Section 167-26. Swimming pools, hot tubs and spas. to add the underlines and delete the strikethrough:

167-26. Swimming pools, hot tubs and spas.

In addition to complying with other applicable regulations contained in this chapter and all other applicable Longport ordinances, swimming pools, hot tubs, and spas, with the exception of movable wading pools having less than 150 square feet of water area and being 24 inches or less in water depth, may be established only in accordance with the following standards and requirements and only as an accessory use to an existing and established residential, multifamily, hotel, or motel use on the same property.

- A. Fencing.** All in-ground and aboveground swimming pools, hot tubs, and spas shall have a minimum four-foot-high fence such that they are fully enclosed. The height of the fence shall be measured from the existing ground elevation. All gates shall be lockable and self-closing. Fencing shall be of a type that is nonscalable and with no footholds. The fencing shall be placed at least three feet from the water's edge. No certificate of occupancy shall be issued by the Construction Code Official until all fencing is erected and complete.
1. All swimming pools, hot tubs, and spas shall have a minimum four-foot-high fence such that they are fully enclosed. The height of the fence shall be measured from the average existing ground elevation or of the adjoining property if located on the property line.
 2. All gates shall be lockable and self-closing. Fencing shall be of a type that is nonscalable and with no footholds. The fencing shall be placed at least three feet from the water's edge.
 3. No certificate of occupancy shall be issued by the Construction Code Official until all fencing is erected and complete.
 4. The maximum height of any fence shall not exceed six-feet. All plantings material long a property line shall not exceed the height of six (6) feet by more than six-inches at maturity.
 5. No portion of any fence shall be located within a sight triangle unless conforming to Section 167-20.
 6. All fencing shall conform to the additional standards in Section 167-20 and more specifically Section 167-20B(5) if located in a front yard or along an alley.
- B. Lighting.** All pool/hot tub/spa lighting shall be contained within the structure and below the waterline. Area lighting shall be in conformance with § 167-23. No floodlights are permitted.
- C. Floodplain.** All pool equipment shall be placed on a foundation with a finished elevation not less than the BFE +1 for the lot as designated on the DFIRM. With the exception of pools and spas placed within rear yard patios and decks along the Atlantic Ocean and Risley's Channel (between the principal structure and bulkhead/seawall), no pool coping shall be higher than two feet above the top of the curb elevation on the street abutting said lot. For pools placed within the setbacks abutting alleys or Beach Terrace, no pool coping shall be higher than two feet above the existing asphalt or concrete pavement or existing curb, whichever is the higher.
- D. Setbacks.** All swimming pools, hot tubs, or spas, whether aboveground or not, shall be set back at least five feet from any side or rear property line and at least three feet from any structure. Setbacks shall be measured from either the face of the structure or property line to the vertical edge of the water. For lots fronting the ocean or Risley Channel, there shall

be a minimum setback from the interior line of the bulkhead or seawall of at least three feet. ~~All pools, hot tubs, or spas shall be set back at least 10 feet from any front yard property line.~~

1. All swimming pools shall be set back at least five feet from any side or rear property line and at least three feet from the ground floor of any structure as measured horizontally.
 2. Hot tubs or spas shall be setback at least four feet from any side or rear property line. No setback is required from the principal structure.
 3. Setbacks shall be measured from either the face of the structure or property line to the vertical edge of the water.
 4. For lots fronting the ocean or Risley Channel, there shall be a minimum setback from the interior line of the bulkhead or seawall of at least three feet.
 5. All pools, hot tubs, or spas shall be set back at least 10 feet from any front yard property line. Pools, hot tubs, or spas are permitted in front of a principal structure as long as they meet the 10-foot front yard setback.
 6. All pool equipment shall meet the setback requirements for pools. No pool equipment shall be located between the pool and the front property line. All pool equipment shall be screened with fencing or lattice in accordance with the requirements for fencing in the ordinance.
- E. All pools shall have an exterior walkway. A continuous exterior walkway shall have a minimum width of three (3) feet from the waterline to a maximum width of four (4) feet. ~~The exterior of any continuous pool walkway shall meet the setback requirement for patios as established in the respective zoning regulations.~~ Any walkway wider than four (4) feet shall be considered a patio and meet the setback requirements for patios in the respective zoning district. Noncontinuous pool walkways consisting of solid step stones not greater than 24" x 24" and spaced not less than 18 inches apart shall not be required to meet the setback requirements.
- F. The coping around a pool shall maintain a setback of at least 3.5 feet from any driveway or designated parking area.
- G. Aboveground swimming pools are prohibited. An aboveground swimming pool is defined as a pool of any shape constructed entirely above the final property grade. Aboveground pools are capable of being easily disassembled and reassembled to their original configuration.
- H. An as-built survey shall be required after construction for all new swimming pools to confirm that all setbacks and ordinance requirements are compliant.

SECTION 4. Amend Section 15-37 to add the underlines and delete the strikethrough:

SWIMMING POOL, PRIVATE ABOVEGROUND

A pool being above the ground and/or not coming within the definition of "swimming pool, private in-ground." An aboveground pool consists of any shape constructed entirely above the final property grade. Aboveground pools are capable of being easily disassembled and reassembled to their original configuration—~~Said pool defined as "aboveground" shall maintain setbacks in accordance with the setback requirements for accessory structures.~~

SWIMMING POOL, PRIVATE IN-GROUND

A noncommercial privately owned pool constituting an accessory structure to a residential unit or units and located on the same lot therewith, and being an in-ground permanent pool having a depth of not less than two feet and for which a six-foot-high fence will be permitted. A wading pool with a depth of less than 18 inches or a portable swimming device, located above ground level, with an area less than 150 square feet and a water depth less than two feet, temporary in character and constructed of material other than concrete masonry, shall not be deemed a swimming pool.

SECTION 5. All other ordinances or parts of ordinances which are inconsistent with the provisions of this Ordinance, to the extent of such inconsistencies, are hereby repealed. Should any section, subsection, clause, or portion of this Ordinance be adjudged by a Court of competent jurisdiction to be invalidate, such judgment shall not affect, impair, or invalidate the remainder of this Ordinance.

SECTION 6. This Ordinance shall take effect immediately upon its final passage and publication as required by law.

1 ST READING / INTRODUCTION: 6/1/2022 PUBLICATION:						
OFFICIAL RECORD OF GOVERNING BODY VOTING ON FINAL PASSAGE						
COMMISSIONERS	MOTION	SECOND	AYE	NAY	NV	AB
Russo						
Leeds						
Lawler						
X-indicates vote NV-not voting AB. – Absent						

2 ND READING/PUBLIC HEARING: 6/15/2022 PUBLICATION:						
OFFICIAL RECORD OF GOVERNING BODY VOTING ON FINAL PASSAGE						
COMMISSIONERS	MOTION	SECOND	AYE	NAY	NV	AB
Russo						
Leeds						
Lawler						
X-indicates vote NV-not voting AB. – Absent						

This is a Certified True Copy of the Original Ordinance on file in the Municipal Clerk’s Office.

Monica Kyle, Municipal Clerk

SIGNATURE PAGE FOR ORDINANCE O2022-08

1st Reading/Introduction: June 1, 2022
Publication:
2nd Reading/Public Hearing: June 15, 2022
Publication:

Monica Kyle, RMC, Municipal Clerk

MAYOR NICHOLAS M. RUSSO

COMMISSIONER JAMES P. LEEDS, Sr.

COMMISSIONER DANIEL J. LAWLER

**BOROUGH OF LONGPORT
COUNTY OF ATLANTIC**

ORDINANCE 2022-09

AN ORDINANCE AMENDING CHAPTER §82-8. Dogs on beaches

BE IT ORDAINED BY THE COMMISSIONERS OF THE BOROUGH OF LONGPORT that:

Section 82-8 is hereby amended as follows:

§ 82-8 Dogs on beaches.

[Amended 10-18-2000 by Ord. No. 2000-13; 1-16-2013 by Ord. No. 2013-01]

A. Summer rule: Commencing on, and to include May 1, and continuing to and including September 30, dogs are not permitted on Longport beaches fronting the Atlantic Ocean [from 6:30 AM to 8:30 AM, provided that the dog is securely fastened to a leash and accompanied by and under control of some person.]

B. Winter rule: Commencing October 1 and continuing through April 30, dogs are permitted on Longport beaches, provided that the dog is securely fastened to a leash and accompanied by and under control of some person.

Vote on First Reading 6/1/2022

publication:

DO NOT USE SPACE BELOW						
OFFICIAL RECORD OF GOVERNING BODY VOTING ON 1 st Reading/Introduction						
COMMISSIONERS	MOTION	SECOND	AYE	NAY	NV	AB
Russo						
Leeds						
Lawler						
XX-indicates vote NV-not voting AB. - Absent						

Vote on Second Reading/Public Hearing: 6/15/2022

publication:

DO NOT USE SPACE BELOW						
OFFICIAL RECORD OF GOVERNING BODY VOTING ON FINAL PASSAGE						
COMMISSIONERS	MOTION	SECOND	AYE	NAY	NV	AB
Russo						
Leeds						
Lawler						
X-indicates vote NV-not voting AB. - Absent						

This is a Certified True Copy of the Original Ordinance on file in the Municipal Clerk's Office.

/s/ **MONICA A. KYLE, RMC, CMR**
MUNICIPAL CLERK

Monica A. Kyle

Nicholas M. Russo/Mayor

James P. Leeds, Sr/Commissioner

Daniel Lawler/ Commissioner

**BOROUGH OF LONGPORT
RESOLUTION 2022-64
A RESOLUTION AUTHORIZING THE DISPOSAL OF SURPLUS PROPERTY**

WHEREAS, the Borough of Longport is the owner of certain surplus property: and

WHEREAS, the property is no longer needed for public use; and

WHEREAS, the Governing Body of the Borough of Longport is desirous of selling said surplus property in an "as is" condition without express or implied warranties.

NOW THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Longport, County of Atlantic, as follows:

- (1) The sale of the surplus property shall be conducted through GovDeals.com pursuant to State Contract A-70967/T2581 in accordance with the terms and conditions of the State Contract. The terms and conditions of the agreement entered into with GovDeals is available online at govdeals.com and also available from the Borough Clerk.
- (2) The sale will be conducted online and the address of the auction site is govdeals.com.
- (3) The sale is being conducted pursuant to Local Finance Notice 2008-9.
- (4) A list of the surplus property to be sold attached as Exhibit A:
- (5) The Borough of Longport reserves the right to accept or reject any bid submitted.

RECORD OF GOVERNING BODY VOTE ON FINAL PASSAGE						
COMMISSION	AYE	NAY	N.V	A.B.	MOT.	SEC.
RUSSO						
LEEDS						
LAWLER						
X-Indicates Vote NV-Not Voting AB-Absent MOT-Motion SEC-Second						

This is a Certified True copy of the Original Resolution on file in the Municipal Clerk's Office.

DATE OF ADOPTION:
6/1/2022

/s/ MONICA A. KYLE, MUNICIPAL CLERK

EXHIBIT A

INV #	DESCRIPTION	VIN NUMBER
7	19" Frame Used, Fair Condition, Fuji Mountain Bicycles (one missing rear wheel)	
1	21" Frame Used, Fair Condition, Fuji Mountain Bicycle	

BOROUGH OF LONGPORT

RESOLUTION 2022-65

AUTHORIZING A WATER/ SEWER REFUND DUE TO OVERPAYMENT

WHEREAS, the below listed overpayment for the year designated is held in reserve by the Borough of Longport; and

WHEREAS, the second half of the flat water/sewer fee for 2022 was paid twice by the homeowner creating an overpayment; and

WHEREAS, Ellen Silberman, homeowner, has requested that the overpayment be refunded.

NOW, THEREFORE, BE IT RESOLVED by the Commission of the Borough of Longport that the following overpayment be refunded to Ellen Silberman.

BE IT FURTHER RESOLVED that certified copies of this resolution be forwarded to the Tax Collector and the Finance Officer by the Borough Clerk.

REFUND TO:	BLOCK	LOT	AMOUNT	YEAR
Ellen Silberman	25	7	\$295.00	2022

RECORD OF GOVERNING BODY VOTE ON FINAL PASSAGE						
COMMISSION	AYE	NAY	N.V	AB.	MOT.	SEC.
RUSSO						
LEEDS						
LAWLER						

X-Indicates Vote NV-Not Voting AB-Absent MOT-Motion SEC-Second

This is a Certified True copy of the Original Resolution on file in the Municipal Clerk's Office.

DATE OF ADOPTION: 6-1-2022

/s/ MONICA A. KYLE, RMC, Municipal Clerk

BOROUGH OF LONGPORT
Atlantic County - New Jersey
Resolution 2022-66

**AUTHORIZING A NON FAIR AND OPEN PROFESSIONAL SERVICES CONTRACT
WITH JAMES M. RUTALA ASSOCIATES, LLC OF LINWOOD, NJ FOR PLANNING AND
GRANT ASSISTANCE**

WHEREAS, the Governing Body of the Borough of Longport wishes to enter into a contract with JAMES M. RUTALA ASSOCIATES, LLC ("Rutala Associates") of Linwood, NJ which will retain Rutala Associates for the purpose of assisting the Borough of Longport in the completion and submission of grant applications related to Federal Emergency Management Agency available grants for house elevation and additional grant opportunities; and

WHEREAS, **Rutala Associates** has been engaged by, and has prepared grant applications for Federal Emergency Management Agency grant funds to elevate properties in Brigantine, Atlantic City, Ventnor, Margate, Pleasantville and Cape May City; and

WHEREAS, Rutala Associates submitted an initial contract for which the Professional Services are outlined in a Proposal dated May 26, 2022 and shall not exceed \$10,000; and

WHEREAS, the contract is terminable by either party with seven days' notice and continues in full force and effect; and

WHEREAS, a Certificate of Availability of Funds has been issued by the Municipal Chief Financial Officer and is attached to this Resolution.

NOW, THEREFORE BE IT RESOLVED by the Governing Body of the Borough of Longport that it hereby accepts the Proposal dated May 26, 2022, for the 2022 year with **Rutala Associates** for one year at a cost not to exceed \$10,000 and hereby directs the Emergency Management Coordinator to authorize **Rutala Associates** to begin work as outlined in said Proposal, as necessary; and

BE IT FURTHER RESOLVED that a Notice of this Contract Award shall be published at least once in the Atlantic City Press pursuant to the requirements of Chapter 198 of the New Jersey Laws of 1971.

RECORD OF GOVERNING BODY VOTE ON FINAL PASSAGE						
COMMISSION	AYE	NAY	N.V	A.B.	MOT.	SEC.
RUSSO						
LEEDS						
LAWLER						
X-Indicates Vote		NV-Not Voting		AB-Absent		MOT-Motion
SEC-Second						

This is a Certified True copy of the Original Resolution on file in the Municipal Clerk's Office.

DATE OF ADOPTION: 6-1-2022

/s/ Monica A. Kyle, RMC, Municipal Clerk

**BOROUGH OF LONGPORT
COUNTY OF ATLANTIC
STATE OF NEW JERSEY
R 2022-67**

A RESOLUTION AMENDING RESOLUTIONS R2022-50 and R2022-61 - DESIGNATING THE BATHING SEASON AND THE GUARDED BEACHES INCLUDING AUTHORIZED STAFFING IN THE BOROUGH OF LONGPORT

Whereas, it is in the interest of the Borough of Longport to designate guarded beaches from which persons may bathe and swim; Whereas there is an appropriate season to provide guarding services and further there is a need to provide a pre and post season lesser level of guarding as a function of weather conditions. In 2022, the guarded beach-bathing season is designated as commencing 6/11 and terminating 9/18. Weather permitting limited guarding will be provided on designated pre and post season weekends.

Beaches will be opened, staffed and closed as indicated:

Beach	Open Date	Staffing		Close Date
		Fri –Sun**	Mon – Thurs	
13 th Ave	6/11	2	2	9/5
16 th Ave	6/11	3	3	9/18*
19 th Ave	6/11	2	2	9/5
21 st Ave	6/18	2	2	9/5
25 th Ave	6/25	2	2	9/5
26 th Ave	6/11	3	2	9/18*
Pelham Ave	6/18	3	2	9/5
30 th Ave	6/11	3	2	9/18*
Evergreen Ave	7/1	2		9/5
31 st Ave	6/11	3	3	9/5
33 rd Ave	6/11	3	3	9/18*
34 th Ave	6/18	2	2	9/5
35 th Ave	6/11	3	2	9/5
Total		33	27	
Captains and Lieutenants	Minimum of	4	3	
Senior Guard	Minimum of	1	1	

- * On the weekends of 5/28, 6/4 and 9/24 the beaches on 16th, 26th, 30th and 33rd Avenues will be opened for anticipated pre/post season good weather but may be closed at the discretion of the Chief. On the weekend of 6/4, the beaches of 19th and 31st will be open.
- ** Friday through Sunday staffing plan applies July 4th and Labor Day.
- Evergreen to be open 7/1-7/5 and weekends thereafter (Fri-Sun) through Labor Day weekend, as determined by the Longport Beach Patrol Chief.
- At the Chief's discretion, beaches may be opened prior to their start date listed above.

All guarded beaches are open from 10 AM to 6 PM.

The designation of beaches is required under Chapter 61 of the Code of the Borough of Longport.

This Resolution is promulgated pursuant to the authority of the ordinances of the Borough of Longport. This Resolution will take effect immediately and all other Resolutions inconsistent herewith are hereby repealed.

	Motion	Second	Yes	Nay	Abstain	Absent
Russo						
Leeds						
Lawler						

Date: 6-1-2022 Certified by _____
MONICA A. KYLE, RMC, Municipal Clerk