

BOROUGH OF LONGPORT  
COMMISSION MEETING  
**AGENDA**  
JANUARY 16, 2013

*The **Downbeach Current** and **The Press of Atlantic City** were notified of this meeting. A copy of Resolution 2012-120 listing this meeting has been posted on the bulletin board in Borough Hall.*

1. Workshop begins @ 4:30 pm. Roll Call taken
2. Regular Session begins @ 5 pm. Flag Salute, Sunshine notice announced, roll call
3. Mayor-Fire Exits and public speaking time limit
4. **PROCLAMATION** for Joseph Stewart
5. **MINUTES**- approval 1/2/13 meeting
6. **ORDINANCES** – 2<sup>nd</sup> Reading/Public Comment
  - O2012-19** Amending Chapter 15- Developmental Procedures of the Code of Borough of Longport as it Pertains to Floor Area Ratio (1<sup>st</sup> Reading was 12/19/12 and published 12/24/12)
  - O2013-01** Amending Chapter 82-8 Dogs on Beaches (1<sup>st</sup> Reading was 1/2/13 and published 1/8/13)
7. **PUBLIC COMMENT ON RESOLUTIONS ON THIS AGENDA\***
8. **RESOLUTIONS**
  - R2013-07** Approval of Change Order for Southern Cat
  - R2013-08** Professional Service Contract – Bond Counsel
  - R2013-09** Authorizing Transfer of Funds
  - R2013-10** Professional Service Contract- Concord Atlantic Engineers, INC. (windows/HVAC upgrades)
  - R2013-11** Professional Service Contract- Modelle Plan Studio (windows/HVAC upgrades)
  - R2013-12** Special Emergency Resolution – NJSA 4A:4-54
  - R2013-13** Professional Service Contract- Sterns & Weinroth (General Litigation)
9. **BILL PAY LIST AND FINANCIAL REPORT SUMMARY**
10. **COMMISSIONER'S REPORTS**
11. **PUBLIC COMMENT \***
12. **ADJOURNMENT**

*\*Three minutes per person*

*Posted 1/14/13*

*revised: 1/16/2013*

(2<sup>ND</sup> READING/PUBLIC COMMENT 1/16/2013)

**BOROUGH OF LONGPORT  
COUNTY OF ATLANTIC**

ORDINANCE 2013-01

AN ORDINANCE AMENDING CHAPTER 82-8 OF THE CODE OF LONGPORT-DOGS ON  
BEACHES

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

82-8 Dogs on Beaches

- A. Summer Rule: Dogs **are not** permitted on Longport Beaches fronting that Atlantic Ocean during lifeguard season
- B. Winter Rule: Dogs **are** permitted on Longport Beach after lifeguard season ends until it begins again, provided that the dog is securely fastened to a leash and accompanied by and under control of some person.

**SHALL BE AMENDED TO READ**

82-8 Dogs on Beaches

- A. Summer Rule: Commencing on and to include May 1st and continue to and include September 30th, dogs **ARE NOT** permitted on Longport beaches fronting the Atlantic Ocean.
- B. Winter Rule: Commencing October 1st and continue through April 30th, 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.

THIS ORDINANCE WILL TAKE EFFECT IMMEDIATELY UPON PASSAGE  
AND PUBLICATION AS REQUIRED BY LAW.

First Reading: 1-2-2013  
Publication: 1-8-2013  
Second Reading: 1-16-2013  
Publication:

*Russo, Lawler*

\_\_\_\_\_  
Mayor Nicholas M. Russo, Ed.D.

\_\_\_\_\_  
Emilia R. Strawder, RMC  
Municipal Clerk

\_\_\_\_\_  
Commissioner Daniel Lawler  
  
\_\_\_\_\_

BOROUGH OF LONGPORT  
COUNTY OF ATLANTIC

ORDINANCE 2012-19

AN ORDINANCE AMENDING CHAPTER 15 - DEVELOPMENTAL PROCEDURES  
OF THE CODE OF THE BOROUGH OF LONGPORT  
ATLANTIC COUNTY NEW JERSEY  
AS IT PERTAINS TO FLOOR AREA RATIO

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

SECTION I: The following definition is added to **Subchapter 15-37 Terms Defined**:

FLOOR AREA RATIO (FAR) - Floor Area Ratio shall be determined by dividing the sum total of FLOOR AREA, HABITABLE as defined in this Subchapter for each of levels of the structure by the total upland area of the lot. In this calculation, any detached garage or accessory structure shall not be included the FLOOR AREA, HABITABLE calculation.

SECTION II: The definition for GARAGE, PRIVATE is changed to read as follows:

GARAGE - Either a detached building or separate portion of a structure dedicated to the purpose of providing compliance with the off street parking requirements of the Developmental Regulations. In order to be considered a garage, the structure must meet the interior special dimensions as required in the Developmental Regulations and a dedicated first floor height of a least seven (7) feet for said vehicle. Structures not necessary to meet off street parking space requirements shall be considered accessory/storage structures and required to meet accessory building standards.

SECTION III: 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 as invalid, such judgment shall not affect, impair, or invalidate the remainder of this Ordinance.

SECTION IV: This Ordinance shall take effect immediately upon passage and publication as required by Law.

First Reading: 12-19-12  
Publication: 12-24-12  
Final Reading: 1-16-13

*Lawler, Leeds*  
*Russo*     *Y*  
*Leeds*     *Y*  
*Lawler*    *Y*

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Mayor Nicholas M. Russo, Ed.D.

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Commissioner Daniel Lawler

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Commissioner James P. Leeds, Sr.

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Emilia R. Strawder, RMC, CMR  
Municipal Clerk

**BOROUGH OF LONGPORT**  
**Atlantic County - New Jersey**  
**Resolution 2013 - 07**

**APPROVAL OF CHANGE ORDER FOR**  
**SOUTHERN CAT, INCORPORATED**  
**FOR THE MITIGATION OF VARIOUS MUNICIPAL BUILDINGS**

**WHEREAS**, the Borough of Longport awarded a Contract per Resolution 2012-138 in the amount of \$30,170 for the Flood Damage Mitigation of Various Municipal Buildings; and

**WHEREAS**, it is the desire of the Governing Body to mitigate the basement area within the Historical Society Building, which mitigation was not included within the original Proposal; and

**WHEREAS**, the Deputy Emergency Management Officer has obtained three (3) written quotes for the performance of mitigation within the Historical Society Building; and

**WHEREAS**, Southern Cat, Incorporated was the lowest responsible bidder of the three quotes received in the amount bid of \$4,238.50; and

**NOW, THEREFORE, BE IT RESOLVED** by the Longport Borough Commission that it hereby accepts the quote from Southern Cat, Incorporated in the amount of \$4,238.50 and hereby approves a Change Order to the existing Contract with Southern Cat, Incorporated in the amount of \$4,238.50, which amount results in a 14% increase from the Original Contract Amount; and

**BE IT FURTHER RESOLVED**, that the Chief Financial Officer is hereby authorized to reduce the original purchase order amount to reflect said reduction in the original Contract.

**Adopted:** \_\_\_\_\_

**I, Emilia R. Strawder, RMC, CMR, Municipal Clerk** of the Borough of Longport, Atlantic County, N.J., do hereby certify the forgoing to be a true and correct copy of a Resolution adopted by the Board of Commissioners of the Borough of Longport at a Meeting of said Board of Commissioners held on January 16, 2013 and that said Resolution was adopted by not less than a two-thirds vote of the members of the Longport Board of Commissioners

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**EMILIA R. STRAWDER, RMC, CMR**  
**MUNICIPAL CLERK**

**BOROUGH OF LONGPORT**

**RESOLUTION #2013-08**

**RESOLUTION AWARDING PROFESSIONAL SERVICE CONTRACT**

**Borough Bond Counsel**

WHEREAS, the Borough of Longport has the need for a Borough Bond Counsel;  
and

WHEREAS, the local Public Contracts Law (N.J.S.A.40:11-1 et seq) exempts professional services from public advertising for bids which may be awarded by resolution of the governing body.

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

1. The Mayor of the Borough of Longport is hereby directed to execute and deliver a professional service contract for a one-year term commencing January 1, 2013 to December 31, 2013, as follows:

Description of Professional Service:	Bond Counsel
Name of Professional:	Fleishman Daniels Law Offices, LLC
Cost:	Not to exceed \$7,000.00

2. Funds are available for this purpose and the required certificate of availability of funds issued by the Borough's Chief Financial Officer is annexed hereto.

3. A brief notice stating the nature, duration, service, reference to the contract regarding the amount and that this resolution and the contract are on file and available for public inspection in the Borough of Longport Clerk's Office.

4. All resolutions inconsistent herewith are hereby repealed, and this resolution shall be effective immediately.

Adopted:

BOROUGH OF LONGPORT

RESOLUTION # 2013-09

AUTHORIZING TRANSFER OF APPROPRIATIONS

WHEREAS, the Chief Financial Officer of the Borough of Longport deems that it is in the best interest of the Borough to transfer appropriations from the specific line items in the 2012 Current Funds; and

WHEREAS, transfers are permitted by N.J.S.A.40A:4;

NOW THEREFORE BE IT RESOLVED that the following transfers are made:

CURRENT FUND

FROM:

TO:

Legal	OE	\$5100	Unemployment Insurance OE	\$5100
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Adopted:

**BOROUGH OF LONGPORT**  
**Atlantic County - New Jersey**  
**Resolution 2013 - 10**

**AUTHORIZING A PROFESSIONAL SERVICES CONTRACT  
WITH CONCORD ATLANTIC ENGINEERS, INCORPORATED  
OF WEST ATLANTIC CITY, NEW JERSEY FOR MUNICIPAL HALL  
ADMINISTRATIVE OFFICE WINDOW AND HVAC UPGRADES**

**WHEREAS**, the Borough of Longport desires to enter into a Professional Services Contract with **Concord Atlantic Engineers, Incorporated** of West Atlantic City, N.J. pursuant to the provisions of NJSA 40A:11-5(1)(a); and

**WHEREAS**, the Basic Services of said Services are as outlined in a Proposal dated January 07, 2013 and shall not to exceed **\$12,500.00**; and

**WHEREAS**, the anticipated term of said Services is not for more than one year; and

**WHEREAS**, **Concord Atlantic Engineers, Incorporated** has completed and submitted a Business Entity Disclosure Certification which certifies that **Concord Atlantic Engineers, Incorporated** has not made any reportable contributions to a political or candidate committee in the Borough of Longport within the previous one year and, further, that this Contract will prohibit **Concord Atlantic Engineers, Incorporated** from making any reportable contributions through the term of this Contract; 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 authorizes the Mayor to enter into a Contract with **Concord Atlantic Engineers, Incorporated** for **Professional Services** relating to Design and Construction Administration for **MUNICIPAL HALL - Administrative Offices Window and HVAC Upgrades**; all in accordance with a Proposal dated January 07, 2013; and

**BE-IT FURTHER RESOLVED** that a Notice of this Contract Award shall be published pursuant to the requirements of Chapter 198 of the New Jersey Laws of 1971.

**Adopted:** \_\_\_\_\_

**I, Emilia R. Strawder, RMC, CMR Municipal Clerk** of the Borough of Longport, Atlantic County, N.J., do hereby certify the forgoing to be a true and correct copy of a Resolution adopted by the Board of Commissioners of the Borough of Longport at a Meeting of said Board of Commissioners held on January 13, 2013 and that said Resolution was adopted by not less that a two-thirds vote of the members of the Longport Board of Commissioners

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**EMILIA R. STRAWDER, RMC CMR**  
**MUNICIPAL CLERK**

**BOROUGH OF LONGPORT**  
**Atlantic County - New Jersey**  
**Resolution 2013 - 11**  
**AUTHORIZING A PROFESSIONAL SERVICES CONTRACT**  
**WITH MODELLE PLAN STUDIO OF SOMERS POINT, N.J.**  
**FOR THE MUNICIPAL HALL ADMINISTRATIVE OFFICE**  
**WINDOW AND HVAC UPGRADES**

**WHEREAS**, the Borough of Longport desires to enter into a Professional Services Contract with **Modelle Plan Studio** of Somers Point, N.J. pursuant to the provisions of NJSA 40A:11-5(1)(a); and

**WHEREAS**, the Basic Services of said Services are as outlined in a Proposal dated December 28, 2012 and shall not to exceed **\$9,250.00**; and

**WHEREAS**, the anticipated term of said Services is not for more than one year; and

**WHEREAS**, **Modelle Plan Studio** has completed and submitted a Business Entity Disclosure Certification which certifies that **Modelle Plan Studio** has not made any reportable contributions to a political or candidate committee in the Borough of Longport within the previous one year and, further, that this Contract will prohibit **Modelle Plan Studio** from making any reportable contributions through the term of this Contract; 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 authorizes the Mayor to enter into a Contract with **Modelle Plan Studio** for **Professional Services** relating to Design and Construction Administration for **MUNICIPAL HALL - Administrative Offices Window and HVAC Upgrades**; all in accordance with a Proposal dated December 28, 2012; and

**BE IT FURTHER RESOLVED** that a Notice of this Contract Award shall be published pursuant to the requirements of Chapter 198 of the New Jersey Laws of 1971.

**Adopted:** \_\_\_\_\_

I, **Emilia R. Strawder, RMC, CMR Municipal Clerk** of the Borough of Longport, Atlantic County, N.J., do hereby certify the forgoing to be a true and correct copy of a Resolution adopted by the Board of Commissioners of the Borough of Longport at a Meeting of said Board of Commissioners held on January 13, 2013 and that said Resolution was adopted by not less that a two-thirds vote of the members of the Longport Board of Commissioners

\_\_\_\_\_  
**EMILIA R. STRAWDER, RMC CMR**  
**MUNICIPAL CLERK**



**BOROUGH OF LONGPORT**  
**SPECIAL EMERGENCY RESOLUTION – NJSA 4A:4-54**  
**(5-year Special Emergencies)**  
**R2013-12**

WHEREAS, it has been found necessary to make an Emergency Appropriation to meet certain extraordinary expenses incurred, or to be incurred, related to the clearing of sand and debris, repair of buildings, equipment and vehicles as well as other costs related to maintaining public safety in the aftermath of Hurricane Sandy, and,

WHEREAS, NJSA 40A:4-54 provides that it shall be lawful to make such appropriation, which appropriation and/or the “special emergency notes” issued to finance the same shall be provided for in succeeding annual budgets by the inclusion of an appropriation of at least one-fifth of the amount authorized pursuant to this act.

NOW, THEREFORE BE IT RESOLVED, (by not less than two-thirds of all governing body members affirmatively concurring) that in accordance with the provisions of NJSA 40A:4-54 and NJSA 40A:4-55:

1. A special emergency appropriation is hereby made for “Extraordinary Expenses – Hurricane Sandy” in the total amount of \$400,000.00.

2. That the Borough may finance the special emergency appropriation from surplus funds available or may borrow money in a manner prescribed herein. Where an appropriation is financed from surplus funds available, at least one-fifth of the amount thereof shall be included in each annual budget until the appropriation has been fully provided for.

3. That a “special emergency note”, not in excess of the amount authorized pursuant to law, be authorized and issued in accordance with the Local Budget Law.

4. That the following matters in connection with the special emergency notes are hereby determined:

(a) All special emergency notes issued hereunder and any renewals thereof shall mature at such time as may be determined by the chief financial officer within the limitations of the Local Budget Law, provided however, that at least one-fifth of all such special emergency notes and the renewals thereof shall mature and be paid in each year so that all special emergency notes and renewals shall have matured and have been paid not later than the last day of the fifth year following the date of this resolution;

(b) All special emergency notes issued hereunder shall bear interest at such rate or rates as may be determined by the chief financial officer;

(c) The special emergency notes shall be in the form determined by the chief financial officer and the chief financial officer’s signature upon the special emergency notes shall be conclusive as to such determination.

(d) The chief financial officer is hereby authorized and directed to determine all matters in connection with the special emergency notes not determined by this or a subsequent resolution and the chief financial officer’s

BOROUGH OF LONGPORT

RESOLUTION #2013-13

RESOLUTION AWARDING PROFESSIONAL SERVICE CONTRACT  
(Borough General Litigation Counsel)

WHEREAS, the Borough of Longport has the need for a Borough General Litigation Counsel; and

WHEREAS, the local Public Contracts Law (N.J.S.A.40:11-1 et seq) exempts professional services from public advertising for bids which may be awarded by resolution of the governing body.

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

1. The Mayor of the Borough of Longport is hereby directed to execute and deliver a professional service contract for a term commencing January 1, 2013 to December 31, 2013 as follows:

Description of Professional Service: General Litigation Counsel

Name of Professional: Christopher Torkelson, Esq  
Sterns & Weinroth  
50 West State Street  
Suite 1400  
Trenton, NJ 08607

Fee: \$160.00 per hour

Not to exceed: \$10,000.00

2. Funds are available for this purpose and the required certificate of availability of funds issued by the Borough's Chief Financial Officer is annexed hereto.

3. The required notice pursuant to the Public Contracts Law shall be published forthwith. The notice shall state the nature of services to be provided, the duration, and that that this resolution and the contract are on file and available for public inspection in the Borough of Longport Clerk's Office.

4. All resolutions inconsistent herewith are hereby repealed, and this resolution shall be effective immediately.

Adopted:

BOROUGH OF LONGPORT  
COMMISSION MEETING  
MINUTES  
JANUARY 16, 2013

*The Downbeach Current and The Press of Atlantic City were notified of this meeting. A copy of Resolution 2012-120 listing this meeting has been posted on the bulletin board in Borough Hall.*

*Workshop begins @ 4:30 pm. Roll Call taken: Mayor Russo, Commissioner Leeds and Commissioner Lawler in attendance. Also in attendance: Solicitor Agnellini, Engineer Carter, Amy Strawder, CFO Kelly and Bruce Funk.*

*The Mayor invited Richard Carter to give a presentation regarding the alleyway between 23<sup>rd</sup> and 24<sup>th</sup> Aves (Block 20 Lots 10 and 11) (See insert) The discussion was whether to move the sewer and water lines or to vacate the street of the portion of the alley within the owner's property.*

*Commissioner Leeds asked if anyone comes in to apply for a building permit, which direction are they to go regarding elevation. The Mayor stated he attended a meeting with FEMA that discussed the new FEMA map which was already in the process of being released prior to Super Storm Sandy and also looking into a grandfather clause that gives a consideration to flood insurance. Longport is at elevation 12 and it is becoming a mode. Mr. Agnellini stated that FEMA provides a map and it is up to the Governing Body to adopt the map.*

*Commissioner Leeds stated that he is concerned that information is being given to residents and/or builders and the Borough has no proof that the information was supplied. Perhaps a disclaimer should be looked into. The Commissioner is also concerned that labor costs regarding the storm will not be reimbursed.*

*With no further business to discuss, Commissioner Lawler made motion to adjourn. The motion was seconded by Commissioner Leeds. ALL AYES- NO NAYS*

**Regular Session begins @ 5 pm. Flag Salute, Sunshine notice announced, roll call (same as workshop). Mayor-Fire Exits and public speaking time limit**

**PROCLAMATION** for Joseph Stewart. Mr. Stewart was taken ill and could not attend. Proclamation was postponed.

**MINUTES-** approval 1/2/13 meeting. Commissioner Lawler made motion to approve and seconded by Commissioner Leeds. ALL AYES – NO NAYS Motion approved.

**ORDINANCES – 2<sup>nd</sup> Reading/Public Comment**

**02012-19** Amending Chapter 15- Developmental Procedures of the Code of Borough of Longport as it Pertains to Floor Area Ratio (1<sup>st</sup> Reading was 12/19/12 and published 12/24/12)

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

**SECTION I:** The following definition is added to **Subchapter 15-37 Terms Defined:**

**FLOOR AREA RATIO (FAR)** - Floor Area Ratio shall be determined by dividing the sum total of FLOOR AREA, HABITABLE as defined in this Subchapter for each of levels of the structure by the total upland area of the lot. In this calculation, any detached garage or accessory structure shall not be included the FLOOR AREA, HABITABLE calculation.

**SECTION II:** The definition for GARAGE, PRIVATE is changed to read as follows:

**GARAGE** - Either a detached building or separate portion of a structure dedicated to the purpose of providing compliance with the off street parking requirements of the Developmental Regulations. In order to be considered a garage, the structure must meet the interior special dimensions as required in the Developmental Regulations and a dedicated first floor height of a least seven (7) feet for said vehicle. Structures not necessary to meet off street parking space requirements

shall be considered accessory/storage structures and required to meet accessory building standards.

**SECTION III:** 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 as invalid, such judgment shall not affect, impair, or invalidate the remainder of this Ordinance.

**SECTION IV:** This Ordinance shall take effect immediately upon passage and publication as required by Law.

*The Mayor read a letter from the Planning/Zoning Board into record (see attached). Public was asked if there were any comments. Peter White, 301 N Summerset Ave, is an architect and asked about the FRA requirements. Dick Carter advised him to approach the Planning Board with his concerns as the ordinance being discussed at this time concerns definitions. With no further comments or questions, Commissioner Lawler made motion to approve O2012-19 and seconded by Commissioner Leeds.*

**ROLL CALL: RUSSO, Yes, LEEDS, Yes, LAWLER, Yes ORDINANCE APPROVED.**

**O2013-01 Amending Chapter 82-8 Dogs on Beaches (1<sup>st</sup> Reading was 1/2/13 and published 1/8/13)**

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

82-8 Dogs on Beaches

- A. Summer Rule: Dogs **are not** permitted on Longport Beaches fronting that Atlantic Ocean during lifeguard season
- B. Winter Rule: Dogs **are** permitted on Longport Beach after lifeguard season ends until it begins again, provided that the dog is securely fastened to a leash and accompanied by and under control of some person.

**SHALL BE AMENDED TO READ**

82-8 Dogs on Beaches

- A. Summer Rule: Commencing on and to include May 1st and continue to and include September 30th, dogs **ARE NOT** permitted on Longport beaches fronting the Atlantic Ocean.
- B. Winter Rule: Commencing October 1st and continue through April 30th, 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.

THIS ORDINANCE WILL TAKE EFFECT IMMEDIATELY UPON PASSAGE AND PUBLICATION AS REQUIRED BY LAW.

*An ordinance specifying exactly when dogs are allowed/not allowed on beaches in Longport Mayor Russo made motion to approve, seconded by Commissioner Lawler.*

**ROLL CALL: RUSSO, Yes, LEEDS, Yes, LAWLER, Yes ORDINANCE APPROVED**

**PUBLIC COMMENT ON RESOLUTIONS ON THIS AGENDA\* (no public comment)**

**RESOLUTIONS**

**R2013-07 Approval of Change Order for Southern Cat**

**WHEREAS**, the Borough of Longport awarded a Contract per Resolution 2012-138 in the amount of \$30,170 for the Flood Damage Mitigation of Various Municipal Buildings; and

**WHEREAS**, it is the desire of the Governing Body to mitigate the basement area within the Historical Society Building, which mitigation was not included within the original Proposal; and

**WHEREAS**, the Deputy Emergency Management Officer has obtained three (3) written quotes for the performance of mitigation within the Historical Society Building; and

**WHEREAS**, Southern Cat, Incorporated was the lowest responsible bidder of the three quotes received in the amount bid of \$4,238.50; and

**NOW, THEREFORE, BE IT RESOLVED** by the Longport Borough Commission that it hereby accepts the quote from Southern Cat, Incorporated in the amount of \$4,238.50 and hereby approves a Change Order to the existing Contract with Southern Cat, Incorporated in the amount of \$4,238.50, which amount results in a 14% increase from the Original Contract Amount; and

**BE IT FURTHER RESOLVED**, that the Chief Financial Officer is hereby authorized to reduce the original purchase order amount to reflect said reduction in the original Contract.

*Mayor Russo made motion to approve, seconded by Commissioner Lawler- Commissioner Leeds abstained. MOTION APPROVED.*

**R2013-08 Professional Service Contract – Bond Counsel**

WHEREAS, the Borough of Longport has the need for a Borough Bond Counsel; and  
WHEREAS, the local Public Contracts Law (N.J.S.A.40:11-1 et seq) exempts professional services from public advertising for bids which may be awarded by resolution of the governing body.

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

1. The Mayor of the Borough of Longport is hereby directed to execute and deliver a professional service contract for a one-year term commencing January 1, 2013 to December 31, 2013, as follows:

Description of Professional Service:	Bond Counsel
Name of Professional:	Fleishman Daniels Law Offices, LLC
Cost:	Not to exceed \$7,000.00

2. Funds are available for this purpose and the required certificate of availability of funds issued by the Borough's Chief Financial Officer is annexed hereto.

3. A brief notice stating the nature, duration, service, reference to the contract regarding the amount and that this resolution and the contract are on file and available for public inspection in the Borough of Longport Clerk's Office.

All resolutions inconsistent herewith are hereby repealed, and this resolution shall be effective immediately.

*Commssioner Lawler made motion to approve- Mayor Russo seconded. ALL AYES- NO NAYS*

**R2013-09 Authorizing Transfer of Funds**

WHEREAS, the Chief Financial Officer of the Borough of Longport deems that it is in the best interest of the Borough to transfer appropriations from the specific line items in the 2012 Current Funds; and

WHEREAS, transfers are permitted by N.J.S.A.40A:4;

NOW THEREFORE BE IT RESOLVED that the following transfers are made:

CURRENT FUND

FROM:	TO:
Legal OE \$5100	Unemployment Insurance OE \$5100

*Commssioner Lawler made motion to approve, seconded by Commissioner Leeds. ALL AYES- NO NAYS*

**R2013-10 Professional Service Contract- Concord Atlantic Engineers, INC. (windows/HVAC upgrades)**

**WHEREAS**, the Borough of Longport desires to enter into a Professional Services Contract with **Concord Atlantic Engineers, Incorporated** of West Atlantic City, N.J. pursuant to the provisions of NJSA 40A:11-5(1)(a); and

**WHEREAS**, the Basic Services of said Services are as outlined in a Proposal dated January 07, 2013 and shall not to exceed **\$12,500.00**; and

**WHEREAS**, the anticipated term of said Services is not for more than one year; and

**WHEREAS**, **Concord Atlantic Engineers, Incorporated** has completed and submitted a Business Entity Disclosure Certification which certifies that **Concord Atlantic Engineers, Incorporated** has not made any reportable contributions to a political or candidate committee in

the Borough of Longport within the previous one year and, further, that this Contract will prohibit **Concord Atlantic Engineers, Incorporated** from making any reportable contributions through the term of this Contract; 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 authorizes the Mayor to enter into a Contract with **Concord Atlantic Engineers, Incorporated** for **Professional Services** relating to Design and Construction Administration for **MUNICIPAL HALL - Administrative Offices Window and HVAC Upgrades**; all in accordance with a Proposal dated January 07, 2013; and

**BE IT FURTHER RESOLVED** that a Notice of this Contract Award shall be published pursuant to the requirements of Chapter 198 of the New Jersey Laws of 1971.

*Commissioner Leeds made motion to approve and seconded by Commissioner Lawler. ALL AYES-NO NAYS*

**R2013-11 Professional Service Contract- Modelle Plan Studio (windows/HVAC upgrades)**

**WHEREAS**, the Borough of Longport desires to enter into a Professional Services Contract with **Concord Atlantic Engineers, Incorporated** of West Atlantic City, N.J. pursuant to the provisions of NJSA 40A:11-5(1)(a); and

**WHEREAS**, the Basic Services of said Services are as outlined in a Proposal dated January 07, 2013 and shall not to exceed **\$12,500.00**; and

**WHEREAS**, the anticipated term of said Services is not for more than one year; and

**WHEREAS**, **Concord Atlantic Engineers, Incorporated** has completed and submitted a Business Entity Disclosure Certification which certifies that **Concord Atlantic Engineers, Incorporated** has not made any reportable contributions to a political or candidate committee in the Borough of Longport within the previous one year and, further, that this Contract will prohibit **Concord Atlantic Engineers, Incorporated** from making any reportable contributions through the term of this Contract; 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 authorizes the Mayor to enter into a Contract with **Concord Atlantic Engineers, Incorporated** for **Professional Services** relating to Design and Construction Administration for **MUNICIPAL HALL - Administrative Offices Window and HVAC Upgrades**; all in accordance with a Proposal dated January 07, 2013; and

**BE IT FURTHER RESOLVED** that a Notice of this Contract Award shall be published pursuant to the requirements of Chapter 198 of the New Jersey Laws of 1971.

*Commissioner Leeds made motion to approve and seconded by Commissioner Lawler. ALL AYES-NO NAYS*

**R2013-12 Special Emergency Resolution – NJSA 4A:4-54**

**WHEREAS**, it has been found necessary to make an Emergency Appropriation to meet certain extraordinary expenses incurred, or to be incurred, related to the clearing of sand and debris, repair of buildings, equipment and vehicles as well as other costs related to maintaining public safety in the aftermath of Hurricane Sandy, and,

WHEREAS, NJS 40A:4-54 provides that it shall be lawful to make such appropriation, which appropriation and/or the "special emergency notes" issued to finance the same shall be provided for in succeeding annual budgets by the inclusion of an appropriation of at least one-fifth of the amount authorized pursuant to this act.

NOW, THEREFORE BE IT RESOLVED, (by not less than two-thirds of all governing body members affirmatively concurring) that in accordance with the provisions of

NJS 40A:4-54 and NJS 40A:4-55:

1. A special emergency appropriation is hereby made for "Extraordinary Expenses – Hurricane Sandy" in the total amount of \$400,000.00.

2. That the Borough may finance the special emergency appropriation from surplus funds available or may borrow money in a manner prescribed herein. Where an appropriation is financed from surplus funds available, at least one-fifth of the amount thereof shall be included in each annual budget until the appropriation has been fully provided for.

3. That a "special emergency note", not in excess of the amount authorized pursuant to law, be authorized and issued in accordance with the Local Budget Law.

4. That the following matters in connection with the special emergency notes are hereby determined:

(a) All special emergency notes issued hereunder and any renewals thereof shall mature at such time as may be determined by the chief financial officer within the limitations of the Local Budget Law, provided however, that at least one-fifth of all such special emergency notes and the renewals thereof shall mature and be paid in each year so that all special emergency notes and renewals shall have matured and have been paid not later than the last day of the fifth year following the date of this resolution;

(b) All special emergency notes issued hereunder shall bear interest at such rate or rates as may be determined by the chief financial officer;

(c) The special emergency notes shall be in the form determined by the chief financial officer and the chief financial officer's signature upon the special emergency notes shall be conclusive as to such determination.

(d) The chief financial officer is hereby authorized and directed to determine all matters in connection with the special emergency notes not determined by this or a subsequent resolution and the chief financial officer's signature upon the special emergency notes shall be conclusive as to such determination.

(e) The chief financial officer is hereby authorized to sell the special emergency notes from time to time at public or private sale in such amounts as such officer may determine at not less than par and to deliver the same from time to time to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof and payment therefor.

(f) Any instrument issued pursuant to this resolution shall be a general obligation of the Borough. The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and the interest on the special emergency notes and, unless otherwise paid or payment provided for, an amount sufficient for such payment shall be inserted in the budget and a tax sufficient to provide for the payment thereof shall be levied and collected.

(g) The chief financial officer is authorized and directed to report in writing to this governing body at the meeting next succeeding the date when any sale or delivery of the special emergency notes pursuant to this resolution is made, such report



to include the amount, description, interest rate and maturity of the special emergency notes sold, the price obtained and the name of the purchaser.

5. That the Borough hereby declares the intent of the Borough to issue the special emergency notes in the amount authorized in Section 3 of this resolution and to use proceeds to pay or reimburse expenditures for the costs of the purposes described in Section 1 of this resolution. This Section 5 is a declaration of intent within the meaning and for purposes of Treasury Regulations §1.150-2 or any successor provisions of federal income tax law.

6. That the statement required by the Local Finance Board has been filed with the Clerk and a copy will be transmitted to the Director of the Division of Local Government Services.

7. That two (2) certified copies of this resolution will be filed with the Director of the Division of Local Government Services; however, no approval is required from the Division.

*Commssioner Lawler made motion to approve- Mayor Russo seconded*

***R2013-13 Professional Service Contract- Sterns & Weinroth (General Litigation)***

WHEREAS, the Borough of Longport has the need for a Borough General Litigation Counsel; and

WHEREAS, the local Public Contracts Law (N.J.S.A.40:11-1 et seq) exempts professional services from public advertising for bids which may be awarded by resolution of the governing body.

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

1. The Mayor of the Borough of Longport is hereby directed to execute and deliver a professional service contract for a term commencing January 1, 2013 to December 31, 2013 as follows:

Description of Professional Service:	General Litigation Counsel
Name of Professional:	Christopher Torkelson, Esq Sterns & Weinroth 50 West State Street Suite 1400 Trenton, NJ 08607
Fee:	\$160.00 per hour
Not to exceed:	\$10,000.00

2. Funds are available for this purpose and the required certificate of availability of funds issued by the Borough's Chief Financial Officer is annexed hereto.

3. The required notice pursuant to the Public Contracts Law shall be published forthwith. The notice shall state the nature of services to be provided, the duration, and that that this resolution and the contract are on file and available for public inspection in the Borough of Longport Clerk's Office.

4. All resolutions inconsistent herewith are hereby repealed, and this resolution shall be effective immediately.

*Mayor Russo made motion to approve, seconded by Commissioner Lawler ALL AYES-NO NAYS*

***R2013-14 was added onto the agenda. Mayor Russo made motion to add to agenda and Commissioner Lawler seconded the motion. R2013-14 is entitled, "An Ordinance Authorizing***

***the Award of a Non-Fair and Open Professional Service Contract for Borough Solicitor to Pacifico Agnellini, Esquire"***

**RESOLUTION AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN PROFESSIONAL SERVICE CONTRACT FOR BOROUGH SOLICITOR TO PACIFICO S. AGNELLINI, ESQUIRE**

**WHEREAS**, The Borough of Longport has the need for a Borough Solicitor as a non-fair and open contract; and

**WHEREAS**, the local Public Contracts Law (N.J.S.A. 40:11-1 et seq) exempts professional services from public advertising for bids which may be awarded by resolution of the governing body; and

**WHEREAS**, Brownstein Hyatt Farber Schreck PA has completed and submitted a Business Entity Disclosure Certification which certifies that the Firm and its members and employees have not made any reportable contributions to a political or candidate committee in the Borough of Longport in the previous one year, and that the contract will prohibit the Firm from making any reportable contributions through the term of the contract, and

**NOW, THEREFORE, BE IT RESOLVED**, by the Board of Commissioners of the Borough of Longport, in the County of Atlantic and the State of new Jersey, as follows:

1. The Mayor of the Borough of Longport is hereby directed to execute and deliver a professional service contract for a one-year term commencing January 1, 2013 to December 31, 2013, and renewable as provided in said contract, as follows:

Description of Professional Service:	Borough Solicitor
Name of Professional:	Brownstein Hyatt Farber Schreck,PA Pacifico S Agnellini, Esquire

2. Funds are available for this purpose and the required certificate of availability of funds issued by the Borough's Chief Financial Officer is or will be duly issued.

3. A brief notice stating the nature, duration, service, and amount shall be given public notice according to law. The contract is on file and available for public inspection in the Borough of Longport Clerk's Office. The notice shall be substantially as follows:

**NOTICE OF NON-FAIR AND OPEN CONTRACT AWARD**

The Borough of Longport has awarded a contract without competitive bidding as a professional service, pursuant to N.J.S.A. 40A:11-5(l)(a)(ii). This contract and the resolution authorizing it are on file and available for public inspection in the office of the Borough Clerk, 2305 Atlantic Avenue, Longport, NJ 08403.

Awarded to:	Pacifico S. Agenillini, Esquire /Brownstein Hyatt Farber Schreck,PA
Services:	Borough Solicitor
Terms:	One year commencing January 1, 2013, subject to renewal
Cost:	\$175.00 per hour + \$25,000 for retainer
Not to Exceed:	\$25,000

4. All resolutions inconsistent herewith are hereby repealed, and this resolution shall be effective immediately.

***Mayor Russo made motion to approve R2013-14 and seconded by Commissioner Lawler. ALL AYES-NO NAYS***

***BILL PAY LIST AND FINANCIAL REPORT SUMMARY read into record by Commissioner Lawler. The Commissioner asked if anyone had any questions or comments regarding the Financial Report Summary or anything on the Bill Pay List. With no questions or comments from the public, Commissioner Lawler made motion to approve and seconded by Commissioner Leeds. ALL AYES-NO NAYS***

**COMMISSIONER'S REPORTS**

***Commissioner Lawler had nothing to report. Commissioner Leeds inquired about the water/sewer bill from residents in Longport Seaview. Longport Seaview is uninhabitable at this time and residents feel that the bill is unwarranted. Mr. Carter explained that approximately 1% of the bill is the actual water but the rest goes to the infrastructure, wells, etc. A discussion ensued regarding the issue with removal of the water meters Further discussion to follow.***

**The Mayor announced the beach badge competition which is open to all residents in the Borough.**

**PUBLIC COMMENT \* No public comment**

**ADJOURNMENT- Commissioner Lawler made motion, Mayor Russo seconded ALL AYES-NO NAYS**

**Meeting adjourned at 5:40 pm**

*\*Three minutes per person*

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*Emilia R. Strawder, RMC*

*Municipal Clerk*

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*Mayor Nicholas M. Russo*

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*Commissioner James P. Leeds, Sr*

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*Commissioner Daniel Lawler*