

**BOROUGH OF LONGPORT COMMISSION MEETING  
MUNICIPAL BUILDING, 2305 ATLANTIC AVE  
LONGPORT, NJ 08403  
WEDNESDAY, JUNE 18, 2019 – 9 AM**

*\*This meeting was originally scheduled to be held at 4:30 pm on June 19, 2019*

Meeting was called to order and the flag salute was conducted.

Municipal Clerk Kyle read the Opening Statement pursuant to the Open Public Meetings Act.

ROLL CALL:	Nicholas Russo	absent (responding to an EMS call)
	James P. Leeds, Sr.	present
	Daniel Lawler	present

Engineer Carter, Solicitor Agnellini, Chief Culmone, and Municipal Clerk Kyle also in attendance.

Commissioner Leeds expressed concern with two ordinances that were on the agenda for consideration as the mayor was absent and Comm. Leeds noted he might have a conflict with O2019-12- An Ordinance Amending Ordinance 2019-04 Salary, Wages and Compensation In Year 2019, as his son is a firefighter. Solicitor Agnellini noted that the ordinance is scheduled for a first reading and that the introduction of the ordinance should not be a conflict. Solicitor Agnellini discussed that the mayor would have a conflict voting at the second reading; however, he noted that the 'rule of necessity' may allow Commissioner Leeds to vote at the second reading. The governing body decided to wait until later in the meeting to address the ordinance in the event that Mayor Russo returned from the emergency medical services call he was responding to.

Emergency exit/fire drill/ public speaking limit – announced by Municipal Clerk Kyle .

Approval of minutes- Municipal Clerk Kyle requested a motion to approve the minutes of the May 15, 2019, Commission Workshop Meeting and the May 15, 2019 Regular Commission Meeting. Commissioner Lawler made a motion, seconded by Commissioner Leeds to approve the minutes for the May 15, 2019 commission workshop meeting and the May 15, 2019 regular commission meeting. ALL AYES- none opposed. Mayor Russo absent.

Commissioner Lawler made a motion to move the introduction/ first reading of **O2019-12 – An Ordinance Amending O2019-04 Salary, Wages and Compensation in Year 2019** to after the Solicitor's Report on the agenda, seconded by Commissioner Leeds. All In Favor – yes. None opposed. Mayor Russo absent.

Solicitor Agnellini **discussed Ordinance 2019-11 - An Ordinance Authorizing Execution of a Deed of Dedication and Perpetual Public Access Easement over Street Ends for Public Access to Tidal Waters in the Borough of Longport, Atlantic County, New Jersey**, noting that the State requested that the governing body amend the Exhibit to include the beach, not just the access points to the beach in the easement. He said the existing Army Corps of Engineers easement appears to only allow for the

construction of the dunes, not for the public to use and enjoy the beach. Solicitor Agnellini noted he needs to discuss this topic with the Engineer. He requested adjourning the second reading/ public hearing of this ordinance to the next workshop meeting scheduled for June 27, 2019, at 8:30 am. He added that the workshop meeting would be advertised to allow for the second reading/ public hearing.

Commissioner Lawler made a motion to adjourn **O2019-11 – An Ordinance Authorizing Execution of a Deed of Dedication and Perpetual Public Access Easement Over Street Ends for Public Access to Tidal Waters in the Borough of Longport, Atlantic County, New Jersey**, seconded by Commissioner Leeds. All In Favor – Yes. None Opposed. Mayor Russo absent. Solicitor Agnellini also stated that in the previous publication of the ordinance there was a typo that had 15<sup>th</sup> avenue listed twice and that it should read 14<sup>th</sup> and 15<sup>th</sup> and that it would be corrected in the legal publication.

Ordinances – Second Reading/ Public Hearing.

Number	Title
11	An Ordinance Authorizing Execution of a Deed of Dedication and Perpetual Public Access Easement over Street Ends for Public Access to Tidal Waters in the Borough of Longport, Atlantic County, New Jersey
Purpose	The Purpose of this Ordinance is to authorize the execution of a deed of dedication and perpetual public access easement over street ends for public access to tidal waterways.
Public Hearing	The second reading/ public hearing was adjourned to 8:30 am at the June 27, 2019, workshop meeting upon recommendation by Solicitor Agnellini.
Motion to <b>Adjourn</b>	Motion to <b>ADJOURN</b> - Commissioner Lawler, seconded by Commissioner Leeds to adjourn Ordinance #O2019-11 to the June 27, 2019 workshop meeting at 8:30 am.
All in Favor	ALL AYES. None opposed. Mayor Russo absent.

Public Comment on listed resolutions: No public comment.

RESOLUTIONS

Number	Title
2019-76	A Resolution Authorizing Contracts with Certain Approved Cooperative Pricing Agreements for Contracting Units Pursuant to N.J.S.A. 40A:11-12a and N.J.A.C 5:34-7.29c MOTION - LEEDS, SECOND- LAWLER, All AYES- none opposed. Mayor Russo absent.
2019-77	A Resolution Authorizing a Contract to Atlantic Coast Alarm, Inc., 5100 Harding HWY, Suite 203, Mays Landing, NJ 08330 for Upgrading and Additions to the Existing Video Surveillance System at Longport Borough Hall and Public Works Garage MOTION-LAWLER, SECOND-LEEDS, All AYES- none opposed. Mayor Russo

	absent.
2019-78	<p>A Resolution Authorizing Payment of School Tax Levy to the Longport Board of Education MOTION-LEEDS, SECOND-LAWLER, All AYES- none opposed. Mayor Russo absent.</p>
2019-79	<p>A Resolution Authorizing a Change Order to a Non Fair and Open Professional Services Contract for Appraisal Services with J.P. Bainbridge and Associates MOTION-LAWLER, SECOND-LEEDS, All AYES- none opposed. Mayor Russo absent. <i>Solicitor Agnellini explained that this was the appraiser hired for the beach fill and dune project litigation that the State is pursuing. The State has agreed to reimburse the borough for these expenses. He noted that it has been over a year and the borough has yet to receive payment from the State.</i></p>
2019-80	<p>A Resolution Authorizing the Appointment of a Municipal Tax Assessor MOTION-LEEDS, SECOND-LAWLER, All AYES- none opposed. Mayor Russo absent.</p>
2019-81	<p>A Resolution in Support of Senate Bill No. 3745 that Provides for an Excused Absence for Public School Students Who Participate in a Musical Performance at a Military Funeral, including Playing “Taps” MOTION- LEEDS, SECOND-LAWLER, All AYES- none opposed. Mayor Russo absent.</p>
2019-82	<p>A Resolution Authorizing Renewal of the Liquor License for Oriental Gourmet, T/A Catch 2401 Restaurant and Bar MOTION-LAWLER, SECOND-LEEDS, All AYES- none opposed. Mayor Russo absent.</p>
2019-83	<p>A Resolution Authorizing the Disposal of Surplus Property MOTION-LEEDS, SECOND-LAWLER, All AYES- none opposed. Mayor Russo absent. Comm. Leeds questioned what vehicles were for sale. Solicitor Agnellini explained that the two vehicles were unclaimed vehicles towed by the Longport Police Department.</p>
2019-84	<p>A Resolution Authorizing Award of Contract for the 2019 Various Street End Repairs to A.E. Stone Incorporated of Pleasantville, NJ MOTION-LAWLER, SECOND-LEEDS, All AYES- none opposed. Mayor Russo absent. <i>Comm. Lawler asked about the monies collected from the street opening permits. Engineer Carter noted that approximately \$30,000 had been collected and it goes into the budget general fund. Comm. Leeds also noted that there was money in a bond for street repairs.</i></p>

**BILL PAY LIST & FINANCIAL SUMMARY REPORT**

Commissioner of Finance and Revenue, Jim Leeds, Sr. asked if there were any questions on the bill pay list of June 12, 2019. There were none. MOTION – LEEDS, SECOND – LAWLER. ALL IN FAVOR- ALL AYES/ NONE OPPOSED. Mayor Russo absent.

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 – LAWLER. ALL IN FAVOR- ALL AYES/ NONE OPPOSED. Mayor Russo absent.

**COMMISSIONERS REPORTS**

Mayor Russo was absent.

Commissioner Lawler asked about an update regarding public works being permitted to move sand on the beach. Solicitor Agnellini noted that O2019-11 needs to be approved first, hopefully at the June meeting, and then he can send the Municipal Public Access Plan for approval to the State, which would then allow for potential approval of the Beach Maintenance Permit.

Commissioner Leeds no further report.

**ENGINEER’S REPORT**

Engineer Carter discussed three items.

1. He received a letter from the NJ DOT to allow for the delay in starting the 29<sup>th</sup> and Sunset Avenue project, so work would not be on-going during the summer. He will reply to the State accepting its terms/conditions allowing for the delay of the State-aid project.
2. Engineer Carter noted that he received the executed State contract for a \$201,000 grant for Atlantic Avenue between 32<sup>nd</sup> Avenue & Margate. He noted he would like to coincide the repaving of the street with work on Atlantic Avenue from 22<sup>nd</sup> all the way to 36<sup>th</sup> Avenue.
3. Engineer Carter stated that he received a lighting request from Sheila Stone of the Longport Seaview, which he said the governing body needs to decide. He also noted an additional onsite lighting request (from the Seaview) that he recommended be reviewed by the zoning officer first before discussing it at a workshop meeting.

**SOLICITOR’S REPORT**

Solicitor Agnellini no further reports.

Solicitor Agnellini noted that the governing body could decide to table Ordinance 2019-12 or it could vote to introduce it upon a first reading.

Ordinances – First Reading/ Introduction of Ordinance 2019-12 - An Ordinance Amending Ordinance 2019-04 Salary, Wages and Compensation In Year 2019. Second Reading/ Public Hearing scheduled for 4:30 pm, July 10, 2019.

Number	Title
12	An Ordinance Amending Ordinance 2019-04 Salary, Wages and Compensation

Purpose	In Year 2019  The purpose of this Ordinance is to provide firefighters and emergency medical technicians that meet certain criteria with a stipend for serving as an EMS Duty Crew from May 24 through September 1.
Motion to Introduce	Motion to Introduce- Commissioner Leeds, seconded by Commissioner Lawler to Introduce Ordinance #O2019-12.
All In Favor	ALL AYES. None opposed. Mayor Russo absent.

**PUBLIC COMMENT**

Ms. Nadia Lombardi of 3105 Pacific Avenue discussed a tree she had in the governor’s strip. She noted that tree branches had grown into the power lines and that it had been hit by lightning, causing to be become an eye sore. She noted she recently had the tree removed and replaced with a Crape Myrtle. She was hoping that this tree could be grandfathered and asked if there was a way to keep the tree as it was established and aesthetically pleasing. Engineer Carter addressed Ms. Lombardi’s question stating that the borough does not permit trees in the governor’s strip for several reasons including: that trees can cause issues with power lines and roots can get tangled in sewer lines. Engineer Carter noted that the issue of grandfathering ended when the previous tree was removed. He added that Ms. Lombardi had discussed with him the potential of removing the tree in the fall and re-planting it, adding that he was not opposed to that idea. Engineer Carter advised the governing body against allowing the tree to remain in the governor’s strip. Ms. Lombardi noted that she was not aware that trees were not permitted in the governor’s strip. She requested that she be given time to remove the tree as it was planted in memory of her husband’s grandmother. Solicitor Agnellini noted that there is an ordinance that does not allow for trees in the governor’s strip, explaining that the governing body could not permit the tree to stay even if they wanted to. Ms. Lombardi asked if she could get a variance to keep the tree. Solicitor Agnellini noted that the planning/zoning board would not have jurisdiction to allow for a variance in the governor’s strip. He added that the only way to allow for the tree is to change the ordinance. There was further discussion on this topic, noting that many people are not aware of this ordinance and the history regarding the planting of the previous tree. The governing body was agreeable to allowing Ms. Lombardi time to move the tree after the season so it is not killed by moving it.

Engineer Carter noted that Code Enforcement is already working with Ms. Lombardi. Ms. Lombardi asked about the height of vegetation permitted in the governor’s strip. Engineer Carter noted that the ordinance specifies types of vegetation. He added that he will work with Ms. Lombardi with the relocation of the tree.

There was no further comment from the public.

**ADJOURNMENT**

MOTION- LEEDS, SECOND-LAWLER. All AYES- none opposed. Mayor absent. (9:39 am)