

**BOROUGH OF LONGPORT COMMISSION MEETING  
MUNICIPAL BUILDING, 2305 ATLANTIC AVE  
LONGPORT, NJ 08403  
WEDNESDAY, JULY 10, 2019 – 4:30 PM**

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	present
	James P. Leeds, Sr.	present
	Daniel Lawler	present

Engineer Carter, Solicitor Agnellini, Chief Clayton, Richard Hirsch, and Municipal Clerk Kyle also in attendance.

Emergency exit/fire drill/ public speaking limit – Mayor Russo.

Proclamation to Bob’s Garden Center – a proclamation recognizing Bob’s Garden Center’s donation to the Longport Community Garden was read into the record by Municipal Clerk Kyle.

Approval of Minutes- Municipal Clerk Kyle requested a motion to approve the minutes of the June 5, 2019, Commission Meeting and the June 18, 2019, Commission Meeting. Commissioner Leeds made a motion, seconded by Commissioner Lawler to approve the minutes for the June 5, 2019, Commission Meeting and the June 18, 2019 Commission Meeting. ALL AYES- none opposed.

Ordinances – Second Reading/ Public Hearing.

Number	Title
12	An Ordinance Amending 2019-04 Salary, Wages and Compensation in Year 2019
Purpose	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.
Public Hearing	No public comment.
Motion	Motion - Commissioner Leeds, seconded by Commissioner Lawler to approve Ordinance #O2019-12.
Roll Call Vote	Mayor Russo – Abstain. Comm. Leeds – Yes Comm. Lawler - Yes. TWO AYES. One - Abstained. <i>*Solicitor Agnellini recommended that Mayor Russo Abstain as a member of the Fire Department. Solicitor Agnellini noted that Comm. Leeds could vote on this ordinance due to the ‘rule of necessity’ as he does not directly benefit from this ordinance - his son is a member of the fire department.</i>

Public Comment on listed resolutions: No public comment.

## RESOLUTIONS

Number	Title
2019-85	A Resolution Change Order of Contract to Leafy Green Landscaping of Buena, NJ for the 2019 Lawn Care & Spring Clean Up at Various Locations MOTION - LAWLER, SECOND- RUSSO, All AYES- none opposed.
2019-86	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.
2019-87	A Resolution Establishing A Temporary Parking Area During the 2019 South Jersey Lifeguard Championship Races <i>*Resolution amended to include the date of August 9, 2019.</i> MOTION-RUSSO, SECOND-LAWLER, All AYES- none opposed.
2019-88	A Resolution Appointing SLEO II ( <i>Special Law Enforcement Officer</i> ) MOTION-RUSSO, SECOND-LEEDS, All AYES- none opposed.
2019-89	A Resolution Awarding a Professional Services Contract – Borough General Litigation Counsel MOTION-RUSSO, SECOND-LAWLER, All AYES- none opposed.

### **BILL PAY LIST**

Commissioner of Finance and Revenue, Jim Leeds, Sr. asked if there were any questions on the Bill Pay List of July 10, 2019. There were none. MOTION – LEEDS, SECOND – RUSSO. ALL IN FAVOR - ALL AYES/ NONE OPPOSED.

### **COMMISSIONERS REPORTS**

Mayor Russo noted the fireworks display sponsored by the Longport Volunteer Fire Department would be held on Aug. 10<sup>th</sup> at 9 pm. *\*The rain date was noted later to be Aug. 17<sup>th</sup>.*

Commissioner Lawler - no further report.

Commissioner Leeds - no further report.

### **ENGINEER'S REPORT**

Engineer Carter discussed that Public Works stated that there was a contractor at the tennis courts who said he was there at the Mayor's request to provide an estimate for tennis court fencing. Mayor Russo noted that he did not request an estimate. Mayor Russo congratulated Engineer Carter on receiving a certificate from the NJ DEP Stormwater Management Design Review Course.

### **SOLICITOR'S REPORT**

Solicitor Agnellini provided an update on the beach maintenance permit. He noted that at the last meeting 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, was withdrawn by the Governing Body. He noted that was due to concern from several residents over language used in the ordinance. He thought it would be reasonable to revise the ordinance language to specifically state what rights Longport would be granting the State over street ends for access.

He discussed limiting public access to transit or pedestrian access. He noted that borough has been working on this issue with the State since 2017. He explained that the State would require some type of easement and that he would limit it to transit access for pedestrians.

He noted that the public access issue mainly concerned municipalities in the northern part of the State. Explaining that some municipalities were vacating street ends to limit public access to the beach. He added that this was not the case in Longport. He also explained that Stone Harbor had passed a similar ordinance regarding street end easements.

Solicitor Agnellini said he would provide the revised ordinance in advance to the governing body and then have it posted on the website prior to the next meeting on July 24<sup>th</sup>. He wanted to provide the public time to have input on the ordinance.

Solicitor Agnellini also noted his concern that NJ DEP could fine the borough for maintaining the beach without a permit or possibly shut it down. Mayor Russo stated that he would like the governing body to review the ordinance prior to it being posted on the borough's website. Solicitor Agnellini recommended that the ordinance be made available to the public on the website on July 19<sup>th</sup> and by having copies available.

Engineer Carter noted that the borough is providing the State with the full width of the roadway, he suggested that the borough could limit the easement to the same width as the Army Corps of Engineers dune crossover access of eight feet wide. He also agreed with the Solicitor's suggestion to limit the street end easement to transit/ pedestrian access and not allow for any structures. Engineer Carter also added that when the Army Corps of Engineers began work on the Dune Project, it needed to get a CAFRA permit that also had to meet State public access requirements. He noted that in his opinion the State has already approved public access to the beach front. He added that the borough is required to maintain those access points to the beach and the State should not have issues regarding the beach, adding that the State should not have any reason not to grant the borough's beach maintenance permit application. Engineer Carter noted that bayside access is the only area that could be of concern to the State.

Commissioner Leeds questioned why the borough had to act right away, he suggested that the borough wait and see what other municipalities are doing. Solicitor Agnellini noted that other communities are responding to the State's mandate. He also explained that the borough needs a beach maintenance permit to maintain the beach and access points.

Solicitor Agnellini discussed that a few years ago the NJ DEP inserted the requirement for a Municipal Public Access Plan to address a problem that it was having in northern New Jersey. He explained that all municipalities are being treated uniformly. He noted that Longport is one of several municipalities that

had its permit expire early and must address these new requirements in its Municipal Public Access Plan as part of its beach maintenance permit.

Mayor Russo discussed the fact that the borough received a violation from the NJ DEP for having lifeguard boat davits on the beach. Solicitor Agnellini noted that if the borough can show the davits where there before the dune project, a CAFRA permit may not be needed. It was noted that it was decided at a previous meeting that the davits would be removed.

Commission Leeds stated that sand that is blowing up against the bulkhead from the dunes and that as a result of this, a large amount of sand has accumulated there. He wanted to know why the borough was being held accountable for something it did not do in relation to the dune project. There was further discussion on the sand and the process of the beach permit application.

Solicitor Agnellini explained that the borough has to be careful in the way it is handling the beach as it does not have a beach maintenance permit. Engineer Carter discussed the permitting process, including when he filed for the permit and how it was denied by the State. The governing body also discussed the maintenance of the dune and how the borough needed to purchase new equipment to clean the area between the dune and bulkhead.

Engineer Carter also discussed a letter the borough received from the County regarding handicapped access and that Public Works has addressed those issues.

#### **PUBLIC COMMENT**

Ellen Miller of 115 N. Yarmouth, and Lois (speaker on behalf of several tennis players in the borough) stated that she had appeared before the Governing Body last year, July 25, 2018, and explained that at that time, the governing body said it would repair the tennis courts. Engineer Carter explained that a bond sale just occurred and that prices are being put together for tennis court repairs.

Mayor Russo explained that windscreens cannot be installed at the courts due to the particularly strong winds off of the ocean. Engineer Carter also discussed repairs that need to take place at the courts and that it will most likely be a fall project.

There was discussion on resurfacing the tennis courts. Engineer Carter did not think a total resurfacing would occur. Lois noted that the group has noticed a decline in the use of the tennis courts, adding that this might be due to the poor condition of the courts, cracks in the surface, weeds growing, and sandy surfaces (she provided the Governing Body with photos of the courts).

She also stated she felt that the kids working on the court are not maintaining the courts properly and that there appears to be confusion, sometimes resulting in double bookings. She said she has seen trash on the courts. She requested that a job description be written for the staff working on the courts. She added that her group is considering using Margate tennis courts in the future.

Mayor Russo noted that the supervision of the tennis court personnel falls under the Beach Patrol Chief who has responsibility for all lifeguards and lifeguard equipment. Mayor Russo suggested the possibility of having another individual supervise the tennis courts attendants. There was further

discussion on this topic by the Governing Body. Mayor Russo discussed transforming one of the basketball courts into a pickle ball court. There was also discussion on possibly hiring a part-time recreation director for next year.

Joel Goldman of 108 S. 15<sup>th</sup> Avenue discussed vacant property between 15<sup>th</sup> and 16<sup>th</sup> avenues on Beach Terrace near the bulkhead, noting that at a previous meeting there was discussion of adding handicapped parking for the area as well as beautification. He also noted that three 'No Parking' signs were removed from the area. Mr. Goldman stated his concern, adding that numerous cars are parking in the area. Mr. Goldman discussed a proposal from a nearby condo association that is willing to donate \$5,000 to beautify the area. He wanted to know when this was going to occur. Mayor Russo explained that there was concern about landscaping the area due to a lack of irrigation there. He also discussed various options for vegetation. Engineer Carter explained that sand blows over the bulkhead in that area and suggested a xeriscape type of landscaping plan and fencing. Engineer Carter noted that the Seaview Condo Association would be putting a plan together and submitting it to the Governing Body for review. Mr. Goldman reiterated his concern about cars parking in that area.

Mr. Goldman also discussed street openings in the borough and how indentations have been left in several streets. Mr. Carter noted that these streets would be addressed in the fall.

There was no further comment from the public.

#### **ADJOURNMENT**

MOTION- LAWLER, SECOND-LEEDS. All AYES- none opposed. Mayor absent. (5:20 pm)