

**BOROUGH OF LONGPORT COMMISSION MEETING
MUNICIPAL BUILDING, 2305 ATLANTIC AVE
LONGPORT, NJ 08403
WEDNESDAY, August 21, 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. *The following was added after the Opening Statement: “This meeting is being held at the same time and place as advertised with the exception that it is being held on the second floor of the municipal building. This is due to an unforeseen environmental constraint that prevents the use of commission chambers. A notice of the relocation to the second floor was posted on the bulletin board and the borough website on Monday, August 19, 2019, and on the door of Commission Chambers on Wednesday, August 21, 2019.*

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

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

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

Proclamation – Wounded Warrior 2019 – Special Operator – 1 Joseph Hahn, US Navy (ret). Mayor Russo commented on the Wounded Warrior Program sponsored by the Longport American Legion Post 469 and commended Navy SEAL Hahn.

Approval of minutes- Municipal Clerk Kyle requested a motion to approve the minutes of the August 1, 2019, Board of Commissioners Workshop Meeting. Commissioner Lawler made a motion, seconded by Commissioner Leeds to approve the minutes of the August 1, 2019, Board of Commissioners Workshop Meeting. ALL AYES- none opposed.

Discussion on Municipal Administrator Position – Solicitor Agnellini discussed that there is an existing ordinance for the position of Municipal Administrator. He noted that the position opening was recently advertised and that the mayor and commissioners had individually interviewed candidates for the position. Solicitor Agnellini explained that the 2019 salary ordinance had allocated a salary for a municipal administrator. CFO Kelly stated that the position would be part time. Solicitor Agnellini added that any changes would require that the ordinance be amended including changing it from a full-time position to a part-time position.

Commissioner Leeds stated that when he interviewed the candidates for the administrator position, part time hours had been discussed. He noted that the administrator might need more hours to start with and that funding was available in the budget.

Mayor Russo explained that in the past, CFO Kelly did a lot of the work of an administrator and that outside professional services, at times, had been hired to assist in various matters such as some contract

negotiations. He added that with a part-time governing body, it would be beneficial to have an administrator.

Solicitor Agnellini noted that the borough’s form of government does not allow three commissioners to discuss borough-related business unless it occurs at a public meeting. He explained that a municipal administrator can help bridge the gap between commission meetings and workshops. He explained that even though the borough is small, there is a need for a municipal administrator especially with how quickly this technological world functions.

Commissioner Lawler provided an example of where a municipal administrator would be helpful. He explained that the GovDeals process, which was started under a previous municipal clerk, but not familiar to the current clerk, would be a good task for the municipal administrator to handle. He added that more could be completed with the addition of a municipal administrator.

Solicitor Agnellini explained that the municipal administrator could be given decision-making authority by a commissioner. Mayor Russo discussed that several aspects of the position need to be considered including: the salary, if meetings/ workshops should be attended, as well as office space and equipment needs. He asked CFO Kelly to please check with each commissioner for his preferred candidate, and to work on a one-year contract agreement.

Public Comment on listed resolutions – there was no public comment or questions on the listed resolutions.

RESOLUTIONS

| Number | Title |
|----------|--|
| 2019-98 | A Resolution Authorizing the Execution of a Contract Renewing the Membership in the Atlantic County Municipal Joint Insurance Fund MOTION - LEEDS, SECOND- LAWLER, All AYES- none opposed. |
| 2019-99 | A Resolution for the Governing Body- Certification of the Annual Audit MOTION - LEEDS, SECOND- RUSSO, ROLL CALL VOTE: - Mayor Russo – YES. Comm. Leeds – YES. Comm. Lawler – YES. All AYES- none opposed. |
| 2019-100 | A Resolution Establishing an Emergency ‘No Parking’ Area During the 2019 Wounded Warrior Parade MOTION-RUSSO, SECOND-LAWLER, All AYES- none opposed. |
| 2019-101 | A Resolution Authorizing the Mayor to Approve a Renewal of Contract with OnSolve for Emergency Communication Services MOTION-RUSSO, SECOND-LEEDS, All AYES- none opposed. |
| 2019-102 | A Resolution Amending Resolution #2019-02 – Designating Depository Banks for Funds of the Borough of Longport and Authorizing Officials of the Borough to Sign Necessary Banking Documents <i>*CFO Kelly noted that the amendment is to add the Municipal Clerk as a Signatory</i> MOTION-LEEDS, SECOND-LAWLER, All AYES- none opposed. |

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 August 21, 2019. There were none. MOTION – LEEDS, SECOND – LAWLER. ALL IN FAVOR- ALL AYES/ NONE OPPOSED.

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

COMMISSIONERS REPORTS

Mayor Russo announced that the Longport Beach Patrol won the South Jersey Lifeguard Championship races for the fourth time in a row and commended them on this historic achievement. He noted that a proclamation was initially scheduled to be presented at this meeting, but several members of the Longport Beach Patrol were unavailable to attend and that the proclamation would be presented at a future meeting. Mayor Russo also commended the police and fire departments for assisting in making the event run smoothly. He also thanked the police and fire for its work in the fireworks display over the weekend. He also noted that the Take a Breather Run went smoothly and thanked those involved.

Mayor Russo noted that several residents had expressed their concern to him about short-term rentals in the borough. He discussed the rental process that includes a certificate of occupancy inspection. He noted that there are challenges with knowing when a property is being rented through an internet-based rental such as AirBnB or VRBO. He also noted that enforcement could be challenging. He recommended that a summary investigation could include researching websites to see what properties are listed for rent. He read a draft letter pertaining to rental properties into the record. Mayor Russo noted that Chapter 136 needs to be revised. He noted that there are several items to take into consideration when revising the chapter, including how often do properties need to be inspected and should the fee be increased. He noted that there are some advances in technology that also need to be taken into consideration. Mayor Russo asked his fellow commissioners, as well as the solicitor and engineer to have input on this topic.

Solicitor Agnellini noted that the ordinance needs to be reviewed and that the governing body needs to address what needs to be regulated or restricted. He added that the length of rentals also needs to be taken into consideration. Solicitor Agnellini noted that a certificate of registration is currently required only when a property is rented to five or more unrelated persons. He added that this section of the ordinance should be revised. He discussed the Certificate of Occupancy, noting that the CO states that the home meets all laws of State of NJ and borough ordinances – he recommended revising this language.

Mayor Russo noted that he received several complaints about short-term rentals and he would like to get the ball rolling on this issue. Commissioner Leeds added that there may be some State laws, including a potential tax that needs to be reviewed to see how it may affect the borough's rental regulations. Commissioner Leeds also stated that he would like to meet with all involved to discuss this topic. Solicitor Agnellini noted that there are some projects that he was working on including rental regulations as well as the use of municipal facilities for the upcoming fall.

Mayor Russo announced the Hammer Row race was taking place tomorrow at Seaview Harbor.

He also discussed an update on a beautification proposal on 15th through 16th avenues near the beachside bulkhead. Engineer Carter discussed a design similar to the landscaping behind Borough Hall. Engineer Carter also discussed rental regulations in Sea Isle City and pointed out that the State did not permit Sea Isle City to have 'self-examination' from the homeowner. He suggested contacting this person for further input on the topic of rental properties.

Commissioner Leeds – nothing further to report.

Commissioner Lawler – nothing further to report.

ENGINEER'S REPORT

Engineer Carter addressed a comment from the public earlier as to why the meeting was being held on the second floor. He noted that a storm occurred over the weekend that had caused the air conditioning unit to stop functioning in commission chambers. With the air conditioning unit down, the heat and humidity allowed for mold growth in the room. He noted that the unit will need to be repaired and the room remediated. Engineer Carter also noted that Well #3 is back online.

Ms. Mary Nugent of 2604 Oberon Avenue had a question regarding the well units. Engineer Carter addressed her question.

SOLICITOR'S REPORT

Solicitor Agnellini discussed the Municipal Public Access Plan. He noted that he sent an email to a group of citizens that had concerns with the street end easement ordinance to provide them with an opportunity to review and comment on it.

Solicitor Agnellini discussed Seaview Harbor seceding from Egg Harbor Township. He noted that more questions are being posed by the public on this topic. He noted that if Seaview Harbor is able to move forward with secession, the borough would need to have its own report formulated so it can make an informed decision. Solicitor Agnellini noted that he has received reports from Seaview Harbor and from Egg Harbor Township and that they are available for the governing body to review.

Mayor Russo noted that he would like to begin moving forward on the street end easement ordinance as required by the NJ Department of Environmental Protection in the Municipal Public Access Plan.

PUBLIC COMMENT

Mary Nugent of 2604 Oberon Avenue – discussed a past edition of Town Topics that featured an article on the topic of water conservation. She noted that several years ago she discussed the need to have rain sensors on lawn sprinkling systems. She noted that the State had passed legislation in 2000 requiring rain sensors. She added that if the borough had acted at that time, the borough would be ahead of the game. Mayor Russo noted that approximately 40 to 50 letters had been sent out regarding properties that had sprinklers running while it was raining. He added that enforcement of the ordinance would be the next step. Solicitor Agnellini noted that borough ordinance requires that all sprinklers be registered and certified that they are properly functioning.

Ms. Nugent asked how much money borough tax payers had spent to outfit Seaview Harbor with water hose lines. She noted that a member of the fire department, had told her that the fire department ran

lines at Seaview Harbor. Assistant Fire Chief Funk noted that the fire department had an old, large diameter hose that they placed there for access.

Neil and Sharon Rodin of 2601 Absecon Avenue discussed storm drains that have been blocked near their property and that maybe screens needed to be added to help prevent future blockages. Engineer Carter said that public works will look into the issue. Ms. Rodin noted that the salt water is killing her trees. Comm. Lawler stated that the bulkhead in the area had been fixed and asked if that has helped with flooding. Mr. Rodin noted that some bushes in the area had been destroyed. Engineer Carter noted that vegetation in the borough right-of-way could not be replaced. Mr. Rodin said that with the new bulkhead people are coming up onto their property and this has become a security issue for them. He added that it has become a walkway for people to fish. Comm. Lawler noted that people should not be trespassing onto their property. Zoning Officer Funk addressed various options to help deter trespassing, but he added that fencing would not be permitted in borough right-of-way.

Joan Davidow of 103 S. 23rd Avenue stated that several tax payers have expressed they are not aware of what is happening in the borough and asked if they could be placed on an email list. Solicitor Agnellini noted that there is a system on the borough's website that pushes information out. He explained that there is a legal obligation to post notices and that information is publicly available. He noted that there is an email service, but you must give input your email address information to sign up for it. Mayor Russo also noted that Downbeach.com is also a good source for local news.

Ms. Davidow discussed parking on the beach blocks and noted that she didn't see anything regarding this topic on the web. Municipal Clerk Kyle noted that when changes are made to the website an email notification is sent out to those who have signed up for this service. Comm. Lawler noted that the meeting agendas are posted in advance on the website and he encouraged everyone to attend commission meetings and provide feedback to the governing body. Solicitor Agnellini noted that pieces of information go out. He noted that in order to get a full picture one should look at agendas, minutes, resolutions, ordinances and listen to commission meeting audio files.

Solicitor Agnellini discussed the street end easement ordinance. He explained that the borough needs to obtain a Beach Maintenance Permit from the NJ Department of Environmental Protection. The NJDEP is also requiring an approved Municipal Public Access Plan in order to be approved for the Beach Maintenance Permit. He added that the street end easement ordinance is a requirement of the Municipal Public Access Plan. He explained that in the northern section of the State some municipalities were vacating street ends, which then blocked public access to beaches or tidal waterways and the State is trying to prevent that from happening.

He explained that the street end easement ordinance is one way that the State is attempting to ensure that access to beaches and tidal waterways remains open to the public as it prohibits the vacation of street ends. Solicitor Agnellini explained that he is working on a street end easement ordinance that he hopes is agreeable to all concerned. Ms. Davidow noted that what is being discussed in town is that parking will be opened on the beach blocks, as well as the placement of port-a-potties, and other potential changes at the street ends. Solicitor Agnellini addressed her concern by saying that the State might ask for this in the future, but the street end easement ordinance is a separate issue.

Marc Hurvitz of 9 S. 30th Avenue stated that the sewer and storm drain located at the end of Ventnor and 30th avenues is sinking. Engineer Carter noted that this drain could belong to the county. Mr. Hurvitz noted it was on the corner of the street. Commissioner Lawler noted that public works will look into it.

Mr. Hurvitz discussed the water tower and paint chips flaking off. He asked about the status of the lawsuit against the bonding company regarding the water tower. Solicitor Agnellini explained that he evaluated the potential lawsuit and it was decided that the chance of the law suit being successful was not worth the expense of litigation. Engineer Carter explained that the contractor who originally did the work had filed for bankruptcy. He noted that he is waiting for a report regarding the water tower and what the borough's options are. He further explained that the borough is working on the tower and is looking how to address maintenance of the water tower in the budget.

Mary Nugent of 2604 Oberon Avenue discussed Seaview Harbor and stated that one of her greatest concerns is a fire at the site. She said she was concerned about taxes going up based on insurance premiums going up or the need for the borough to switch to a paid fire department or joining with Margate's Fire Department. Ms. Nugent noted that Egg Harbor Township's fire chief has stated his concerns about Seaview Harbor's boats. She said he also had concerns regarding the narrow docks and that vapors in the boats could potentially explode. She said she did not want to see her taxes going up because Seaview Harbor became a part of Longport. Commissioner Lawler said that the decision on annexing Seaview Harbor could be 10 years down the road. He noted that if he was a member of the governing body at that time, he would allow Longport's voters to decide the issue via a referendum question. He stated he was not prepared yet to state his position on the annexation of Seaview Harbor as there are numerous issues to consider and the borough has not yet developed its own report. Ms. Nugent explained that she is a tax payer without a vote. She questioned what percentage of tax payers are registered to vote. It was noted that approximately 250 voters historically vote in the borough. She expressed her concern that all property owners would not have a say in a referendum.

There was no further comment from the public.

ADJOURNMENT

MOTION- LAWLER, SECOND-LEEDS. All AYES- none opposed.

(5:53 pm)