

**BOROUGH OF LONGPORT WORKSHOP COMMISSION MEETING  
MUNICIPAL BUILDING, 2305 ATLANTIC AVE  
LONGPORT, NJ 08403  
WEDNESDAY, FEBRUARY 17, 2021 – 4:00 PM**

The meeting was called to order.

Municipal Clerk Kyle read the Opening Statement pursuant to the Open Public Meetings Act. A notice of this meeting was emailed to the Press of Atlantic City and the Current on February 12, 2021. In addition, copies of notices were posted on the bulletin board and filed in the office of the municipal clerk. Notices on the bulletin board have remained continuously posted.

ROLL CALL:	Nicholas Russo	present – via telephone
	James P. Leeds, Sr.	present
	Daniel Lawler	present

Borough Solicitor Affanato, Administrator Porter, CFO Kelly, Chief Culmone, and Municipal Clerk Kyle also present.

Municipal Clerk Kyle stated the location of emergency exits and noted that there is no public comment at workshop meetings.

Commissioner Lawler asked if the Municipal Administrator and Borough Solicitor could provide their reports at this time.

Municipal Administrator:

Administrator Porter discussed a traffic study of the Margate Promenade project that is underway by McMahan and Associates. He anticipated a report by the end of the month.

He also noted that the Beach Maintenance Plan permit application is ready for submission and that there is a \$1000 application fee. He explained that that the application would also require a signature from members of the Governing Body. He said that the CFO had prepared a check for the application and that it is a five-year permit. Commissioner Lawler questioned if the Public Works Department could then begin cleaning beaches and walkways. It was noted that the permit would most likely not be approved for another three months. Solicitor Affanato said that he would apply for an Emergency Temporary Permit closer to the start of the summer season so Public Works could perform necessary beach maintenance. He further explained that the temporary permit is only valid for 60 days. Commissioner Lawler expressed his concern about the condition of the beach walkways.

Administrator Porter discussed a change order resolution on the agenda pertaining to HVAC work in the police department. He noted that the change order included necessary fire proofing measures that needed to be completed. HE added that the additional amount is a little less than \$24,000.

Administrator Porter also discussed Well #4. He said work continues to move forward and the well should be completed by March 31<sup>st</sup> in time for the summer season. He added that in order to complete

this work, the contractor may need to start early in the day and continue into the night with some Saturday work.

He said that the budget process had started and that it should be ready for introduction at the next meeting.

He noted that a previous meeting, a resident had discussed unsafe traffic conditions at 27<sup>th</sup> and Oberon avenues. He said he has been working with the police department to address the resident's concern.

He also discussed a new municipal program designed to help Longport seniors pre-register for the COVID-19 vaccine.

Solicitor Affanato:

Solicitor Affanato discussed the beach ice-cream vending ordinance that is scheduled for a second reading during the regular meeting. He noted that the ordinance allows fees to be set by resolution and that the Governing Body would soon have to address what the fees should be. He also discussed getting the specs together to go out for bid soon for the beach vending license, possibly at the next meeting.

He also discussed a second ordinance on the agenda regarding use of borough facilities. He said that usage fees would also be set by resolution in this ordinance. He said that he had previously provided a draft resolution for the Governing Body to review regarding fees. He also noted that setting the fees by resolution allows for quick changes if needed. He explained that the ordinance basically divides the use into nonprofit and for profit/ enterprise usage. He said that the ordinance allows exclusive use of certain facilities for a certain amount of time. He added that exclusive use of the beach could not be permitted for several reasons. He said that beach weddings could still occur, but without exclusive use. He asked the Governing Body to review the draft resolution and provide him with any changes or revisions. Solicitor Affanato said that this resolution would be prepared for the next meeting.

Commissioner Leeds also discussed several complaints that he has received regarding pick-up games taking place at the basketball court that often cause the courts to be filled. He discussed possibly having a court designated for family usage or certain hours set aside for family use. Solicitor Affanato noted that he needed to speak with the Recreation Director about court use and regulation. Solicitor Affanato also discussed the possibility of designating family time hours at certain courts by resolution.

Commissioner Lawler asked how the fees in the draft resolution were decided. Solicitor Affanato explained that some were based on what other towns are charging. He further explained that some fees are a combination of those charged in Margate and Ventnor and some were created specifically for Longport. It was noted that fees could be changed as needed at a Board of Commissioners Meeting.

Solicitor Affanato said he met with Sheila Stone of the Longport Seaview, Jamie Lloyd of JW Landscaping, and Marjorie Wilson of Costa Videre about the creation of a park area on Beach Terrace between 14<sup>th</sup> and 16<sup>th</sup> avenues. He explained that the proposed area is currently just a dirt area near the bulkhead. It was noted that a sidewalk had just been installed here. He said that this project had been proposed to the Governing Body several months ago. He said that use of the land would not be a lease agreement. He explained that the group is interested in improving the area for public use as a park. The estimated cost is between \$60,000 and \$80,000. He explained that the group does not want to have insurance liability for the area. He explained that liability would remain with the Borough if an accident, such as a slip and fall, should occur. He said that the area it is currently unimproved land, but added that once

improved, it changes the responsibilities of the Borough under the Tort Claims Act. He noted that the Public Works Department would have to maintain the area or reach out to the group so that they can maintain it. He added that the group would also like the Borough to provide water/irrigation and electric for the park. He noted that they have taken into consideration how lighting would impact neighboring homes. He said that there are some issues to consider if the Borough should decide to enter into a Memorandum of Understanding with the group. He noted that if the group should formalize as an entity, then the Borough could contract with them. He suggested providing the group with the ability to use the area as a park as long as it is maintained in good standing order, and if the Borough needed the land, the Borough would maintain its right to take the park out without reimbursement. Solicitor Affanato said the park would be open to the public. There was further discussion on this topic. He further explained that if the park was not maintained by the group, the Borough would either have to maintain it or close it. He said that park would not be paid for by the Borough. He said that Mr. Lloyd would donate his services, the local condo associations would donate money and that some homeowners were also interested in donating money. Commissioner Lawler pointed out the some of the responsibilities of the Borough did include providing irrigation and electricity. Mayor Russo noted that when the park idea was first presented to the Governing Body he said there were homeowners who were interested in donating money for the park area, in addition to the Condo Associations. Solicitor Affanato noted that he would prepare a Memorandum of Understanding and Resolution for the Governing Body to review.

Mayor Russo:

Mayor Russo nothing further to discuss.

Commissioner Lawler:

Commissioner Lawler nothing further to discuss.

Commissioner Leeds:

Commissioner Leeds noted that he would like to discuss the appointment of a new municipal engineer and asked if there would be discussion on this at the regular meeting.

He also discussed new NJ DEP legislation that would require a municipality to include climate change in its municipal master plan. He noted that the Planning and Zoning Board needs to be aware of the new legislation and he requested that either the administrator or municipal clerk forward the information.

Commissioner Leeds also discussed planning board fees and recommend that they be reviewed. It was noted that fees have not increased over the past several years and that the costs to operate the planning and zoning board have gone up.

Commissioner Leeds discussed the appointment of a new municipal engineer. He explained that municipalities are required to contract with a municipal engineer for three years, unlike other one-year appointments. He explained that even through the engineer would be appointed as the in-house engineer, the Borough would still go to bid for certain projects. Commissioner Leeds said that he has been contacted by several candidates expressing their interest in being Longport's municipal engineer. He also suggested starting out with eight hours instead of the proposed four hours as the Borough has numerous on-going projects. He said he studied the proposals and noted that the other two commissioners had each recommended a different engineer. He noted that he was selecting the person he thought had the most experience in municipal engineering and that his choice was Remington and Vernick.

Mayor Russo commended Longport's previous long-time Municipal Engineer, Richard Carter, for his expertise and knowledge. He noted that he also chose Remington & Vernick as Longport's new engineer. Commissioner Lawler noted that he was in favor of ARH, but that he was ok with selecting Remington & Vernick. He said he respected the amount of time Commissioner Leeds spent in reviewing the proposals. Solicitor Affanato said that in a subsequent letter sent to prospective engineers, it was made clear that they would be the Borough's in-house engineer and that the Borough would go out to bid for certain projects. There was additional discussion on this topic, including changing the hours from four hours to eight hours.

Solicitor Affanato also discussed a resolution he just presented to the Governing Body for the Municipal Public Access Plan and that the resolution requires that the MPAP plan be incorporated as part of Longport's Municipal Master Plan. He requested that it be added to the regular meeting agenda.

Administrator Porter also noted that Solicitor Affanato had also prepared a resolution to appoint a municipal engineer. Solicitor Affanato noted that he could quickly fill in the blank areas to prepare it for the regular meeting if the Governing Body was ready to appoint a new municipal engineer.

Municipal Clerk:

Municipal Clerk Kyle noted a correction to Resolution 2021-31. The Commissioner of Public Works, Parks and Properties was corrected to Nicholas Russo.

Solicitor Affanato noted that the engineer resolution would have a contract start date of March 1, 2021.

Miscellaneous:

None.

**Motion to Adjourn** – Commissioner Lawler, seconded by Commissioner Leeds. All in Favor – Yes. None Opposed. Meeting adjourned at 4:52 pm.

**BOROUGH OF LONGPORT COMMISSION MEETING  
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LONGPORT, NJ 08403  
WEDNESDAY, FEBRUARY 17, 2021**

The meeting was called to order with the flag salute at 4:52 pm.

Municipal Clerk Kyle read the Opening Statement pursuant to the Open Public Meetings Act. A notice of this meeting was emailed to the Press of Atlantic City and the Current on February 12, 2021. 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.

ROLL CALL:	Nicholas Russo	present – via telephone
	James P. Leeds, Sr.	present
	Daniel Lawler	present

Borough Solicitor Affanato, Administrator Porter, CFO Kelly, Chief Culmone, and Municipal Clerk Kyle also present.

Emergency Exits, Public Speaking Announcement – announced by Municipal Clerk Kyle.

Municipal Clerk Kyle asked for a motion to add Resolutions R2021-46 and R2021-47 to the agenda.

Commissioner Lawler made a motion to add Resolution R2021-46 to the agenda, seconded by Mayor Russo. All in Favor – Yes. None Opposed.

Commissioner Lawler made a motion to add Resolution R2021-47, seconded by Commission Leeds. All in Favor – Yes. None Opposed.

Approval of minutes-

Municipal Clerk Kyle requested a motion for approval of the minutes from the January 20, 2021, Workshop and Regular Commission Meeting. Commissioner Leeds made a motion, seconded by Commissioner Lawler, to approve the minutes from the January 20, 2021, meetings. ALL AYES- none opposed.

*ORDINANCES – SECOND READING/ PUBLIC HEARING on O2021-02 - An Ordinance Amending Chapter 61 Beaches, Parks, Recreational Areas and Facilities, Section 61-6 Rules and Regulations*

Bob English of 130 N. 32<sup>nd</sup> Avenue had several questions on the ordinance. He noted that this ordinance pertains to vending on the beaches and asked if there was an ordinance regarding vending off of the beach. He also wanted to know why selling products on the beach is differentiated from providing a service on the beach such a yoga class on the beach for which there is currently no fee. There was discussion on this topic. Mr. English also questioned if a background check was recently added to the ordinance. Solicitor Affanato explained that this was not new and the background check was an existing

requirement. He added that what was being added was that the employees of the license holder had to get a background check. Mr. English wanted to know the reason for a background check.

Joe DiLorenzo of 104 S. 12<sup>th</sup> Avenue asked if the ordinance included the use of space behind Borough Hall for uses, such as yoga classes. Solicitor Affanato explained that this ordinance did not cover that topic and requested that Mr. DiLorenzo hold his comment for the corresponding ordinance.

*ORDINANCES – SECOND READING/ PUBLIC HEARING on O2021-03 - An Ordinance Amending Article II “Mercantile Licenses” Chapter 111 “Licenses” Section 24 “Fees.”*

No one wished to speak on this ordinance.

**ORDINANCES**

Number	Title
2021-02	An Ordinance Amending Chapter 61 Beaches, Parks, Recreational Areas and Facilities, Section 61-6 Rules and Regulations
Purpose	The purpose of this ordinance is to add and amend the rules governing vending on borough beaches.
Motion	Motion – Commissioner Leeds, seconded by Commissioner Lawler to adopt Ordinance #O2021-02.
Roll Call Vote	Mayor Russo – Yes    Commissioner Leeds – Yes    Commissioner Lawler – Yes ALL AYES. None opposed.
2021-03	An Ordinance Amending Article II “Mercantile Licenses” Chapter 111 “Licenses” Section 24 “Fees.”
Purpose	The purpose of this ordinance is to add and amend the rules governing vending on borough beaches.
Motion	Motion – Commissioner Leeds, seconded by Commissioner Lawler to adopt Ordinance #O2021-03.
Roll Call Vote	Mayor Russo – Yes    Commissioner Leeds – Yes    Commissioner Lawler – Yes ALL AYES. None opposed.

First Reading/ Introduction of Ordinance O2021-04 – An Ordinance Authorizing the Salaries, Wages and Compensation in Year 2021 for Employees Not Covered by Previous Ordinance or Union Contracts. *A second reading and public hearing will be held at the March 17, 2021, Regular Commission Meeting that will follow the 4 pm workshop meeting.*

First Reading/ Introduction of Ordinance O2021-05 – An Ordinance Amending Chapter 61, Beaches, Parks, Recreation Areas and Facilities, Section 61-80 through 61-81.1 *A second reading and public hearing will be held at the March 17, 2021, Regular Commission Meeting that will follow the 4 pm workshop meeting.*

**ORDINANCES**

Number	Title
2021-04	An Ordinance Authorizing the Salaries, Wages and Compensation in Year 2021 for Employees Not Covered by Previous Ordinance or Union Contracts
Purpose	The purpose of this ordinance is to establish salaries, wages and compensation in the year 2021 for employees not covered by a previous ordinance or union contract.
Motion	Motion – Commissioner Lawler, seconded by Mayor Russo to Introduce Ordinance #O2021-04.
All in Favor	ALL AYES. None opposed.
2021-05	An Ordinance Amending Chapter 61, Beaches, Parks, Recreation Areas and Facilities, Sections 61-0 through 61-81.1
Purpose	The purpose of this ordinance is to add and amend the rules governing use of Borough Facilities.
Motion	Motion – Commissioner Lawler, seconded by Commissioner Leeds to Introduce Ordinance #O2021-05.
All in Favor	ALL AYES. None opposed.

Public Comment or questions on listed resolutions:

There were no comments or questions on the listed resolutions.

**RESOLUTIONS – CONSENT AGENDA (R2021-37 through R2021-47)**

Number	Title
2021-37	Governing Body Certification of Compliance with the United States Equal Employment Opportunity Commission’s “Enforcement Guidance on the Consideration of Arrest and Conviction Records in Employment Decisions Under Title VII of the Civil Rights Act of 1964” MOTION – LEEDS, SECOND- LAWLER, All AYES- none opposed.

2021-38	Emergency Temporary Appropriation 2021 MOTION – LEEDS, SECOND- LAWLER, All AYES- none opposed.
2021-39	Authorizing Transfer of Appropriations MOTION – LEEDS, SECOND- LAWLER, All AYES- none opposed.
2021-40	Resolution Awarding a Professional Services Contract – Website Annual Maintenance Contract – City Connections, LLC MOTION – LEEDS, SECOND- LAWLER, All AYES- none opposed.
2021-41	Authorizing a Professional Services Contract with A.W. Ponzio and Associates of Atlantic City, NJ for Permitting Relating to the Fire Boat Lift at the Municipal Recreation Complex – 2305 Atlantic Avenue at the Bay MOTION – LEEDS, SECOND- LAWLER, All AYES- none opposed.
2021-42	Approval of Change Order Number 2 for Improvements to the HVAC at the Police Department MOTION – LEEDS, SECOND- LAWLER, All AYES- none opposed.
2021-43	Approval of Change Order Number 1 – Final Construction of Concrete Sidewalks and Driveway Aprons – Various Locations MOTION – LEEDS, SECOND- LAWLER, All AYES- none opposed.
2021-44	A Resolution Authorizing a Professional Services Contract with AW Ponzio and Associates of Atlantic City, NJ for Development of Construction Documents & Bid Specifications, Bid Administration & Construction Administration Relating to the Fire Boat Lift at the Municipal Recreation Complex – 2305 Atlantic Avenue at the Bay MOTION – LEEDS, SECOND- LAWLER, All AYES- none opposed.
2021-45	Authorizing a Refund Due to Overpayment MOTION – LEEDS, SECOND- LAWLER, All AYES- none opposed.
2021-46	A Resolution Appointment of Municipal Engineer and Authorization of a Non-Fair and Open Contract to Edward D. Dennis, Jr. of Remington & Vernick Engineers for Professional Services as Longport Municipal Engineer MOTION – LEEDS, SECOND- LAWLER, All AYES- none opposed.
R021-47	Authorizing Incorporating the New Jersey Department of Environmental Protection Approved Municipal Public Access Plan (MPAP) in the Municipal Master Plan MOTION – LEEDS, SECOND- LAWLER, All AYES- none opposed.



### **BILL LIST**

Commissioner of Finance and Revenue, Jim Leeds, Sr., asked if there were any questions on the Bill List of February 16, 2021. There were none. MOTION – LEEDS, SECOND – LAWLER. ALL IN FAVOR - ALL AYES. NONE OPPOSED.

### **FINANCIAL SUMMARY REPORT**

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.

### **COMMISSIONERS REPORTS:**

#### **MAYOR RUSSO**

Mayor Russo had nothing further to report.

#### **COMMISSIONER LEEDS**

Commissioner Leeds had nothing further to report.

#### **COMMISSIONER LAWLER**

Commissioner Lawler had nothing further to report.

### **MUNICIPAL ADMINISTRATOR'S REPORT:**

Nothing further to report.

### **SOLICITOR'S REPORT:**

Nothing further to report.

### **PUBLIC COMMENT**

Fran Kenny of 225 N. 36<sup>th</sup> Avenue discussed the Borough-owned gazebo lot on Amherst Avenue. She asked if the process has begun to replace the seawall in the area and if the adjoining neighbor has been contacted about their bulkhead. It was explained that the seawall has not been started as the new engineer has not yet started. Mr. Affanato noted that the building inspector has inspected the neighboring bulkhead and that a letter is supposed to be sent out to the owner.

Mark Hyman of 4 N. 31<sup>st</sup> Avenue questioned who is paying the water and electric bill for the proposed park on Beach Terrace. Solicitor Affanato explained that the Borough would. Mr. Hyman suggested leasing it to the group and having it cover all costs. He did not feel that the Borough should be responsible for any costs related to the park.

Mr. Hyman also noted that he was not in favor of allowing exclusive use of Borough gazebos. He felt Borough owned facilities should be open and available to the public. He was also concerned that regulating use of the basketball courts could be interpreted as discrimination. Solicitor Affanato explained that the ordinance regarding the need for permission, fees, and insurance for use of public facilities is aimed towards those who want exclusive use of a gazebo or particular facility. He explained anyone could still use the gazebos, but that there is an opportunity to reserve a gazebo for a limited time for exclusive use.

Joe DiLorenzo of 104 S. 12<sup>th</sup> Avenue discussed the public walkway area located behind Borough Hall. He wanted to know if a decision has been made for its use this year. Solicitor Affanato noted that he did not believe anyone has requested use of it at this time, but he would have to check with the Recreation Director. He explained that the area is included in the ordinance for use as a recreational area. He added that anyone who wants to use it would have to apply for permission from the Recreation Director and provide insurance and pay any applicable fees. Mr. DiLorenzo stated that enterprise use of the public facilities should be done via a public bidding process. Solicitor Affanato explained that under the current ordinance the process involves applying to the Recreation Director and she would determine which organization can use it. He also noted that there is not enough interest to go through a bidding process. Mr. DiLorenzo said that the area is a walkway for public use. He noted that having a commercial use would increase demands on parking and hurt local restaurants already struggling due to the COVID-19 pandemic. Commissioner Leeds said he wasn't aware of any issues with the past season's yoga classes held on the walkway. He noted if there were, he was sure that the Recreation Director could address it at the time. Commissioner Lawler noted that the Borough received a lot of positive feedback regarding the yoga class held last summer in that area. Mr. DiLorenzo noted that the classes used up business parking spaces. He added that while it might be true that those who took the classes had a positive experience, he questioned what the benefit was to the Borough as no fees were charged and only yoga clientele could participate. There was further discussion on this topic. Mr. DiLorenzo emphasized that it was a for-profit entity using the facility to no benefit to the Borough. Commissioner Lawler invited Mr. DiLorenzo to come to the second reading of the ordinance and speak.

Bob English of 130 N. 32<sup>nd</sup> Avenue discussed the background checks required for ice cream vending licenses. He questioned if the same process should be applied to individuals running clinics involving children on Borough property. He also felt that decisions on for-profit use should be discussed publicly and decided by the Board of Commissioners publicly. He explained that this would allow the public to be informed in advance. He thought making the decision in public was the right process for determining for-profit use of public facilities.

#### **ADJOURNMENT**

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

Adjournment – 5:23 pm.