

**BOROUGH OF LONGPORT WORKSHOP COMMISSION MEETING  
MUNICIPAL BUILDING, 2305 ATLANTIC AVE  
LONGPORT, NJ 08403  
WEDNESDAY, May 6, 2020 – 4:00 PM**

The meeting was called to order.

Municipal Clerk Kyle requested that members participating via teleconference please mute their telephones to help eliminate feedback.

Municipal Clerk Kyle read the Opening Statement pursuant to the Open Public Meetings Act. In addition, the following statement was included: A notice of this meeting was advertised in the Press of Atlantic City on May 4, 2020, and posted on the front and back door of Borough Hall and on the Borough website and emailed to the Press of Atlantic City and the Current on May 3, 2020.

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

Borough Solicitor Affanato, Administrator Porter, Engineer Carter, Police Chief Culmone, Beach Patrol Chief Kelm, OEM Funk, CFO Kelly (via telephone), Richard Hirsch (via telephone) and Municipal Clerk Kyle also present.

Emergency exit announcement – Mayor Russo.

Mayor Russo:

Mayor Russo noted that the most pressing matter to discuss at this time are the beaches and how they will be opened for the summer season. He stated that he has had several conference calls with local and State officials on this matter. He explained that borough beaches were never closed and remained opened with restrictions. He noted some issues that needed to be addressed included opening of bathrooms and how to keep them clean. He explained that the other issue facing the borough is the safety of the beach patrol. He noted that he received a proposal from the beach patrol chief on this topic. He discussed opening beaches with a restriction that would prohibit swimming. He noted that the State Attorney General's office has left the opening of beaches and if bathing will be permitted for a municipality to decide. He noted that he has had discussions with Mayor Gillian of Ocean City regarding beach openings as well as a recent closing of Malibu Beach.

Commissioner Leeds:

Commissioner Leeds explained that he has been following Governor Murphy's press briefings and COVID-19 conferences and shared his concern with the State having a dense population of an estimated 9 million residents, and recently reported numbers of more than 132,000 positive COVID-19 cases and an estimated 8,500 deaths. He compared these figures to Pennsylvania and North Carolina and how their figures are considerably lower. He also noted that not only do the residents of NJ need to be taken into consideration, but also those of Longport. He would like to see the beach remain open, but with no

stationary activity. He noted that he had witnessed several people on the beach that were not adhering to current social distancing guidelines and that people were sitting on the beaches and gathering, despite the current restrictions against this. He would like to see the current guidelines that limit the beaches to recreational activities only (such as walking, jogging or running) to continue for the next several weeks into June and to monitor current COVID-19 cases to see if the numbers decrease. He noted that he had concerns about being able to keep the restrooms cleaned, noting that they should be cleaned after each use and whether it is possible to provide that type of cleaning throughout the summer. He noted that he had concerns with short-term rentals and stated that other towns had prohibited these types of rentals. He also discussed beach regulations in Stone Harbor, Avalon, and Wildwood that he felt were good models for the borough to review.

Commissioner Lawler:

Commissioner Lawler explained that any decision made today is subject to change. He said that he would like to keep the beaches open and allow people the ability to put a blanket or chair down to relax on the beach. He noted that it was important for people to have that option after being indoors for so long. He noted that there had to be a way to control it. He noted that he would like to try allowing people to sit on the beach and see how it works out. He noted that if beachgoers are not following established CDC guidelines that the regulations could be re-evaluated. He also noted that he would rather have the beach patrol handle any potential situations on the beach rather than the police department, unless necessary.

Mayor Russo noted that he has received phone calls from couples who would like to be able to sit together on the beach. He noted that he would like to provide that option as long as people were following CDC guidelines. He discussed restaurants and said that those that take reservations might be able to re-open soon. However, he also noted that numerous restaurants in the area would not fit that description such as sandwich shops. He noted that regulations are being painted with a “wide brush” and felt that municipalities needed to be looked at individually. He discussed a report that Cape May had developed regarding opening back up again. He also discussed that the three municipalities (Margate, Ventnor and Longport) should develop similar policies regarding the beach.

Emergency Management Officer, Bruce Funk, discussed that emergency personnel have been meeting regularly over the last 10 weeks and have put in numerous hours dedicated to keeping the community safe during the pandemic. He said that several municipalities have adopted the borough’s guidelines regarding the beach. He recommended keeping those guidelines in place through Memorial Day and possibly through to the Fourth of July. He noted that things could always be changed. He suggested that the beach policy as it currently is in the borough will be consistent throughout the State, starting at Sandy Hook to Cape May.

Mayor Russo noted that a challenge regarding beach policy would be compliance from young people. He also discussed how approximately 50 percent of the deaths in New Jersey had taken place in Long Term Care Facilities and how unacceptable and unconscionable that was.

Borough Solicitor Affanato noted that currently the Governor’s Office is not mandating how a municipality regulates its beaches, although he added that if there are serious issues, the Governor would most likely step in to address them. He also discussed that the borough needs to decide how it will regulate the beaches, whether it is by executive order or via resolution. He noted that a resolution will need to be adopted at the regular meeting to allow the Mayor to issue executive orders. Solicitor Affanato also noted that enforcement at the beach is handled by both the police department and the

beach patrol. Beach Patrol Chief Kelm noted that the beach patrol starts on Memorial Day. He also suggested not using lifeguard stands as it suggests that bathing is permissible. He also recommended using ATVs to patrol the beaches. Solicitor Affanato also noted that once the beaches open, they must be open to all, not limited to borough residents. He also noted that the Governor's Executive Orders must still be adhered to as well as CDC guidelines, including social distancing, no gatherings of more than 10 people, etc. He strongly suggesting looking at what our neighboring communities are doing and keeping it consistent so beaches that might be less stringent with regulations do not get over stressed. Beach Patrol Chief Kelm said that he has been in contact with beach patrol chiefs from neighboring municipalities and other areas and explained that they have developed best practices for consistency, while providing some nuances pertaining to certain municipalities. There was further discussion on this topic.

Commissioner Lawler suggested that the mayors from Longport, Margate and Ventnor get together to discuss a plan for the beaches.

Administrator Porter noted that right now, the three municipalities beach rules are consistent. Administrator Porter discussed new signage to be installed at beach entrances regarding what is and is not permitted on the beach.

Mayor Russo also discussed the casino economy and how there is currently no plan for it to re-open and how it represents a large section of the County's economy. He also discussed the importance of mental health and that the beach serves as an outlet for people. He noted that education would be important component of informing beach goers of the new beach regulations.

Commissioner Leeds asked how the commissioners felt about allowing people to gather on the beach. Commissioner Lawler noted that he would like to try allowing people to sit on the beach and that with restrictions, there will be some people who will still sit on the beach. Mayor Russo noted that gatherings cannot exceed 10 people. Borough Solicitor Affanato noted that enforcement needs to be discussed. He explained that the regulations currently only allow recreational activity, a beach goer cannot be stationary. Mayor Russo noted that he believes that all mayors appear to be in favor of opening beaches. Commissioner Lawler noted that a family should have the ability to decide whether they want to go on the beach and sit there. Mayor Russo asked Beach Patrol Chief Kelm to draw up some points for regulations on the beach. He also asked Solicitor Affanato to prepare a resolution for the regular meeting that would allow executive orders to be issued by the Mayor for the purpose of regulating the beach. Beach Patrol Chief Kelm noted that governing body will determine how the beach will be opened (swimming, bathing, etc.) and they will operate under that umbrella. Borough Solicitor Affanato discussed the pros and cons of an executive order versus a resolution for regulating the beach. Commissioner Leeds discussed an order signed by emergency management personnel in Stone Harbor. Mayor Russo also discussed a 50 percent capacity opening for the beach. Borough Solicitor Affanato discussed potential issues with opening at 50 percent capacity.

There was discussion on restaurants in the borough as well as proposed legislation by State Senate President Steve Sweeney regarding public employee furloughs.

Commissioner Leeds discussed beach badges and if/ how they are going to be sold. Administrator Porter noted that the borough has not yet received them. He also noted that he wanted to discuss this with the governing body. Mayor Russo discussed that enforcement of beach tags will need to be addressed in the near future. Commissioner Leeds also noted that interviews are on-going for a recreation supervisor.

There was also discussion on re-opening the Point area and 11<sup>th</sup> Avenue. Chief Culmone noted that the initial concern was that people were congregating in the area causing traffic issues. The governing body decided to try to re-open both areas.

Commissioner Leeds also discussed the planning and zoning board and noted that it has not been meeting and that there is a need for meetings to be held. Borough Solicitor also mentioned short-term rentals and wanted to know if the governing body had any interest in limiting rentals. Mayor Russo noted that the borough does not have weekly rentals as most are long-term.

Borough Solicitor Affanato also discussed the NJ DEP Municipal Public Access Plan and that the borough is waiting for the NJ DEP to approve it. He said the next step is developing the Beach Maintenance Plan for submission to the NJ DEP. He explained that he thought the plan could be done in-house. He also noted that there were also other options including putting it out to bid to an engineering firm or to interview engineering firms. He said that the borough has applied for an emergency beach maintenance permit to allow for continuation of beach maintenance. He said that the Municipal Public Access Plan was submitted approximately two weeks ago and that he has not heard from the NJ DEP since the application.

Borough Solicitor Affanato discussed demolition permits and how demolition has been impacted by the Governor's Executive Order to stop non-essential construction. He added that no new permits have been released that do not meet the requirements of the executive order. He asked if the governing body would be interested in extending the deadline to allow demolitions in the borough as there is a restriction during the summer season. He noted that there were two pending demolition permits at this time. He said that it could be something for discussion at the May 20, 2020 Commission Meeting.

Borough Solicitor Affanato noted that the Planning and Zoning Board is scheduled to meet this month. He explained that guidance from the Governor's Office is that zoning and planning board meetings should continue to meet while adhering to established guidelines. He asked if the Longport Planning and Zoning Board could meet inside Borough Hall as Borough Hall is currently closed to the public. The Governing Body decided to allow the board to hold its meeting in the building.

Commissioner Leeds asked Chief Culmone if the Police Unity Tour was still occurring. Chief Culmone noted that it had been canceled.

Engineer Carter had no further report.

Administrator Porter discussed the Beach Vending Ice Cream License. He noted that the vendor had not sent a check for the ice cream license, citing concerns the vendor had regarding the COVID-19 pandemic. He explained that the vendor was technically in default. Borough Solicitor Affanato discussed several options the borough had regarding the beach vending license. There was further discussion on this topic. Mayor Russo requested that a letter be sent to the vendor noting the default. Commissioner Leeds recommended reaching out to the neighboring towns to see what they are doing regarding ice cream vending on the beach. Administrator Porter also noted that several steps still needed be completed by the vendor such as background checks. There was further discussion on this topic including the possibility of the Borough selling ice cream.

Administrator Porter noted that the fire department boat lift application is complete. He also discussed an offer for a gazebo from the Lippi house. He noted that public works felt if the governing body accepted the donation, it could be placed at 36<sup>th</sup> Avenue and the bay. Engineer Carter noted that the area discussed does not belong the borough and expressed his concern.

Mr. Richard Hirsch provided an update on an insurance claim submitted by the borough. He reported that the borough received an insurance settlement of \$119,600 for damage that occurred to the Court Room/ Commission Chambers due to a power outage. Damages were also reported for the well pump motor at Well #3.

Administrator Porter noted that on April 13, 2020, there was a storm that caused a leak and water damage to the Community Building. He also noted that there was also damage at the fire house and that a claim would be submitted to the insurance company. He noted that asbestos abatement is ongoing at the Historical Society and that HVAC work is ongoing at the police department.

Municipal Clerk Kyle noted that the June primary will now be held on July 7, 2020.

Commissioner Lawler asked for an update regarding improvements to the recreational complex on Atlantic Avenue included the fencing, repairing cracks, and creating pickle ball courts. Administrator Porter provided an update on the work. There was further discussion on pickle ball courts.

Administrator Porter asked for clarification on the beach restrictions. He noted that the restrictions have not changed and that it is being limited to walking, jogging, running, etc. In addition, there was discussion on adding more, larger signage was discussed.

**Motion to Adjourn** – Commissioner Lawler, seconded by Commissioner Leeds. All in Favor – Yes. None Opposed. Meeting adjourned at 5: 24 pm.

**BOROUGH OF LONGPORT COMMISSION MEETING  
MUNICIPAL BUILDING, 2305 ATLANTIC AVE  
LONGPORT, NJ 08403  
WEDNESDAY, May 6, 2020**

The meeting was called to order with the flag salute at 5:26 pm.

Municipal Clerk Kyle read the Opening Statement pursuant to the Open Public Meetings Act. In addition, the following statement was included: A notice of this meeting scheduled to be held via **teleconference** due to the Coronavirus, COVID-19 pandemic was advertised in the Press of Atlantic City on May 4, 2020, and posted on the front and back door of Borough Hall and on the Borough website on May 3, 2020.

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

Borough Solicitor Affanato, Administrator Porter, Engineer Carter, Police Chief Culmone, Beach Patrol Chief Kelm, OEM Funk, CFO Kelly (via telephone), Richard Hirsch (via telephone) and Municipal Clerk Kyle also present.

Public speaking announcement – Mayor Russo.

Approval of minutes- Municipal Clerk Kyle noted that there was a correction to the minutes of March 18, 2020, regular Commission Meeting. She explained that in one area, the date needed to be changed from February 19, 2020 to March 18, 2020.

Municipal Clerk Kyle then requested a motion for approval of the minutes from the April 15, 2020, Regular Commission Meeting. Commissioner Leeds made a motion, seconded by Commissioner Lawler, to approve the minutes of the April 15, 2020, regular meeting. ALL AYES- none opposed.

Public Comment or questions on listed resolutions:

Trish English of 130 N. 32<sup>nd</sup> Avenue stated that there were numerous issues regarding the meeting's audio and she recommended using Zoom or Go To Meeting for future commission meetings.

There was discussion regarding participants muting their phones so that feedback would be limited. One participant wished to speak about demolition. He was asked to please wait for the public portion of the meeting.

There was no further comment on the resolutions.

There was a Motion to add Resolution 2020-71 to the agenda. MOTION – LAWLER, SECOND- LEEDS, ALL AYES- none opposed.

**Resolution 2020-71** – A Resolution Granting the Mayor the Ability by Executive Order to Regulate the Use of Borough Beaches. MOTION – RUSSO, SECOND- LAWLER, All AYES- none opposed.

**RESOLUTIONS**

Number	Title
2020-64	A Resolution Authorizing a Chapter 159 – Budget Insertion for Optional Safety Incentive Grant MOTION – LEEDS, SECOND- RUSSO, All AYES- none opposed.
2020-65	A Resolution Authorizing Work to Clean Line Painting of Pleasantville, NJ for Painting of the Community Building MOTION – RUSSO, SECOND- LEEDS, All AYES- none opposed.
2020-66	A Resolution Authorizing a Change Order to a Non-Fair and Open Professional Services Contract for Special Labor Counsel MOTION – LEEDS, SECOND- RUSSO, All AYES- none opposed.
2020-67	A Resolution Designating the Bathing Season and the Guarded Beaches Including Authorized Staffing in the Borough of Longport MOTION – LAWLER, SECOND- RUSSO, All AYES- none opposed.
2020-68	A Resolution Designating the Areas and Times Permitting the Sport of Surfing and Surf Riding within the Borough of Longport MOTION – LAWLER, SECOND- LEEDS, All AYES- none opposed.
2020-69	A Resolution Designating Beach Locations in the Borough of Longport for Use in Launching and Retrieving of Kayaks on Borough Beaches MOTION - LAWLER, SECOND- LEEDS, All AYES- none opposed.
2020-70	A Resolution for Approval of Change Order Number 1 – Final at the Atlantic Avenue Recreation Complex – Atlantic Avenue at 33 <sup>rd</sup> Avenue MOTION – RUSSO, SECOND – LAWLER, ALL AYES – none opposed.
2020-71	A Resolution Granting the Mayor the Ability by Executive Order to Regulate the Use of Borough Beaches. MOTION – RUSSO, 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 May 5, 2020. There were none. MOTION – LEEDS, SECOND – LAWLER. ALL IN FAVOR - ALL AYES. NONE OPPOSED.

There was no Financial Summary Report at this meeting. It is scheduled for the May 20, 2020 Commission Meeting.

**COMMISSIONERS REPORTS:**

**MAYOR RUSSO**

Nothing further to report.

**COMMISSIONER LEEDS**

Nothing further to report.

**COMMISSIONER LAWLER**

Nothing further to report.

**ENGINEER'S REPORT**

Nothing further to report.

**SOLICITOR'S REPORT**

Nothing further to report.

**MUNICIPAL ADMINISTRATOR'S REPORT**

Nothing further to report.

**PUBLIC COMMENT**

Mr. John Manfredi of 3107 Atlantic Avenue asked the governing body if demolition permits would be released. Borough Solicitor Affanato addressed Mr. Manfredi's question noting that the borough could not lift the Governor's Executive Order to stop non-essential construction, however, he added that the demolition deadline might be extended and that would be discussed at the May 20, 2020, Regular Commission Meeting.

Mr. Roy Law of 28 N. Evergreen Avenue applauded the governing body for meeting with mayors of neighboring beach communities to be on the same page regarding beach openings to help avoid 'beach shopping.' He also noted that whatever the governing body decided to do regarding the beaches, there would always be a segment of the population who would not be happy with the decision.

No further public comment.

**ADJOURNMENT**

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

(5:40 pm)