

**BOROUGH OF LONGPORT WORKSHOP COMMISSION MEETING
MUNICIPAL BUILDING, 2305 ATLANTIC AVE
LONGPORT, NJ 08403
WEDNESDAY, October 21, 2020 – 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 October 16, 2020. 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
	James P. Leeds, Sr.	*present
	Daniel Lawler	present
	*Present via teleconference.	

Borough Solicitor Affanato, Administrator Porter, Engineer Carter, CFO Kelly, Chief Culmone, Building Department Head Hirsch, Library Director Gerhardt, and Municipal Clerk Kyle also present.

Municipal Clerk Kyle stated the location of emergency exits.

Administrator Porter explained that Mayor Russo and Commissioner Leeds were not in attendance in person due to a potential exposure to COVID-19.

Ricky Gerhardt, Longport Public Library Director, spoke about bringing the Longport Historical Society under the umbrella of the Longport Public Library. He explained that in the Longport Historical Society's lease with the Borough of Longport there is a section that would require an amendment in order to allow the historical society to transfer the lease to the library. This amendment would require approval from the Governing Body, he explained. Mr. Gerhardt said that this type of merger is not unusual between a local library and historical society and that this merger has been in discussion for the past two years. He said Margate, Avalon and Atlantic City are examples of libraries that have merged with local historical societies. He noted that the library already hosts the Longport Historical Society's website and recently featured virtual tours of the museum.

Solicitor Affanato said he met with Mr. Gerhardt and the Mayor to review the lease that was signed 21 years ago between the Borough and the Longport Historical Society. He noted that it is a 25-year lease that has an option to renew for an additional 10 years. In the lease, he explained, there is a provision that does not allow the historical society to assign the lease to another entity such as the library. He said the Governing Body has three options. The first is to ignore the library's request and the building (the Historical Society is in) returns to the Borough or the lease could be considered invalid since the library has merged with the Historical Society. He did not recommend this first option. The second is to pass a resolution to amend the lease, which he already had prepared for the Governing Body's consideration, at a regular commission meeting. This would provide the library with the last four years of the lease. Lastly, the Governing Body could sit down with the library to renegotiate a new lease for the building.

Commissioner Lawler said that he would like to meet with Solicitor Affanato to discuss this topic further. Mayor Russo and Commissioner Leeds also agreed with the second option, and also preferred to have additional time to review the options. Mr. Gerhardt added that on November 1st there is a transfer of materials to the library.

Mayor Russo:

Mayor Russo requested an update on the boat lift permit. Administrator Porter noted that Mr. Ponzio is waiting for permission from the State to move forward on the project, but hoped to hear soon.

Commissioner Leeds:

Commissioner Leeds had no report at this time.

Commissioner Lawler:

Commissioner Lawler said that one of the Borough's police officers had been involved in a motor vehicle accident and was hit from behind while parked on Atlantic Avenue. He added that the good news is that no one was seriously hurt.

Municipal Administrator:

Administrator Porter said that the vehicle involved in the accident had been totaled. He noted that the Borough has been in contact with the insurance company. He announced the Clean Ocean Action Beach Sweep is scheduled for October 24, 2020. He also announced an upcoming paper shredding event for Longport and Margate residents on November 14, 2020, in Margate.

Solicitor:

Solicitor Affanato noted that there is an ordinance at the regular commission meeting for the Governing Body's consideration and explained that there has been a slight change in wording to further define a LLC or Majority Interest in the entity. The purpose of the ordinance is to address concerns where property transactions were taking place for \$1 usually during the conveyance of a land LLC. The ordinance would require that the actual sale value be provided. He noted that it is important for the tax assessor to know what the actual sale value is. He noted that this can impact the Borough's need for a revaluation.

Solicitor Affanato also discussed two resolutions on the upcoming meeting agenda that address remote commission meetings. The State has issued guidelines that requires a public meeting to accommodate at least 50 people in person. If that cannot be done, a remote option must be provided for the public to attend.

Solicitor Affanato said he met with Engineer Carter to discuss the ownership of property located at the street end where the 36th Avenue Gazebo is located. He said that Engineer Carter checked with the County and that the deeds of neighboring property owners did not indicate a deed of dedication. The engineer also reviewed ordinances going back to 1922 and that there was no indication of a street vacation. He also said in 1929 there area did not exist as it was covered by water. He explained that if a dedication is not found, then the property belongs to the Borough. He said the Governing Body can decide what it wants to do regarding the property. It can decide to vacate the property to the neighbors or to keep it and address any required maintenance.

Solicitor Affanato also discussed the contract on the regular meeting agenda for the Absecon Island Beach Replenishment Project with the State and Army Corps of Engineers. He noted that the cost is a range of \$164,000 to \$285,000, as it depends on the amount of sand ultimately used in the fill. The contract includes a proposal to address dune heights, including increasing or decreasing heights as well as the planting of vegetation. If the fill comes in under the projected amount, the leftover monies could be used for maintaining dune heights. He said that the Borough is waiting for a proposal back from the State on this. He noted that including this work as part of the beachfill project helps save on engineering costs and permitting fees. He discussed the Borough's Fish and Wildlife Plan. He noted that Mr. Carter helped put together a plan that was sent to NJ Division of Fish Wildlife. He also discussed the different zones included in the plan: precautionary, prohibited, and recreational. He said that the Borough suggested the area between the two jetties as a prohibited area, but the State rejected it because a beach area is not always there. He noted the State is suggesting precautionary zones behind the dunes. However, this was not preferred as it makes maintenance of the area difficult for our Public Works Department. He noted that 30% of the beach is the top of the dunes which is a prohibited area, so he is going to suggest this meets the prohibited zone requirement. He said the Municipal Public Access Plan has still not been approved. He said once the Fish and Wildlife Plan that would be the next step with the NJ DEP.

Solicitor Affanato noted that on Election Day during normal polling hours there would be a drop box available for those who wished to return their Vote by Mail Ballots to Longport. He said that one of the nearest secure drop boxes is located in Ventnor and that could be used now. He added that a list of other locations in the County is available on the Borough's website. He also noted that voting machines would not be available, with the exception of those with ADA requirements. Provisional ballots would be available to those who wished to vote in person.

Solicitor Affanato said he met with the Recreation Supervisor and Administrator Porter and that he should have some ideas for the Governing Body's consideration in November regarding use of Borough facilities and property.

Engineer Carter:

Engineer Carter noted that there are three resolutions on the agenda that would award several projects, including Well #4 construction, the Sidewalk Project, and the HVAC Project in the Police Department. He noted that they all came in under estimates. He also discussed a change order resolution due to a permit that had not been anticipated at the time of the proposal.

He said he had a pre-construction meeting regarding the Atlantic Avenue project. He noted that paving would begin in November and that he anticipated completion by the end of the year.

Engineer Carter said the Borough received a draft permit from the State that allows the Borough to build the well. The State is also allowing the Borough to keep Well #1 as an emergency well. He noted that if Well #1 cannot pump a certain amount of gallons of water per minute (1200 gallons) and breaks down, the Borough would be permitted to replace it.

He discussed an informal bid for street opening repairs.

Municipal Clerk:

Municipal Clerk Kyle noted that residents could find information on the upcoming election on the Borough website longportnj.gov and Facebook Page – Longport Borough Hall.

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Miscellaneous:

None.

Motion to Adjourn – Commissioner Lawler, seconded by Commissioner Leeds. All in Favor – Yes. None Opposed. Meeting adjourned at 4:33 pm.

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LONGPORT, NJ 08403
WEDNESDAY, October 21, 2020**

The meeting was called to order with the flag salute at 4:33 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 October 16, 2020. 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*
	James P. Leeds, Sr.	present*
	Daniel Lawler	present
	*Present via teleconference.	

Borough Solicitor Affanato, Administrator Porter, Engineer Carter, CFO Kelly, Building Department Head Hirsch, and Municipal Clerk Kyle also present.

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

Approval of minutes-

Municipal Clerk Kyle requested a motion for approval of the minutes from the September 16, 2020, Workshop and Regular Commission Meeting and the September 24, 2020, Special Commission Meeting. Commissioner Leeds made a motion, seconded by Mayor Russo, to approve the minutes from the September 16, 2020 and September 24, 2020, meetings. ALL AYES- none opposed.

First Reading/ Introduction of Ordinance O2020-08 – An Ordinance Amending Chapter 70-2. Certificate Required. A Second Reading and Public Hearing is scheduled to be held on November 20, 2020, immediately following the 9 am Workshop Meeting.

ORDINANCES

Number	Title
2020-08	An Ordinance Amending Chapter 70-2. Certificate Required.
Purpose	The purpose of this ordinance is to amend Chapter 70-2 – in order to obtain a certificate of land use compliance, proof of sale price of the property or interest conveyed, but not limited to, sales effectuated by the transfer of an interest in an LLC or other entity.

Motion	Motion – Commissioner Lawler, seconded by Mayor Russo to Introduce Ordinance #O2020-08.
All in Favor	ALL AYES. None opposed.

Public Comment or questions on listed resolutions:

Bob English of 130 N. 32nd Avenue discussed resolutions regarding the Sidewalk Project and HVAC Project and said it was discussed previously that these would be deferred or delayed due to the competitive election. He also questioned the need for the resolutions, and felt that they should be tabled and decided after the election.

RESOLUTIONS

Number	Title
2020-119	A Resolution Authorizing Award of Contract for a 2021 Chevy Tahoe Using the Education Services Commission of New Jersey Cooperative MOTION – LAWLER, SECOND- RUSSO, All AYES- none opposed.
2020-120	A Resolution Authorizing Award of Contract for the Construction of Potable Water Well Number 4 to A.C. Schultes, Incorporated, of Woodbury, NJ, at the Longport Public Works Complex – 31 st and Devon Avenues MOTION – LAWLER, SECOND- LEEDS, All AYES- none opposed.
2020-121	A Resolution Authorizing Award of Contract to Falasca Mechanical of Vineland, NJ, for the 2020 HVAC Improvements to the Longport Police Department – Municipal Hall – 2305 Atlantic Avenue MOTION – LAWLER, SECOND- LEEDS, All AYES- none opposed.
2020-122	A Resolution Authorizing Award of Contract to Hackney Concrete, Inc., of Atlantic City, NJ, for the 2020 Construction of Concrete Sidewalks at Various Locations MOTION – RUSSO, SECOND- LAWLER, All AYES- TWO AYES (RUSSO, LAWLER). ONE OPPOSED (LEEDS).
2020-123	A Resolution for the Borough of Longport Board of Commissioners Remote Meeting Guidelines MOTION – LAWLER, SECOND- LEEDS, All AYES- none opposed.
2020-124	A Resolution Authorizing the Borough of Longport to Enter into an Agreement with Atlantic County Along with Various Municipal Users of the Atlantic County Radio Network MOTION – LAWLER, SECOND- LEEDS, All AYES- none opposed.
2020-125	A Resolution Establishing the Borough Employee Holiday Schedule for Year 2021 MOTION – LAWLER, SECOND- RUSSO, All AYES- none opposed.
2020-126	A Resolution Authorizing A Change Order to a Non Fair and Open Professional Services Contract with ARH Associates of Hammonton, NJ for Design and

	Construction Management Phase II – Installation of a New Well and Well Building at the Public Works Complex – 31 st and Devon Avenues MOTION – LEEDS, SECOND- LAWLER, All AYES- none opposed.
2020-127	A Resolution Amending Resolution 2019-125 of the Borough of Longport, County of Atlantic, State of New Jersey, Setting the 2020 Board of Commissioners Meeting Schedule MOTION – LAWLER, SECOND- LEEDS, All AYES- none opposed.
2020-128	A Resolution Approval to Submit a Grant Application and Execute a Grant Agreement with the U.S. Department of Homeland Security for the FY 2021 FEMA Building Resilient Infrastructure and Communities (BRIC) Program MOTION – LAWLER, SECOND- RUSSO, All AYES- none opposed.
R2020-129	A Resolution Authorizing Increase of Public Bidding Threshold Pursuant to N.J.S.A. 40A:11-3 and N.J.S.A. 18A:18A-3 MOTION – LEEDS, SECOND- LAWLER, All AYES- none opposed.
R2020-130	A Resolution Authorizing the Execution of a Contract with the State of New Jersey, Department of Environmental Protection for a Beach Renourishment Project Number 605-L-R1-209 MOTION – LAWLER, SECOND- RUSSO, 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 October 20, 2020. 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 discussed the sidewalk project and noted that approximately 20 residents said that they were in favor of this project. He said that it would make the Borough safer for children, pedestrians and for wheelchair usage. He said he is looking forward to the completion of this project.

COMMISSIONER LEEDS

Commissioner Leeds nothing further to report.

COMMISSIONER LAWLER

Commissioner Lawler nothing further to report.

MUNICIPAL ADMINISTRATOR’S REPORT:

Nothing further to report.

SOLICITOR'S REPORT

Nothing further to report from the workshop.

ENGINEER'S REPORT

Nothing further to report.

PUBLIC COMMENT

Fran Kenny of 225 N. 36th Avenue discussed the gazebo property at 36th Avenue. She wanted to know how long before the Governing Body would make a decision on this issue. Solicitor Affanato said he would have a determination ready for the Governing Body by the next meeting. Ms. Kenny did not recommend vacating it to the neighbors. She recommended maintaining it for Longport and for the residents, adding that it is the only gazebo located in that area of the municipality. Engineer Carter discussed the need to make sure that that Borough owns the property. Commissioner Lawler noted that a sidewalk would be installed there as part of the sidewalk project and that either this administration or a new administration would be making a decision soon on this issue.

Mark Hyman of 4 N. 31st Avenue said he believed that he owned the property on Amherst Avenue at 36th at one time. He added he is not making any claim on it. He believes he purchased it at a tax lien sale approximately 25 years ago. He thinks he then sold it. He said he doesn't want to have anything to do with it. He believes it could be under his former deceased wife's name.

Mr. Hyman noted that he was respectfully asking Mayor Russo and Solicitor Affanato for approval of a handicapped parking space in front of his home. Solicitor Affanato provided background information regarding Mr. Hyman's request and the application process for requesting a handicapped parking space. He explained that the Governing Body can decide if it wishes to amend an ordinance to authorize the space. He noted that a handicap spot in front of Mr. Hyman's house would be open to anyone qualified to use it. He noted that he could discuss it further at the next workshop and that it would be up to the Governing Body to decide how they want to proceed. Mayor Russo noted that he would like to discuss this further at a workshop meeting.

Bob English of 130 N. 32nd Avenue, said that at the previous meeting he asked the Governing Body if it approved of public facility use by for-profit agencies. He said he believed the answer was 'yes' based on the usage of Borough-owned property by a for-profit agency that began in the summer and is on-going without a defined end date. He discussed the approval process with Administrator Porter and costs associated with use. He wanted to know when this open-ended use would end. Administrator Porter explained that it would end when a new plan was put in place. He also noted that this use was not noted in any of the Administrator's reports. He said that he felt there was a lack of transparency in government as this use was not fully discussed. He noted that at the July 1 meeting there was discussion about coming up with a comprehensive plan for borough facility use. Administrator Porter discussed the hiring of a Recreation Supervisor and getting more information on the summer season from the supervisor, prior to developing this type of plan.

Commissioner Leeds also discussed the use of Borough Facility and was glad to see the facilities being used and noted that the usage regulations needed to be tightened up. Commissioner Lawler noted that during the COVID-19 pandemic Longport was trying to be a good neighbor as many business had to close their doors. He added that he received a lot of positive feedback about it.

Fran Caulfield of 3301 Monmouth Avenue noted that he had some general questions about the overall level of financing and debt in the town. He noted that over the last 8 to 10 years the Borough has increased its level of debt. He wanted to know why the Borough was increasing its overall level of debt and not addressing adequate pay down of this debt. CFO Kelly explained that when debt is taken on there is a set schedule for payment of the debt over 25 years. She noted that the debt cannot be paid ahead of time. Commissioner Lawler noted that Super Storm Sandy caused the Borough to accumulate more debt due to infrastructure repairs and rebuilding. Mr. Caulfield said he was raising a flag that there was a large amount of debt and that it was continuing to increase. Commissioner Lawler noted that the current administration has been able to rebuild infrastructure and maintain the Borough without raising taxes. Mr. Caulfield thought it might be prudent to raise taxes in order to address the increasing debt level. He wanted to know if the Borough was keeping up in regard to its financial management. Commissioner Leeds noted all the improvements made in the Borough including new bulkheads. He wanted to know why these questions weren't raised at the time when the work was being done over the years and the bonds were passed.

Mary Nugent of 2604 Oberon Avenue noted that she was strongly against the Borough vacating land near the bulkhead on 36th Avenue. Ms. Nugent wanted to know if ratables had gone up in the Borough. CFO Kelly noted that they have gone up. She also asked how many full-time students were currently in school. Commissioner Lawler noted that there were 49 students as of last year. He noted that there might be more in school this year. She noted that for the past 25 years she has been requesting live, televised meetings. She felt if the Borough had implemented this policy it would have been ahead of the curve with the current pandemic. She is still requesting that the Borough do live televised meetings. She noted that Margate has a boardwalk referendum, and she noted that she was not in favor of extending a boardwalk into Longport. She said that Public Works is doing a fantastic job. She noted that there is a problem with people putting trash and recycling into the gutter causing clogs and flooding and that this needs to be addressed. She asked about Seaview Harbor and if they appealed. It was noted that they did. She was not in favor of annexing Seaview Harbor to Longport. She noted that she has a service flag flying at her house and that she had to contact the police two times because she saw young kids damaging her property in relation to her service flag. She recommended that the Governing Body voice its support of the Police Department.

ADJOURNMENT

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

Adjournment - 5:19 pm.