

**BOROUGH OF LONGPORT WORKSHOP COMMISSION MEETING
MUNICIPAL BUILDING, 2305 ATLANTIC AVE
LONGPORT, NJ 08403
WEDNESDAY, April 13, 2022 – 4:00 PM**

The meeting was called to order at 4:01 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 April 8, 2022. 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	absent

Borough Solicitor Affanato, Administrator Porter, CFO Kelly, Engineer Dennis, Municipal Auditor Garcia, Fire Chief Clayton, and Municipal Clerk Kyle also present.

Mayor Russo stated the location of the emergency exits and discussed opportunities for public comment.

Administrator Porter:

Administrator Porter said he met with officials in March from Atlantic County Government to discuss questions that the Borough had regarding the County centralized court system. He said that the cost for Longport to join would be \$42,000 a year. Although, he added that the cost would most likely increase slightly in 2023 due to some changes within the County. He said that the Borough was provided with a sample municipal contract that the borough solicitor is currently reviewing. Administrator Porter said he would have a proposal for the Governing Body's review in May. There was further discussion on this topic.

Administrator Porter said that CFO Kelly began researching new telephone system options approximately a year ago and was able to find a new provider that would save the Borough approximately \$11,000 a year.

He said the Borough recently received a rebate check in the amount of \$2250 from the MEL-JIF. He explained that this is the maximum amount that the Borough can receive.

He also discussed the budget resolution scheduled for adoption at the regular meeting. He added that there is an opportunity for the Borough to save money on its flood insurance costs by obtaining flood elevation certificates for all Borough-owned property.

Borough Solicitor Affanato:

Solicitor Affanato said that he met with Administrator Porter to discuss the centralized court system. He added that he reviewed the sample contract from the County and was not aware of any legal issues and, in general, had no concerns. He explained that it would be a 10-year contract, but that the Borough could opt out after two years with six months' notice to the County.

Solicitor Affanato said that he met with Jim Rutala and Zoning Officer Funk regarding State mandated changes to Chapter 99 of the Borough's Code Book. The changes pertain to flood plain management. He explained that the Borough is ok with nearly 99% of the State's required changes as current Borough regulations either meet or exceed the proposed changes. However, he noted that there are two particular areas of concern. These include a change to the amount of required freeboard in new construction, as well as, the potential need to elevate public roads and/or parking lots (as much as five feet) that could pose a challenge for the Borough. He said he is going to reach out to the State to discuss his concerns before the ordinance is presented to the Governing Body.

Solicitor Affanato said that he met with the Chief of Police regarding the use of electric bicycles on Borough beaches. He explained that Borough Code does not permit any type of vehicle on the beach, including electric bicycles. He noted that the Governing Body might consider reviewing this section of the Code Book. Commissioner Leeds requested feedback from Chief Culmone on this topic.

Borough Engineer Dennis:

Borough Engineer Dennis provided an update on the construction of Well #4. He said that the piles have been driven, the footing poured, and that the walls would soon be up. He explained that construction would stop for the summer season, June through August, and not restart until September. It was anticipated that most of the building would be constructed by Memorial Day.

He also discussed the capital budget on the agenda, noting that funding would soon be in place for these projects to move forward. There was discussion on various grant opportunities that might be available for some of the projects. Administrator Porter noted that there is a grant resolution on the regular meeting agenda for project funding from Orsted.

Mayor Russo:

Mayor Russo requested an update on the Longport library lease. Solicitor Affanato explained that Library Director Gerhardt had prepared a lease that he is in the process of reviewing.

Commissioner Leeds:

Commissioner Leeds said that he recently received a memo from Tax Collector Tomassi that the tax collection rate in 2021 was 99.63%. Commissioner Leeds also said that he will comment on the budget at the time of the hearing.

Commissioner Lawler:

Commissioner Lawler was absent.

Municipal Clerk Kyle:

Municipal Clerk Kyle noted that she provided memos to the Governing Body regarding several phone calls received regarding outdoor dining. She also announced that beach tags would go on sale this upcoming Monday, April 18th. It was also noted that for individuals who must file a Financial Disclosure Notice with the State of New Jersey that the deadline is April 30th.

Miscellaneous:

CFO Kelly mentioned that the Clean Ocean Action spring beach cleanup was held this past weekend.

Motion to Adjourn – Commissioner Leeds, seconded by Mayor Russo. All in Favor – Yes. None Opposed. Commissioner Lawler – absent. Meeting adjourned at 4:18 pm.

**BOROUGH OF LONGPORT COMMISSION MEETING
MUNICIPAL BUILDING, 2305 ATLANTIC AVE
LONGPORT, NJ 08403
WEDNESDAY, April 13, 2022**

The meeting was called to order with the flag salute at 4:20 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 April 8, 2022. 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	absent

Borough Solicitor Affanato, Administrator Porter, CFO Kelly, Engineer Dennis, Municipal Auditor Garcia, Fire Chief Clayton, and Municipal Clerk Kyle also present.

Emergency exits and public comment information provided by Mayor Russo.

Approval of minutes-

Municipal Clerk Kyle requested a motion to approve the minutes from the March 16, 2022, Workshop and Regular Commission Meetings. Commissioner Leeds made a motion, seconded by Mayor Russo, to approve the minutes from the March 16, 2022, meeting. ALL AYES- none opposed. Commissioner Lawler – absent.

ORDINANCES – SECOND READING/ PUBLIC HEARING on O2022-03 - An Ordinance to Exceed Municipal Budget Appropriation Limits and to Establish a CAP Bank (N.J.S.A 40A:4-45.14)

No one wished to speak on this ordinance.

ORDINANCES – SECOND READING/ PUBLIC HEARING on O2022-04 - An Ordinance Amending Chapter 161- Vehicles and Traffic of the Code of the Borough of Longport, Atlantic County, New Jersey

No one wished to speak on this ordinance.

ORDINANCE

Number	Title
2022-03	An Ordinance to Exceed Municipal Budget Appropriation Limits and to Establish a CAP Bank (N.J.S.A 40A:4-45.14)
Purpose	The purpose of this ordinance is to authorize the municipality as per N.J.S.A 40A:4-45.1 et seq. to increase its CY 2022 budget by up to 3.5% over the previous year’s final appropriation.

Motion	Motion – Commissioner Leeds, seconded by Mayor Russo to Adopt Ordinance #O2022-03.
Roll Call Vote	Mayor Russo – YES. Commissioner Leeds – YES. Commissioner Lawler – ABSENT. ALL AYES. None opposed.
2022-04	Ordinance O2022-04– An Ordinance Amending Chapter 161- Vehicles and Traffic of the Code of the Borough of Longport, Atlantic County, New Jersey
Purpose	The purpose of this ordinance is amend bus stops in the Borough of Longport by deleting several designated stops in the Borough along Ventnor Avenue.
Motion	Motion – Commissioner Leeds, seconded by Mayor Russo to Adopt Ordinance #O2022-04.
Roll Call Vote	Mayor Russo – YES. Commissioner Leeds – YES. Commissioner Lawler – ABSENT. ALL AYES. None opposed.

The following ordinances were introduced for a first reading/ introduction:

First Reading/ Introduction of Ordinance O2022-05 – Bond Ordinance Appropriating Three Million Three Hundred Thousand Dollars (\$3,300,000) and Authorizing the Issuance of Three Million One Hundred Thirty Five Thousand Dollars (\$3,135,000) in Bonds and Notes of the Borough of Longport for Various Capital Improvements or Purposes Authorized to be Undertaken by the Borough of Longport, in the County of Atlantic, New Jersey. *A second reading and public hearing will be held at the May 18, 2022, Regular Commission Meeting that will follow the 4 pm workshop meeting.*

Commissioner Leeds commented on O2022-05 stating that he was disappointed that the purchase of a new fire truck was removed from this bond ordinance.

First Reading/ Introduction of Ordinance O2022-06 – Bond Ordinance Providing for Various Water/Sewer Utility Capital Improvements in and by the Borough of Longport, in the County of Atlantic, New Jersey Appropriating One Million Six Hundred Thousand Dollars (\$1,600,000) therefor and Authorizing the Issuance of One Million Six Hundred Thousand Dollars (\$1,600,000) Bonds or Notes of the Borough for Financing the Cost Thereof. *A second reading and public hearing will be held at the May 18, 2022, Regular Commission Meeting that will follow the 4 pm workshop meeting.*

First Reading/ Introduction of Ordinance O2022-07 – An Ordinance Amending Longport Code Chapter 167-44 F – Duties and Powers of the Zoning Officer. *A second reading and public hearing will be held at the May 18, 2022, Regular Commission Meeting that will follow the 4 pm workshop meeting.*

Solicitor Affanato explained that the ordinance was presented to the Longport Planning and Zoning Board prior to introduction and that they had passed a resolution in favor of changing the Borough’s Zoning Code.

**The introduction of the ordinances were held out of order, Ordinance O2022-6 was introduced before O2022-05 due to an error by Municipal Clerk Kyle.*

ORDINANCES:

Number	Title
<p>2022-05</p> <p>Purpose</p> <p>Motion</p> <p>All in Favor</p>	<p>Bond Ordinance Appropriating Three Million Three Hundred Thousand Dollars (\$3,300,000) and Authorizing the Issuance of Three Million One Hundred Thirty Five Thousand Dollars (\$3,135,000) in Bonds and Notes of the Borough of Longport for Various Capital Improvements or Purposes Authorized to be Undertaken by the Borough of Longport, in the County of Atlantic, New Jersey</p> <p>The purpose of this ordinance is to authorize the municipality to appropriate Three Million Three Hundred Thousand Dollars (\$3,300,000) and authorize issuing Three Million One Hundred Thirty Five Thousand Dollars (\$3,135,000) in Bonds and Notes for various capital improvements or purposes authorized to be undertaken.</p> <p>Motion – Commissioner Leeds, seconded by Mayor Russo to Introduce Ordinance #O2022-05.</p> <p>ALL AYES. None opposed. Commissioner Lawler – ABSENT.</p>
<p>2022-06</p> <p>Purpose</p> <p>Motion</p> <p>All in Favor</p>	<p>Bond Ordinance Providing for Various Water/Sewer Utility Capital Improvements in and by the Borough of Longport, in the County of Atlantic, New Jersey Appropriating One Million Six Hundred Thousand Dollars (\$1,600,000) therefor and Authorizing the Issuance of One Million Six Hundred Thousand Dollars (\$1,600,000) Bonds or Notes of the Borough for Financing the Cost Thereof</p> <p>The purpose of this ordinance is authorize the municipality to appropriate One Million Six Hundred Thousand Dollars (\$1,600,000) for various water/sewer utility capital improvements in and by the Borough of Longport and authorizing the issuance of One Million Six Hundred Thousand Dollars (\$1,600,000) in bonds or notes for financing the cost.</p> <p>Motion – Mayor Russo, seconded by Commissioner Leeds to Introduce Ordinance #O2022-06.</p> <p>ALL AYES. None opposed. Commissioner Lawler – ABSENT.</p>
<p>2022-07</p> <p>Purpose</p>	<p>Ordinance O2022-07– An Ordinance Amending Longport Code Chapter 167-44 F – Duties and Powers of the Zoning Officer</p> <p>The purpose of this ordinance is amend Longport Code Chapter 167-44 F – Duties and Powers of the Zoning Officer to include the following: <i>after</i></p>

	<i>completion of the roof framing and building and eave height; a roof pitch certification by a licensed surveyor shall be provided showing the roof pitch in compliance with Chapter 167-7A.</i>
Motion	Motion – Mayor Russo, seconded by Commissioner Leeds to Introduce Ordinance #O2022-07.
All in Favor	ALL AYES. None opposed. Commissioner Lawler – ABSENT.

Budget Presentation by Michael Garcia, CPA, RMA, of Ford-Scott Associates. Mr. Garcia provided an overview of the 2022 Municipal Budget and noted that there is a slight increase of 1.5 cents in the local municipal tax rate. He added that this equates to \$15 per \$100,000 of assessment. He added that the Borough has not seen a municipal tax increase for many years. He discussed some of the reasons for the increase including increases in salary and wages, capital and debt service, pension costs, and an increase in gasoline prices. Commissioner Leeds noted that in early March the initial increase was slated to be 2.1 cents and a great deal of work was done to bring the rate down to 1.5 cents. There was further discussion on this topic.

Public Hearing on Municipal Budget 2022:

Jim Leeds, Jr., of 101 N. Washington Avenue in Margate, a member of the Longport Volunteer Fire Department for more than 33 years, as well as a local builder, questioned why the purchase of a new ladder truck was removed from the bond ordinance. He said that newly constructed homes in the Borough are much larger and taller than those previously built. As a member of the fire department, he expressed his concern that the new truck is needed to replace outdated apparatus. He questioned why two members of the Governing Body voted no on the purchase. There was further discussion on this topic including the future of the Longport Volunteer Fire Department.

Bruce Funk of 102 S. 19th Avenue, also a member of the Longport Volunteer Fire Department for nearly 55 years, expressed his support of allocating funding for a new ladder fire truck. He noted that there were numerous new members of the department and that he believed that the volunteer fire company would continue well into the future.

Commissioner Leeds questioned if the governing body decided to reconsider the purchase of the fire truck; if it would be difficult to modify or add to the bond ordinance. Municipal Auditor and CFO Kelly noted that the process would just require the introduction of a new ordinance.

Bob English of 130 N. 32nd Avenue said that he did not hear anyone state that the new fire truck was 'not needed.' He said that the fire department should be well equipped and requested that that Governing Body reconsider the purchase of the new fire truck and provide the funding for it.

Commissioner Leeds made a motion to close the public hearing on the municipal budget, seconded by Mayor Russo. All in Favor – Yes. None Opposed. Commissioner Lawler – ABSENT.

Public Comment or questions on listed resolutions:

There was no public comment or questions on the following listed resolutions.

RESOLUTIONS

Number	Title
2022-43	Authorizing the Budget to be Read by Title Only MOTION – LEEDS, SECOND- RUSSO, All AYES- none opposed. Commissioner Lawler – ABSENT.
2022-44	A Resolution Authorizing Adoption of the Municipal Budget Year 2022
Motion	MOTION – RUSSO, SECOND- LEEDS. Commissioner Lawler – ABSENT.
Roll Call Vote	Mayor Russo – YES. Commissioner Leeds – YES. ALL AYES. None opposed. Commissioner Lawler – ABSENT.

RESOLUTIONS – CONSENT AGENDA (R2022-45 through R2022-53):

Number	Title
2022-45	A Resolution to Retain Steven Secare, Esq., as a Hearing Officer MOTION – RUSSO, SECOND- LEEDS, All AYES- none opposed. Commissioner Lawler – ABSENT.
2022-46	A Resolution Authorizing Application by the Borough of Longport for Ocean Wind Pro-NJ Grantor Trust MOTION – RUSSO, SECOND- LEEDS, All AYES- none opposed. Commissioner Lawler – ABSENT.
2022-47	A Resolution Authorizing an Interlocal Service Agreement between the Borough of Longport and the County of Atlantic for Snow Removal and Street Sweeping MOTION – RUSSO, SECOND- LEEDS, All AYES- none opposed. Commissioner Lawler – ABSENT.
2022-48	A Resolution Designating the Beach Locations in the Borough of Longport for Use in Launching and Retrieving of Kayaks on Borough Beaches MOTION – RUSSO, SECOND- LEEDS, All AYES- none opposed. Commissioner Lawler – ABSENT.
2022-49	A Resolution Designating the Areas and Times Permitting the Sport of Surfing and Surf Riding within the Borough of Longport MOTION – RUSSO, SECOND- LEEDS, All AYES- none opposed. Commissioner Lawler – ABSENT.
2022-50	A Resolution Designating the Bathing Season and the Guarded Beaches Including Authorized Staffing in the Borough of Longport MOTION – RUSSO, SECOND- LEEDS, All AYES- none opposed. Commissioner Lawler – ABSENT.
2022-51	Award of Contract to Systems for You, Inc., PO Box 67, Millville, NJ 08332, for Server Support and Networking Service

2022-52	<p>MOTION – RUSSO, SECOND- LEEDS, All AYES- none opposed. Commissioner Lawler – ABSENT.</p> <p>A Resolution Authorizing the Borough of Longport to Renew a Concession Agreement with an Electronic Seller and Distributor of Beach Badges MOTION – RUSSO, SECOND- LEEDS, All AYES- none opposed. Commissioner Lawler – ABSENT.</p>
2022-53	<p>A Resolution Authorizing the Borough to Enter into an Agreement with Hutchinson for an HVAC Maintenance Agreement MOTION – RUSSO, SECOND- LEEDS, All AYES- none opposed. Commissioner Lawler – ABSENT.</p>

BILL LIST

Commissioner Leeds, Commissioner of Revenue and Finance, asked if there were any questions on the Bill List. There were none. MOTION – LEEDS, SECOND – RUSSO. ALL IN FAVOR - ALL AYES. NONE OPPOSED. Commissioner Lawler – ABSENT.

FINANCIAL SUMMARY REPORT

Commissioner Leeds, Commissioner of Revenue and Finance, asked if there were any questions on the Financial Summary Report. There were none. MOTION – LEEDS, SECOND – RUSSO. ALL IN FAVOR - ALL AYES. NONE OPPOSED. Commissioner Lawler – ABSENT.

ADMINISTRATOR’S REPORT:

Nothing further to report.

SOLICITOR’S REPORT:

Nothing further to report.

ENGINEER’S REPORT:

Nothing further to report.

COMMISSIONERS REPORTS:

MAYOR RUSSO

Mayor Russo had nothing further to report.

COMMISSIONER LEEDS

Commissioner Leeds had nothing further to report.

COMMISSIONER LAWLER

Commissioner Lawler - Absent.

PUBLIC COMMENT

Levon Clayton, of 3016 Winchester Avenue, also Fire Chief of the Longport Volunteer Fire Department, requested that the Governing Body look into extending the time that dogs are permitted on Longport beaches. He noted that beginning May 1st, dogs are not permitted on the beach until after the summer season. He requested limited hours and suggested the possibility of issuing permits to allow dogs on the

beach during the summer season. Mayor Russo requested that Administrator Porter reach out the NJ Department of Environmental Protection to see if there are any concerns if the Borough should move forward with allowing dogs on the beach during the summer season. Solicitor Affanato thought that neighboring municipalities might have ordinances that allow dogs on beaches in the morning during the summer season. Commissioner Leeds expressed concern with dog owners that allow their dogs to run freely without leashes or supervision.

Solicitor Affanato asked if there were any concerns with the NJ Division of Taxation using the Borough's floating dock for boat access. Chief Clayton also discussed this request.

Likie Nika of 3009 Pacific Avenue, owner of Ozzie's, said she came to discuss the Governing Body's decision to deny Ozzie's and Catch restaurants' tent application for the upcoming summer season. She said that the same application was approved over the last two years during COVID and that it helped both restaurants and that they appreciated it. She added that the tent was also appreciated by the residents. She explained that many people still feel more comfortable eating outdoors, adding that the pandemic is still with us and that some areas are reinstating indoor mask requirements. She further explained that she has only three months to carry her business through the off season. She said without the tent the businesses will not be able to survive under these 'abnormal circumstances.' She discussed the look of the tent and noted that it is the same type of tent used in weddings and garden parties. She also noted that the barrier was designed by the Borough. She discussed her consideration of purchasing retractable awnings and explained that it would not work as they are not waterproof and were also not permitted under the Borough's current zoning regulations. She asked that the Governing Body reconsider its decision to allow Ozzie's and Catch to install an outdoor tent. Commissioner Leeds had several questions about the tent. Solicitor Affanato explained that outdoor dining has always been permitted in the Borough. He noted that the concern is the use of the sidewalk and the need to have a 54-inch walkway for pedestrians per the Borough's Code. He also explained that with the use of the entire sidewalk for the tent, a barrier had to be installed to allow safe passage for pedestrians. He added that with the construction of the pedestrian walkway barrier, there was a need to eliminate several public parking spaces. He explained that these parking spaces are designated as being available to the public in the Borough's Municipal Public Access Plan that was approved by NJ Department of Environmental Protection. He expressed concerned that the NJ DEP might take issue with the removal of these spaces. There was further discussion on this topic.

Joseph Tucker, owner of Catch, noted that the NJ Division of Alcoholic Beverage Control has permitted alcohol to be served outdoors on sidewalks till November 2022. He requested that the Governing Body permit the tent this summer and this would give the two restaurant owners time to make different arrangements for next summer. He also said that there are ways to help make the barriers and tents more attractive if appearance was the main concern. Mayor Russo noted that indoor restaurant capacity is now at 100-percent, which should help restaurants with business and not require the use of an outdoor tent. He also discussed the design of the tent and that many were unhappy with the way it looked. There was further discussion on this topic. Mayor Russo discussed additional parking for business in the municipal parking lot. He said that the barrier disrupted a lot of people. Mr. Tucker noted that he and Ms. Nika were not notified in advance that the Borough was not going to approve the tent this summer. There was further discussion on this topic.

Mary Slomine of Margate voiced her support of an outdoor tent at Ozzie's and Catch. She requested that the Governing Body reconsider its decision.

Diva Carmichael of Margate spoke to voice her support of local businesses and the installation of an outdoor tent at Ozzie's and Catch. She said she felt that it was a quality of life issue with COVID.

Joanne Davidow of 103 S. 23rd Avenue came to voice her support of an outdoor tent at Ozzie's and Catch. She also voiced her support of the tent to continue for the future. She explained how important the summer season is for restaurants in this area.

Bob English of 130 N. 32nd Avenue voiced his support of Longport's local businesses. He also said he did not think the tent was a big disruption in the area. He urged the Borough to allow the businesses to put up the tent this year.

John Davidow of 103 S. 23rd Avenue, also a Margate business owner, said he was always concerned with parking at his Margate business location, but never found that to be an issue. He voiced his support of Ozzie's and Catch and expressed the importance of being successful during the summer season for survival of the businesses.

Trish English of 130 N. 32nd Avenue voiced her support of Ozzie's and Catch. She said she did not believe that the tent would be an issue. She noted that people could use the other side of the street for passage. She expressed her support of outdoor dining for years to come.

John Stroebele of 107 S. 26th Avenue voiced his support of local businesses in Longport. He also discussed roadway striping options that could help accommodate the businesses.

Mr. Stroebele said that he came to discuss his concern with the Borough charging excess sewerage fees. He explained that he had attended several commission meetings in December, January, March, and now in April, to express his concern with these fees. He requested that the Borough provide residents that were charged excess sewerage fees with a credit. He also suggested that the Governing Body change the ordinance that authorizes the charging of excess sewerage fees. There was further discussion on this topic.

Arlene Halpern of 14 S. Jerome Avenue in Margate, voiced her support of Ozzie's. She noted that she has not heard anyone speak against the installation of a tent in front of Ozzie's and Catch. Solicitor Affanato explained that it was not something that the public would have been aware of as there was nothing on the agenda pertaining to the topic. He noted that it was a topic that was brought up during the public comment section.

Sandra Khan of Ventnor voiced her support of Ozzie's. She felt that people were aware of the issue and noted that no one came to speak against the tent installation. She urged the Governing Body to allow the tent installation for this season.

ADJOURNMENT

MOTION – COMMISSIONER LEEDS, SECOND – MAYOR RUSSO. All AYES- none opposed. Commissioner Lawler - Absent. Adjournment – 5:45 pm.