

July 17, 2013  
Brigantine, New Jersey

A Council meeting was held this date in Council Chambers at 6:00 P.M. with Mayor Guenther presiding.

Present: Simpson, McClay, Picardi, DeLucry, Pullella, Kern, Guenther  
Absent: None

Mayor Guenther led the flag salute after which Deputy Mayor Kern offered a brief prayer.

Mayor Guenther asked for a moment of silence for the recent passing of Don Cost, Arthur Brodsky, Carol Roth and Richard Williams.

Mayor Guenther read the statement pertaining to the Open Public Meetings Act.

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Councilman Pullella moved, seconded by Councilman Simpson to approve the Council Meeting Minutes of May 15, 2013 and Executive Session Minutes of June 22, 2013.

Roll Call: Simpson, McClay, Picardi, DeLucry, Pullella, Kern, Guenther: All "Yes".

Motion Carried.

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Councilman Kern moved, seconded by Councilwoman McClay to approve the Requisition List, Operating Expenses and Payroll.

Roll Call: Simpson, McClay, Picardi, DeLucry, Pullella, Kern, Guenther: All "Yes".

Motion Carried.

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Council presented Former Fire Chief James Holl's family with a proclamation honoring his life, work and dedication to the City of Brigantine.

\* \* \*

Councilman Kern recognized those individuals who contributed to the painting of the water tower.

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#### Dog Park Discussion

City Manager Blumenthal explained that she; Councilwoman McClay and Councilman Picardi have met with numerous dog park users saying that the consensus among the group was that they would like the dog park to be located next to the Community Center, as originally planned. Ms. Blumenthal then said that the preliminary cost for fencing & water/sewer hookup is approximately \$25,000.00. Councilman Picardi said that he had also met with members of the park saying that he wanted to make sure that council moves forward. Councilwoman McClay commented that she had spent a lot of time looking at many locations to relocate; saying that the location next the Community Center is 25,000 square feet and the dog park only takes up 7,500 sq feet and she feels that this land could & should be shared. Councilman Picardi then said that this location would be the same set backs as the Community Center, keeping the dog park furthest away from any residences. Councilwoman McClay mentioned a grant for \$10,000.00 from Sustainable Jersey that the City could apply for that could offset the cost. Councilman Delucry commented that the only location that is going to work is the Community Center, saying that the residents were promised that it was temporary and the dog park users were promised a new location.

Ron Weiss stated that when council agreed to erect the dog park with his donation, it was stipulated that upon completion of the new community center, the dog park would be relocated to its permanent home next to the Community Center. Mr. Weiss then stated that he was shocked when he read that the park was shut down without anyone notifying him and asked for a compromise to be made to allow the current park to be open on a limited basis.

Sue Wick of 100 45<sup>th</sup> Street spoke in favor of the dog park and presented a petition to council regarding the relocation of the dog park to the Community Center.

Mike Morgan spoke as the President of the Brigantine Football Association, saying that with all the discussions involving the dog park relocation, it is a shame the Rams Organization was never contacted prior to the discussions. Mr. Morgan explained that the football organization consists of four football teams and three cheerleading teams and have been using this land to practice for 19 years; saying it's the only space they have. Mr. Morgan then said that he didn't know things were this far along with the dog park relocation and that nothing has been shown to him and he's now behind the eight ball. Mr. Morgan said they cram three teams on the land they have now and then asked where they were going to fit the teams if the dog park goes there and then said that he has the kids safety in mind if there is a chance that something could happen if a dog park is where the kids are playing and practicing. Mr. Morgan finished by asking where the practice space was going to be, if this goes through. Councilman Kern commented that the area behind the Community Center, but Mr. Morgan said there was nothing but stairs, poison ivy and stickers and it wasn't graded or safe for the kids to practice on; but if he had know a month ago the area could have sod out down. Councilwoman McClay asked if they could practice on the game field and Mr. Morgan said that during the practice season they like to keep the kids off the game field to keep it game ready and when they do use it; it's done in rotation. Mr. Morgan said that he's amazed that the process had gotten this far and how council has talked to everybody but the biggest youth organization on the island that has been here for 55 years. Councilwoman McClay explained that she has talked to Mr. Purdy and Councilman Pullella and she said they said they had met with him for some discussions and Mr. Morgan said he had talked with Councilman Pullella. Councilwoman McClay asked how many kids play and Mr. Morgan said that the Pee Wee and JV both have 30 kids each and Varsity has about 20-25 and the cheerleading teams top off at 25. Mr. Morgan explained that the concerns he has are the practice space and the safety of the kids. Councilman Simpson discussed the cost of having the area behind the Community Center practice ready, such as grading, putting down sod and irrigation installation; saying that the city budget does not have the funds for a practice field. City Manager Jennifer Blumenthal asked Public Works Supervisor John Doring if he could research the cost to fill and irrigate that land and Mayor Guenther commented that if they sod it now they are not playing on it in tow or three weeks because it takes a full year for it to fully grow. Councilman Simpson said it looks like they are going to be short some space, because it looks as if they are going to pass the resolution tonight and Mr. Morgan said he'll cross that bridge with the parents when he gets there. Councilman Kern stated that this affects the people who use the dog park as well as the people who live adjacent to it and the sports teams and Mr. Morgan stated that all sports team make sacrifices, but it's a shame that there was a lack of communication, where he could have kept everyone apprised of what was going on and he could have started making different plans; such as moving the practices to 26<sup>th</sup> Street Field but then said it tears up the soccer and baseball fields. Mayor Guenther stated that if this is the future site for the dog park, they need to work with Mr. Morgan to set the site so it doesn't have a great impact on the Rams and to get his input as to where the safeties place to put the gate; further stating that the Rams have a long history of volunteers; building the facility & coaching. Mr. Morgan stated that it would have been nice to be asked his opinion when planning this so it could work for everybody, but no one has spoken to his organization at all. Councilman Pullella said that he did meet with Mr. Morgan and this site was discussed and Mr. Morgan did express his displeasure in the proposed site location, but if configured properly he could live with it and Mr. Morgan commented that after the conversation they were going to go back and survey the site to see how much space they would have and that never happened and he thought it was an open forum where ideas were being bounced around, he did not know that council was already committed. Councilman DeLucry asked for clarity on the practice sites asking if they were using it when it was St. Phillips School and Mr. Morgan said they have been using it for 19 years and they have since irrigated it and Councilman DeLucry then asked what area has irrigation and Mr. Morgan explained where the area was.

Walt Hansen of 40<sup>th</sup> Street spoke in favor of moving the dog park next to the Community Center, stating that he was on the original dog park committee and the original agreement was to relocate it once the Community Center opened up.

Andrew Seifer of 13 Ross Drive suggested that the dog park be open for a limited amount of time during the day, while waiting for the new dog park to open.

Gale Sikorski of 26 Surfside Road spoke in favor of the dog park saying she uses it every day and then she commented on the City population; saying that the age group of 15 and younger is down and the age of 65 and older has risen; saying that she is only asking for their fair share of the City resources.

Bob Eastwood, President of the Pier 44 Condo Association spoke against the dog park, saying that the residents of the condos that are situated directly behind the park have suffered long enough.

Eileen Connelly of West Shore Drive spoke in favor of the dog park saying that she was extremely disappointed that it was closed without any notice and spoke in favor of having the park opened on a limited hour basis.

John Doring of the Public Works Department anticipates the project taking 3-4 weeks to complete.

Nancy Fitzpatrick of 36 Cummings Place asked if council was going to vote on having the current dog park opened for limited hours and Mayor Guenther commented that it would have to be a separate motion. Councilwoman McClay asked if the Hockey Courts were currently being used and Ms. Fitzpatrick asked if the T-Ball fields at 26<sup>th</sup> Street could be used; Ms. Blumenthal stated that she didn't want to see these facilities used for the temporary location but suggested that the temporary location be the North End Beach. Councilman Simpson suggested the area between the Hockey Courts for a temporary location, saying the old fence could be re-used.

#### Council discussion

By voice resolution, Councilman Picardi moved, seconded by Councilman DeLucry to relocate the dog park to the space between the Community Center and the Softball Field which is approximately 7,500 square foot and any consultation with representatives of Brigantine Rams and subject to certification of funds.

Roll Call: Simpson, McClay, Picardi, DeLucry, Pullella, Kern, Guenther: All "Yes".

Motion Carried.

By voice resolution, Councilman Simpson moved, seconded by Councilman DeLucry to temporarily move the location of the dog park to the area between the hockey courts. Councilman Simpson said he would donate the first \$1000.00 toward the relocation costs. Councilman DeLucry explained that this should be subject to the approval of the City professionals. Discussion took place involving the way to enter the park, via key pad vs. honor system and Mr. Doring explained that there would be no key pad at the temporary location and further stated that this location is all asphalt and there is no water service. Councilman Simpson expressed concerns with the temperature of the asphalt on the dogs' paws. Mr. Doring explained that he does not have fencing that would fit this location. Councilman Kern commented that this location might not be suitable and suggested there be more discussion regarding this location.

Councilman Simpson withdrew the motion.

By voice resolution, Councilman DeLucry moved, seconded by Councilman Kern to allow the limited use of the former location of the dog park.

Roll Call: Simpson, McClay, Picardi, DeLucry, Pullella, Kern, Guenther: All "No".

Motion Defeated.

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Councilman Picardi moved, seconded by Councilman Simpson to adopt the following resolution.

CITY OF BRIGANTINE  
RESOLUTION 2013-85

AUTHORIZING THE DOWN PAYMENT OF  
GOLF COURSE UTILITY IMPROVEMENTS

Mayor Guenther explained that this was for various improvements and maintenance replacement.

Roll Call: Simpson, McClay, Picardi, DeLucry, Pullella, Kern, Guenther: All "Yes".

Motion Carried.

\* \* \*

Councilman Simpson moved, seconded by Councilman McClay to introduce the following ordinance and advertise for public hearing.

CITY OF BRIGANTINE  
ORDINANCE NO. 6 OF 2013

BOND ORDINANCE  
GOLF COURSE CAPITAL IMPROVEMENTS

Councilman Pullella asked Municipal Accountant Michael Cesaro asked if this bond would be paid for through the gold course utility fund and Mr. Cesaro said it would be. Councilman Kern asked for clarification on the "maintenance replacement" and Ms. Blumenthal said that it was equipment lost during Superstorm Sandy. Councilman Kern questioned why the equipment was not taken care of prior to the storm asking who should have moved the equipment to higher ground; saying that someone is responsible and Ms. Blumenthal stated that the management company is responsible for the golf course. Mayor Guenther asked if there was an insurance reimbursement for the equipment and Ms. Blumenthal stated that the insurance reimbursements were coming in, but she was not sure of the value received.

Roll Call: Simpson, McClay, Picardi, DeLucry, Pullella, Kern, Guenther: All "Yes".

Motion Carried.

\* \* \*

Councilman Picardi moved, seconded by Councilman DeLucry to introduce the following ordinance and advertise for public hearing.

CITY OF BRIGANTINE  
ORDINANCE NO. 7 OF 2013

BOND ORDINANCE  
2013 VARIOUS CAPITAL PROJECTS

Councilman DeLucry read section 3A and 3B, saying that there should be more detail of the priority projects and Ms. Blumenthal stated that she had department head meetings to discuss capital; saying that she feels it's better to have the list vaguer in case there are emergencies that come up.

By voice resolution, Councilman Picardi moved, seconded by Councilman DeLucry to delete a portion of Section 3A and 3B.

Roll Call: McClay, Picardi, DeLucry, Pullella, Kern: All "Yes".  
Simpson, Guenther: All "No".

Motion Carried.

Councilman Picardi moved, seconded by Councilman DeLucry to introduce Ordinance No. 7 of 2013 as amended.

Roll Call: Simpson, McClay, Picardi, DeLucry, Pullella, Kern, Guenther: All "Yes".

Motion Carried.

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Councilman Simpson moved, seconded by Councilman Pullella to table the following ordinance.

CITY OF BRIGANTINE  
ORDINANCE NO. 8 OF 2013

FEE SCHEDULE

Mayor Guenther commented at the change in the price of 4x4 permits, saying that the increase in price is going to cause distress with the citizens and might reflect negatively on the overall revenue.

Roll Call: Simpson, McClay, Picardi, DeLucry, Pullella, Kern, Guenther: All "Yes".

Motion Carried.

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Councilman Picardi moved, seconded by Councilman DeLucry to introduce the following ordinance and advertise for public hearing.

CITY OF BRIGANTINE  
ORDINANCE NO. 9 OF 2013

SALARY ORDINANCE

Mayor Guenther was in favor of eliminating the position of Director of Public Safety from the ordinance.

By voice resolution, Mayor Guenther moved, seconded by Councilman Simpson to remove the position of Director of Public Safety from the ordinance.

Roll Call: Simpson, Guenther: All "Yes".  
McClay, Picardi, DeLucry, Pullella, Kern: All "No"

Motion Defeated.

By voice resolution, Councilman DeLucry moved, seconded by Councilman Pullella to delete the salary listed for the deputy emergency management coordinator.

Roll Call: Simpson, McClay, Picardi, DeLucry, Pullella, Kern, Guenther: All "Yes".

Motion Carried.

Councilman Picardi moved, seconded by Councilman DeLucry to adopt the salary ordinance as amended.

Roll Call: Simpson, Guenther: All "No".  
McClay, Picardi, DeLucry, Pullella, Kern: All "Yes".

Motion Carried.

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Councilman Picardi moved, seconded by Councilman DeLucry to adopt the following resolution.

CITY OF BRIGANTINE  
RESOLUTION NO. 2013-86

CERTIFICATION OF THE ANNUAL AUDIT

Roll Call: Simpson, McClay, Picardi, DeLucry, Pullella, Kern, Guenther: All "Yes".

Motion Carried.

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Councilman Pullella moved, seconded by Councilman Kern to adopt the following resolution.

CITY OF BRIGANTINE  
RESOLUTION NO. 2013-87

AWARD OF CONTRACT  
CHEMICALS FOR THE GOLF COURSE

Roll Call: Simpson, McClay, Picardi, DeLucry, Pullella, Kern, Guenther: All "Yes".

Motion Carried.

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Councilman Pullella moved, seconded by Councilman Kern to adopt the following resolution.

CITY OF BRIGANTINE  
RESOLUTION NO. 2013-88

AWARD OF CONTRACT  
CHEMICALS FOR THE GOLF COURSE

Roll Call: Simpson, McClay, Picardi, DeLucry, Pullella, Kern, Guenther: All "Yes".

Motion Carried.

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Councilman Pullella moved, seconded by Councilman Kern to adopt the following resolution.

CITY OF BRIGANTINE  
RESOLUTION NO. 2013-89

AWARD OF CONTRACT  
CHEMICALS FOR THE GOLF COURSE

Roll Call: Simpson, McClay, Picardi, DeLucry, Pullella, Kern, Guenther: All "Yes".

Motion Carried.

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Councilman Pullella moved, seconded by Councilman Kern to adopt the following resolution.

CITY OF BRIGANTINE  
RESOLUTION NO. 2013-90

AWARD OF CONTRACT  
CHEMICALS FOR THE GOLF COURSE

Roll Call: Simpson, McClay, Picardi, DeLucry, Pullella, Kern, Guenther: All "Yes".

Motion Carried.

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Councilman Pullella moved, seconded by Councilman Kern to adopt the following resolution.

CITY OF BRIGANTINE  
RESOLUTION NO. 2013-91

AWARD OF CONTRACT  
CHEMICALS FOR THE GOLF COURSE

Roll Call: Simpson, McClay, Picardi, DeLucry, Pullella, Kern, Guenther: All "Yes".

Motion Carried.

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Councilman Pullella moved, seconded by Councilman Kern to adopt the following resolution.

CITY OF BRIGANTINE  
RESOLUTION NO. 2013-92

AWARD OF CONTRACT  
CHEMICALS FOR THE GOLF COURSE

Roll Call: Simpson, McClay, Picardi, DeLucry, Pullella, Kern, Guenther: All "Yes".

Motion Carried.

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Councilman Picardi moved, seconded by Councilwoman McClay to adopt the following resolution.

CITY OF BRIGANTINE  
RESOLUTION NO. 2013-93

REJECTION OF BID  
GOLF COURSE ROOF

Ms. Blumenthal commented that the bids varied about \$20,000.00 from lowest to highest; saying that this was significant enough to re-bid the project. Ms. Blumenthal stated further that they were bids rejected because they were incomplete.

Roll Call: Simpson, McClay, Picardi, DeLucry, Pullella, Kern, Guenther: All "Yes".

Motion Carried.

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Councilman Picardi moved, seconded by Councilman Simpson to adopt the following resolution.

CITY OF BRIGANTINE  
RESOLUTION NO. 2013-94

PARKING LOT AUCTION

City Solicitor Scerni commented that first the resolution needs to identify what is being leased and where and then clarify the clause that is currently in the resolution regarding Steak 38; stating that this should be tabled until further review. Mr. Scerni then stated that the current leases could be extended for 30 days until this resolution is clarified; council discussed extending the leases until September 30<sup>th</sup>.

By voice resolution, Councilman Picardi, seconded by Councilwoman McClay to extend the parking lot leases until September 30, 2013.

Roll Call: Simpson, McClay, Picardi, DeLucry, Pullella, Kern, Guenther: All "Yes".

Motion Carried.

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Councilman Simpson moved, seconded by Councilman Picardi to adopt the following resolution.

CITY OF BRIGANTINE  
RESOLUTION 2013-95

AUTHORIZING APPLICATION FOR  
POST SANDY PLANNING ASSISTANCE GRANTS

Roll Call: Simpson, McClay, Picardi, DeLucry, Pullella, Kern, Guenther: All "Yes".

Motion Carried.

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Councilman Picardi moved, seconded by Councilman Kern to adopt the following resolution.

CITY OF BRIGANTINE  
RESOLUTION 2013-96

APPOINTING SAFETY COORDINATOR

Roll Call: Simpson, McClay, Picardi, DeLucry, Pullella, Kern, Guenther: All "Yes".

Motion Carried.

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Councilman Picardi moved, seconded by Councilman Simpson to adopt the following resolution.

CITY OF BRIGANTINE  
RESOLUTION 2013-97

APPOINTING CLAIMS COORDINATOR

Roll Call: Simpson, McClay, Picardi, DeLucry, Pullella, Kern, Guenther: All "Yes".

Motion Carried.

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Councilman Picardi moved, seconded by Councilman Simpson to adopt the following resolution.

CITY OF BRIGANTINE  
RESOLUTION 2013-98

AUTHORIZING SUSTAINABLE JERSEY GRANT

Councilwoman McClay commented that the Green Team had worked to secure these grants as well as possibly two others.

Roll Call: Simpson, McClay, Picardi, DeLucry, Pullella, Kern, Guenther: All “Yes”.

Motion Carried.

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Manager/Council/Committee Discussion

Councilman Pullella commented that the Golf Course Committee had met and discussed the possibility of extending the Golf Course management contract from a five year management program to a long term lease. Councilman Pullella further commented that one of the reasons that the committee is looking in this direction is because the golf course is in major need of repair and the long term lease would allow the lessee to put the capital improvements needed into the golf course out of their own pocket and pay an annual fee to the City. Mayor Guenther commented that he would like to discuss some other options other than the long term lease. Councilman Simpson expressed concerns regarding what he felt would be “losing control of the Golf Course” saying that the public should have a chance to express their concerns and opinion, asking City Manager Blumenthal to put this topic as a discussion item on the next agenda. Mr. Scerni commented that earlier in the year council extended the contract with Meadowbrook Golf, asking if council would be extending it until the end of 2013, council agreed and he said he could arrange the necessary paperwork for this. City Manager Blumenthal discussed a grant that the City received for the school to recoup losses from Sandy, saying that Brigantine was the only school in Atlantic County to receive the grant. City Manager Blumenthal then discussed a dock that is in need of repair and asked Mr. Scerni if council should make a motion and Mr. Scerni suggested that since these types of issues could arise often, council should have the City Engineer look into them first and if needed bring them to City Manager Blumenthal for council review; further saying that he did not feel this was a full council issue. City Manager Blumenthal thanked Ralph Aversa for a sign he had made, reading “Aversa Bakery & Brigantine Beach, Stronger Than Ever”. City Manager Blumenthal then thanked Jeff Hoffberger for arranging extra beach cleanups that helped clean the debris that was left from contractors who were doing Superstorm Sandy repairs. City Manager Blumenthal announced that the next concert would be held at the North School Auditorium. Councilman DeLucry commented on the trash issue at the Cove beach, imploring the help of the public saying that if they see people abusing the beach to let someone know so that council can move forward in stopping these individuals.

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Consent Agenda

Councilman Simpson moved, seconded by Councilman Picardi to adopt and approve the following resolution and requests.

CITY OF BRIGANTINE  
RESOLUTION 2013-99

DOG PARK REFUNDS

- Brigantine Yacht Club Beach Request
- Ray Avenue Block Party Request
- Clean Communities Shredding Event and Green Team Fair
- Beach Clean Up

Roll Call: Simpson, McClay, Picardi, DeLucry, Pullella, Kern, Guenther: All “Yes”.

Motion Carried.

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Public Comments

Nancy Barbin of 100 Quay Blvd. expressed her concerns regarding the storm pump in her area, saying that even after a rain storm the streets in her area floods. City Manager Blumenthal said that the City Engineer has looked at this and it is an issue in this area and should be looked into further.

John Pucci of 100 Sheridan Square discussed that he watched the meeting at home and felt compelled to come to the meeting to say that he feels the City Council members waste time arguing with each other and discussing past issues and not being pro active.

Marion Guadinski of 107 21<sup>st</sup> Street asked for an update on the FEMA trailers and City Manager Blumenthal stated that the City was not eligible for FEMA trailers because the town is in a flood zone. Ms. Guadinski then asked council to contact the Governor and the President regarding this issue.

A resident who lives at 8 Kirkwood Circle spoke about the golf course, saying that he feels it is need of repairs.

Gary Shea of 17 Marc Lane commented that he feels that council is not qualified to oversee what the golf course needs, further stating his experience in the golfing industry and the course today is losing money and needs the proper renovations.

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Councilman Simpson moved, seconded by Councilman Picardi to adopt the following resolution.

CITY OF BRIGANTINE  
RESOLUTION 2013- 100

EXECUTIVE SESSION

Roll Call: Simpson, McClay, Picardi, DeLucry, Pullella, Kern, Guenther: All “Yes”.

Motion Carried.

Council adjourned to Executive Session at 11:40 P.M.

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Council returned from Executive Session at 11:47 P.M.

Mr. Scerni reported the following topic was discussed in Executive Session: Two matters of personnel that dealt with possible promotions within the Fire Department and one matter of litigation, Raymond Cox vs City of Brigantine.

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Council Comments

Councilman DeLucry commented on recently passed Fire Chief James Holl; praising his accomplishments.

Councilman Pullella moved, seconded by Councilman Picardi to adjourn the meeting.

There being no further business to discuss the meeting was adjourned at 11:50 P.M.

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Mayor Philip Guenther

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Lynn Sweeney, RMC  
City Clerk