

May 2, 2018  
Brigantine, New Jersey

A Council meeting was held this date in Council Chambers at 5:00 P.M. with Mayor Guenther presiding.

Present: Riordan, Haney, DeLucry, Simpson, Sera, Guenther  
Absent: Bew

\* \* \*

Councilman Haney moved, seconded by Councilman Riordan to adopt the following resolution.

CITY OF BRIGANTINE  
RESOLUTION 2018-82

EXECUTIVE SESSION

Roll Call: All "Yes"

Motion Carried.

City Clerk Lynn Sweeney read the statement pertaining to the Open Public Meeting Act, P.L. 1975, Chapter 231, excluding the public from a meeting in certain circumstances.

Council retired to executive session at 5:03 P.M.

\* \* \*

Council returned from Executive Session at 6:14 P.M.

Councilman Riordan moved, seconded by Councilman Haney to resume the meeting.

Roll Call: All: "Yes".

Motion Carried.

\* \* \*

Mayor Guenther led the flag salute after which Councilman Sera offered a brief prayer. Councilman Sera asked for a moment of silence for Betty Maguire, the mother of Firefighter Captain Joseph Maguire and Judge and former City Solicitor Tim Maguire.

\* \* \*

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

\* \* \*

Municipal Attorney Fred Scerni reported that Council discussed the following topics in executive session: two contract matters, one dealing with the issuance of a contract for Tourism and Marketing and one dealing with a change order for road way construction programs, one matter of property transfer regarding a strip of property in the vicinity of 4200 Atl-Brigantine Blvd. and one matter of potential litigation regarding COAH.

\* \* \*

Councilman Riordan moved, seconded by Councilman Haney to approve the Council Meeting Minutes and Executive Session Minutes of 04/18/18.

Roll Call: Riordan, Haney, DeLucry, Simpson, Guenther: "Yes".  
Sera: "Abstain" on Council Meeting Minutes, "Yes" to Executive Session Minutes.

Motion Carried.

\* \* \*

Councilman Haney moved, seconded by Councilman Riordan to approval of Payroll, Requisition List and Operating Expenses.

Roll Call: Riordan, Haney, Sera, Guenther: "Yes".  
DeLucry: "Abstain" on #981, "Yes" to the remainder.  
Simpson: "Abstain" on #1800751", "Yes" to the remainder.

Motion Carried.

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Public Comment on Agenda Items Only

John Pucci of 100 Sheridan Square commented on Ordinance 7 of 2018 and Ordinance 8 of 2018.

Close of public comment.

\* \* \*

Councilman Haney moved, seconded by Councilman Riordan to adopt the following resolution.

CITY OF BRIGANTINE  
RESOLUTION 2018-83

CONCURRING WITH BOARD OF SCHOOL ESTIMATES

Councilman DeLucry asked for clarification of the “current budget year”, asking how it compared to the “gross number” from last year and asked for statistics on last year’s enrollment versus this budget years and last year’s total school employment versus this years. Mayor Guenther responded by saying that the projected enrollment is down but it is stable in terms of where it was in the previous year and further stated that the tax levy is exactly the same as it was.

Roll Call: Riordan, Haney, DeLucry, Sera, Simpson, Guenther: “Yes”.

Motion Carried.

\* \* \*

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

CITY OF BRIGANTINE  
RESOLUTION 2018-84

WAIVE READING OF 2018 MUNICIPAL BUDGET

Roll Call: Riordan, Haney, DeLucry, Sera, Simpson, Guenther: “Yes”.

Motion Carried.

\* \* \*

Councilman Riordan moved, seconded by Councilman Haney to adopt the following resolution.

CITY OF BRIGANTINE  
RESOLUTION 2018-60

PUBLIC HEARING OF 2018 MUNICIPAL BUDGET

Municipal Auditor Leon Costello explained the details of the budget.

Public Comment

John Pucci of 100 Sheridan Square thanked council for keeping the school tax at zero and keeping municipal taxes down.

Lisa McClay of 38 11<sup>th</sup> Street North asked if City spending had decreased.

Close of Public Comment

Council Comments

Councilman Riordan thanked all that worked on the budget.

Councilman DeLucry thanked Ms. Tosto and Mr. Stinson for all the work they did on the budget and asked what were the policy decisions that council is making that drive the budget and if they were the best decisions, he further stated that council should look at the things they can, to control going forward.

Councilman Sera spoke about the budget saying that it was a team effort and he is proud of the budget and the work they did as a team.

Councilman Simpson stated that he was committed to saving money since the beginning and he thanked the city employees for all the flexibility they showed during the contract negotiations.

Councilman Haney spoke favorably about the engineer services, saying that the way they structured it was beneficial.

Mayor Guenther thanked the financial team for all their efforts with the budget.

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Councilman Sera moved, seconded by Councilman Riordan to adopt the following resolution.

CITY OF BRIGANTINE  
RESOLUTION 2018-85

AMENDMENT TO THE 2018 MUNICIPAL BUDGET

Roll Call: Riordan, Haney, DeLucry, Sera, Simpson, Guenther: "Yes".

Motion Carried.

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

CITY OF BRIGANTINE  
RESOLUTION 2018-60

ADOPTION OF THE 2018 MUNICIPAL BUDGET

Roll Call: Riordan, Haney, DeLucry, Sera, Simpson, Guenther: "Yes".

Motion Carried.

\* \* \*

Councilman Riordan moved, seconded by Councilman Simpson to adopt the following ordinance.

City of Brigantine  
Ordinance 7-2018

Bond Ord Appropriating \$250,000 and Authorizing the Issuance of Up to \$237,500 In Bonds and Notes to Cover the City's Share of the Cost Associated with the Third Periodic Renourishment Associated with the Beachfill Project for the Area from Vernon Place North to Approximately the State Municipal Boundary

Mayor Guenther called for the public hearing of Ordinance 7 of 2018. The Ordinance was read by title by the Mayor.

No public comments were made.

Roll Call: Riordan, Haney, DeLucry, Sera, Simpson, Guenther: "Yes".

Motion Carried.

\* \* \*

Councilman Simpson moved, seconded by Councilman Riordan to adopt the following ordinance.

City of Brigantine  
Ordinance 8-2018

Amending City Code Chapter 198, Article VIII, Section 62, "Prohibited Uses"

Mayor Guenther called for the public hearing of Ordinance 8 of 2017. The Ordinance was read by title by the Mayor.

Patrick Kennedy of 2001 Bayshore Avenue spoke in favor of the ordinance.

Lefty Grimes of East Hanover spoke against the ordinance.

Michelle Burns of Bayonne spoke against the ordinance.

Daniel Price of Atlantic City questioned the future of the legality of the growing of marijuana asking if the city would be addressing this in the future.

Joe Macknemere of Smithville spoke against the ordinance.

Bob Turkavage spoke in favor of the ordinance.

Hugh Giordano from Gloucester Township spoke against the ordinance.

Bill Bennett of 718 Lafayette Boulevard spoke in favor of the ordinance.

James Mackie of 1325 Vardon Road spoke in favor of the ordinance.

John Pucci of 100 Sheridan Square spoke in favor of the ordinance.

#### Council Comments

Councilman Haney spoke in favor of the ordinance, explaining the negative side effects of marijuana.

Councilman Sera spoke in favor of the ordinance, saying that this was one of the major issues of his campaign when he ran for State Assembly.

Councilman Simpson spoke in favor of the ordinance and spoke of a family member who struggled with drugs, he further stated that does not feel recreational marijuana is a good fit for Brigantine.

Councilman DeLucry stated that council could not vote on this tonight because this ordinance was in the form of an amendment to the land use ordinance and would have to go before the planning board for approval, he then spoke about the legal issues and details of legalizing marijuana saying that people need to make their voices heard at the State level.

Councilman Riordan spoke in favor of the ordinance.

Mayor Guenther spoke in favor of the ordinance, saying as an educator he sees the detrimental effects and the potential for detrimental impact for young people.

The ordinance was tabled until it gets Planning Board approval.

\* \* \*

Councilman Riordan moved, seconded by Councilman Haney to adopt the following ordinance.

#### CITY OF BRIGANTINE ORDINANCE 9-2018

#### AMENDING CHAPTER 61 OF THE CODE RELATING TO SALARIES AND WAGES OF CERTAIN EMPLOYEES

Mayor Guenther explained this was for the police officers that will be placed in the school.

Roll Call: Riordan, Haney, DeLucry, Sera, Simpson, Guenther: "Yes".

Motion Carried.

\* \* \*

Councilman Haney moved, seconded by Councilman Riordan to adopt the following resolution.

CITY OF BRIGANTINE  
RESOLUTION 2018-86

WORK CHANGE ORDER : 2017 ROAD RECONSTRUCTION PROGRAM

Acting City Manager Roxanne Tosto explained the need for the resolution.

Roll Call: Riordan, Haney, Sera, Simpson, Guenther: "Yes".  
DeLucry: "No"

Roll Call: Riordan, Haney, DeLucry, Sera, Simpson, Guenther: "Yes".

Motion Carried.

\* \* \*

Councilman Riordan seconded by Councilman Haney to adopt the following resolution.

CITY OF BRIGANTINE  
RESOLUTION 2018-87

FINAL WORK CHANG ORDER: PAVING MUNICIPAL BOAT RAMP

Roll Call: Riordan, Haney, DeLucry, Sera, Simpson, Guenther: "Yes".

Motion Carried.

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Councilman Riordan moved, seconded by Councilman Sera to introduce the following resolution.

CITY OF BRIGANTINE  
RESOLUTION 2018-88

AWARD OF CONTRACT: BRIGANTINE TOURISM AND MARKETING PLAN

Ms. Tosto explained the scope of the contract and what the next steps will be.

Mayor Guenther stated that the members of the Economic Development Committee reviewed all of the proposals.

Roll Call: Riordan, Haney, DeLucry, Sera, Guenther: "Yes".  
Simpson: "No".

Motion Carried.

\* \* \*

Councilman Simpson moved, seconded by Councilman Sera to combine Resolution 2018-89 and 2018-90 for voting purposes.

Roll Call: Riordan, Haney, DeLucry, Sera, Simpson, Guenther: "Yes".

Motion Carried:

\* \* \*

Councilman Riordan moved, seconded by Councilman Haney to adopt the following resolution.

CITY OF BRIGANTINE  
RESOLUTION 2017-89

RENTAL INSPECTION FEE REFUND

CITY OF BRIGANTINE  
RESOLUTION 2018-90

CER TRIP REFUND

Roll Call: Riordan, Haney, DeLucry, Sera, Simpson, Guenther: "Yes".

Motion Carried.

\* \* \*

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

CITY OF BRIGANTINE  
RESOLUTION 2018-91

AUTHORIZING SHARED SERVICE AGREEMENT FOR PURCHASE OF EQUIPMENT  
FOR GOLF LINKS

Ms. Tosto explained the structure of the lease.



Roll Call: Riordan, Haney, Sera, Simpson, Guenther: “Yes”.  
DeLucry: “Abstain”.

Motion Carried.

\* \* \*

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

CITY OF BRIGANTINE  
RESOLUTION 2018-92

VFW ROADWAY SOLICITATION APPLICATION

Roll Call: Riordan, Haney, DeLucry, Sera, Simpson, Guenther: “Yes”.

Motion Carried.

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Councilman Haney moved, seconded by Councilman Riordan to adopt the following requests.

Consent Agenda

- A. Brigantine Elks Lodge Noise Variance Request
- B. Lions Club Antique Car Show Parade request
- C. Brigantine Elks Raffle License #844
- D. Marine Mammal Stranding Center Raffle License #845

Roll Call: Bew, Riordan, Haney, DeLucry, Simpson, Guenther: “Yes”.

Motion Carried.

\* \* \*

Council/Manager/Committee Discussion: Ms. Tosto gave an update on the bus shelters and announced that the city will be flushing fire hydrants starting May 14<sup>th</sup>.

Councilman Simpson announced that he spoke to the VFW commander regarding the handicap parking spots on their property. Superintendent of Public Works John Doring gave an update on the handicap parking spots around the city.

Ms. Tosto spoke about a deed restriction associated with a parcel of land owned by the Temple Beth Shalom. Councilman Simpson explained the details of the deed restriction. Councilman

DeLucry asked the City Solicitor to review this to confirm what the original document stated, for legal purposes. Discussion took place regarding the legality of the charging of fees for deed restrictions.

By voice resolution, Councilman Simpson moved, seconded by Councilman Sera to direct the City Solicitor to prepare a resolution to remove the fee from the deed restriction for Temple Beth Shalom.

Roll Call: Riordan, Haney, Sera, Simpson, Guenther: "Yes".  
DeLucry: "No".

Motion Carried.

Ms. Tosto announced that the US Today has nominated the City of Brigantine as a contender for New Jerseys best beach and asked everyone to start voting.

\* \* \*

#### Public Comments

Lisa McClay of 38 11<sup>th</sup> Street North commented on beach access for individuals with disabilities.

Bernadette Scarduzzio of 400 East Brigantine Avenue requested mats be placed on the beach so she can use her scooter to get to the water.

John Pucci of 100 Sheridan Square spoke on Resolution 2018-88 and commented on the handicap parking issue.

#### Close of Public Comment

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Councilman Haney moved, seconded by Councilman Riordan to adjourn the meeting.

Roll Call: All "Yes".

Motion Carried.

There being no further business to discuss the meeting was adjourned at 9:28 P.M.

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Mayor Philip Guenther

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Lynn Sweeney, RMC, City Clerk