

Work Change Order #1

M: S: RC: MC:

14. Resolution 2018-136 Re: Award of Contract
Electronic Sales and Distribution of Beach Tags

M: S: RC: MC:

15. Resolution 2018-137 Re: CER Refund

M: S: RC: MC:

16. Resolution 2018-138 Re: Rental Inspection Fee Refund

M: S: RC: MC:

17. Resolution 2018-139 Re: Real Estate Tax Refund

M: S: RC: MC:

18. Resolution 2018-140 Re: Authorizing Execution of Amendment #2 to Contract for
Administration of Market-To-Affordable Housing Program

M: S: RC: MC:

19. Consent Agenda

- A. Brigantine Elks Noise Variance for Seafood Fest
- B. Women's Surf Fishing Club of NJ Raffle License #854
- C. Women's Surf Fishing Club of NJ Raffle License #855
- D. Brigantine Elks Seafood Fest Request
- E. Chamber of Commerce Jaws Movie Event Request
- F. 16th Street Closure Party Request – Bayshore to the Bay

M: S: RC: MC:

20. Council Manager/Committee Discussion:

21. Public Comments

22. Council Comments

23. Adjourn _____ P.M.

The City Council of the City of Brigantine reserves the right to consider, discuss and/or take any formal action upon resolutions or ordinances not appearing on the printed agenda.

CITY OF BRIGANTINE
ORDINANCE NO. 14 of 2018

THE FLOOD DAMAGE PREVENTION ORDINANCE

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 181 "FLOOD DAMAGE PREVENTION" OF THE CODE OF THE CITY OF BRIGANTINE, COUNTY OF ATLANTIC, STATE OF NEW JERSEY.

BE IT ORDAINED by the City Council of the City of Brigantine as follows:

WHEREAS, The Mayor and City Council of the City of Brigantine, New Jersey finds that the prevention of flooding is an urgent matter;

WHEREAS, The Legislature of the State of New Jersey has in N.J.S.A. 40:48-1, et seq., delegated the responsibility to local governmental units to adopt regulations designed to promote public health, safety, and general welfare of its citizenry.

THEREFORE, the Mayor and City Council of the City of Brigantine, New Jersey does ordain as follows:

SECTION 1.0

STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE AND OBJECTIVES

1.1 STATUTORY AUTHORIZATION

The Legislature of the State of New Jersey has in N.J.S.A. 40:48-1, et seq., delegated the responsibility to local governmental units to adopt regulations designed to promote public health, safety, and general welfare of its citizenry. Therefore, the City Council of the City of Brigantine of Atlantic County, New Jersey does ordain as follows:

1.2 FINDINGS OF FACT

- a) The flood hazard areas of the City of Brigantine are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.
- b) These flood losses are caused by the cumulative effect of obstructions in areas of special flood hazard which increase flood heights and velocities, and when inadequately anchored, causes damage in other areas. Uses that are inadequately floodproofed, elevated or otherwise protected from flood damage also contribute to the flood loss.

1.3 STATEMENT OF PURPOSE

It is the purpose of this ordinance to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

- a) Protect human life and health;
- b) Minimize expenditure of public money for costly flood control projects;

- c) Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- d) Minimize prolonged business interruptions;
- e) Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets, bridges located in areas of special flood hazard;
- f) Help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future flood blight areas;
- g) Ensure that potential buyers are notified that property is in an area of special flood hazard; and
- h) Ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

1.4 METHODS OF REDUCING FLOOD LOSSES

In order to accomplish its purposes, this ordinance includes methods and provisions for:

- a) Restricting or prohibiting uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;
- b) Requiring that uses vulnerable to floods including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- c) Controlling the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;
- d) Controlling filling, grading, dredging, and other development which may increase flood damage; and,
- e) Preventing or regulating the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards in other areas.

SECTION 2.0 DEFINITIONS

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this ordinance its most reasonable application.

AO Zone- Areas subject to inundation by 1-percent-annual-chance shallow flooding (usually sheet flow on sloping terrain) where average depths are between one and three feet.

AH Zone- Areas subject to inundation by 1-percent-annual-chance shallow flooding (usually areas of ponding) where average depths are between one and three feet. Base Flood Elevations (BFEs) derived from detailed hydraulic analyses are shown in this zone

Accumulative Substantial Improvement — Any reconstruction, rehabilitation, addition, or other improvement of a structure that equals or exceeds 50 percent of the market value of the structure at the time of the improvement or repair when counted accumulatively for 10 years.

Advisory Base Flood Elevation (ABFE) —The elevation shown on a community's Advisory Flood Hazard Map that indicates the advisory stillwater elevation plus wave effect ($ABFE = SWEL + \text{wave effect}$) resulting from a flood that has a 1-percent or greater chance of being equaled or exceeded in any given year.

Advisory Flood Hazard Area (AFHA) —The land in the floodplain within a community subject to flooding from the 1% annual chance event depicted on the Advisory Flood Hazard Map.

Advisory Flood Hazard Map - The official map on which the Federal Emergency Management Administration has delineated the areas of advisory flood hazards applicable to the community.

Appeal — A request for a review of the Construction Official's interpretation of any provision of this ordinance or a request for a variance.

Area of Shallow Flooding — A designated AO or AH zone on a community's Digital Flood Insurance Rate Map (DFIRM) with a one percent annual or greater chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

Area of Special Flood Hazard — Land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. It is shown on the FIRM as Zone V, VE, V1-30, A, AO, A1-A30, AE, A99, or AH.

Base Flood — A flood having a one percent chance of being equaled or exceeded in any given year.

Base Flood Elevation (BFE) — The flood elevation shown on a published Flood Insurance Study (FIS) including the Flood Insurance Rate Map (FIRM). For zones AE, AH, AO, and A1-30 the elevation represents the water surface elevation resulting from a flood that has a 1-percent or greater chance of being equaled or exceeded in any given year. For zones VE and V1-30 the elevation represents the stillwater elevation (SWEL) plus wave effect ($BFE = SWEL + \text{wave effect}$) resulting from a flood that has a 1-percent or greater chance of being equaled or exceeded in any given year.

Basement — Any area of the building having its floor subgrade (below ground level) on all sides.

Best Available Flood Hazard Data — The most recent available flood risk guidance FEMA has provided. The Best Available Flood Hazard Data may be depicted on but not limited to Advisory Flood Hazard Area Maps, Work Maps or Preliminary FIS and FIRM.

Best Available Flood Hazard Data Elevation— The most recent available flood elevation FEMA has provided. The Best Available Flood Hazard Data Elevation may be depicted on an Advisory Flood Hazard Area Map; Work Map; or Preliminary FIS and FIRM

Breakaway Wall — A wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces without causing damage to the elevated portion of the building or supporting foundation system.

Coastal A Zone — The portion of the Special Flood Hazard Area (SFHA) starting from a Velocity (V) Zone and extending up to the landward Limit of the Moderate Wave Action delineation. Where no V Zone is mapped the Coastal A Zone is the portion between the open coast and the landward Limit of the Moderate Wave Action delineation. Coastal A Zones may be subject to wave effects, velocity flows, erosion, scour, or a combination of these forces. Construction and

development in Coastal A Zones is to be regulated the same as V Zones/Coastal High Hazard Areas.

Coastal High Hazard Area — An area of special flood hazard extending from offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to high velocity wave action from storms or seismic sources.

Cumulative Substantial Improvement — Any reconstruction, rehabilitation, addition, or other improvement of a structure that equals or exceeds 50 percent of the market value of the structure at the time of the improvement or repair when counted cumulatively for 10 years.

Development — Any man made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials located within the area of special flood hazard.

Digital Flood Insurance Rate Map (DFIRM) — The official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

Elevated Building — A non-basement building (i) built, in the case of a building in an Area of Special Flood Hazard, to have the top of the elevated floor or, in the case of a building in a Coastal High-Hazard Area or Coastal A Zone, to have the bottom of the lowest horizontal structural member of the elevated floor, elevated above the base flood elevation plus freeboard by means of piling, columns (posts and piers), or shear walls parallel to the flow of the water, and (ii) adequately anchored so as not to impair the structural integrity of the building during a flood up to the magnitude of the base flood. In an Area of Special Flood Hazard "elevated building" also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of flood waters. In Areas of Coastal High Hazard and Coastal A Zones "elevated buildings" also includes a building otherwise meeting the definition of "elevated building" even though the lower area is enclosed by means of breakaway walls.

Erosion — The process of gradual wearing away of land masses.

Existing Manufactured Home Park or Subdivision — A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

Flood or Flooding — A general and temporary condition of partial or complete inundation of normally dry land areas from:

- a) The overflow of inland or tidal waters and/or
- b) The unusual and rapid accumulation or runoff of surface waters from any source.

Flood Insurance Rate Map (FIRM) — The official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

Flood Insurance Study (FIS) — The official report in which the Federal Insurance Administration has provided flood profiles, as well as the Flood Insurance Rate Map(s) and the water surface elevation of the base flood.

Floodplain Management Regulations — Zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance and erosion control ordinance) and other applications of police power. The term describes such State or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

Floodproofing — Any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

Freeboard — A factor of safety usually expressed in feet above a flood level for purposes of flood plain management. "Freeboard" tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, bridge openings, and the hydrological effect of urbanization of the watershed.

Highest Adjacent Grade — The highest natural elevation of the ground surface prior to construction next to the proposed or existing walls of a structure.

Historic Structure — Any structure that is:

- a) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- c) Individually listed on a State inventory of historic places in States with historic preservation programs which have been approved by the Secretary of the Interior; or
- d) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - (1) By an approved State program as determined by the Secretary of the Interior; or
 - (2) Directly by the Secretary of the Interior in States without approved programs.

Limit of Moderate Wave Action (LiMWA) – Inland limit of the area affected by waves greater than 1.5 feet during the Base Flood. Base Flood conditions between the V Zone and the LiMWA will be similar to, but less severe than those in the V Zone.

Lowest Floor — The lowest floor of the lowest enclosed area [including basement]. An unfinished or flood resistant enclosure, useable solely for the parking of vehicles, building access or storage in an area other than a basement is not considered a building's lowest floor provided that such enclosure is not built so to render the structure in violation of other applicable non-elevation design requirements of 44 CFR Section 60.3.

Manufactured Home — A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when

attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle".

Manufactured Home Park or Manufactured Home Subdivision — A parcel (or contiguous parcels) of land divided into two (2) or more manufactured home lots for rent or sale.

New Construction — Structures for which the start of construction commenced on or after the effective date of a floodplain regulation adopted by a community and includes any subsequent improvements to such structures.

New Manufactured Home Park or Subdivision — A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of the floodplain management regulations adopted by the municipality.

Preliminary Flood Insurance Rate Map (FIRM) — The draft version of the FIRM released for public comment before finalization and adoption.

Primary Frontal Dune — A continuous or nearly continuous mound or ridge of sand with relatively steep seaward and landward slopes immediately landward and adjacent to the beach and subject to erosion and overtopping from high tides and waves from coastal storms. The inland limit of the primary frontal dune occurs at the point where there is a distinct change from the relatively steep slope to a relatively mild slope.

Recreational Vehicle — A vehicle which is [i] built on a single chassis; [ii] 400 square feet or less when measured at the longest horizontal projections; [iii] designed to be self-propelled or permanently towable by a light duty truck; and [iv] designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Sand Dunes — Naturally occurring or man-made accumulations of sand in ridges or mounds landward of the beach.

Start of Construction — (For other than new construction or substantial improvements under the Coastal Barrier Resources Act (P.L. No. 97-348)) includes substantial improvements and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site such as the pouring of a slab or footings, the installation of pilings, the construction of columns, or any work beyond the stage of excavation, or the placement of a manufactured home on a foundation.

Permanent construction does not include land preparation, such as clearing, grading and filling nor does it include the installation of streets and/or walkways, nor does it include excavation for a basement, footings or piers, or foundations or the erection of temporary forms, nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other

structural part of a building, whether or not that alteration affects the external dimensions of the building.

Structure — A walled and roofed building, a manufactured home, or a gas or liquid storage tank that is principally above ground.

Substantial Damage — Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred. Substantial Damage also means flood-related damages sustained by a structure on two or more separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds 25 percent of the market value of the structure before the damages occurred.

Substantial Improvement — Any reconstruction, rehabilitation, addition, or other improvement of a structure during a 10-year period the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. Substantial improvement also means "cumulative substantial improvement." This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed or "repetitive loss". The term does not, however, include either:

- (1) Any project for improvement of a structure to correct existing violations of State or local health, sanitary or safety code specifications which have been identified by the local code enforcement officer and which are the minimum necessary to assure safe living conditions; or
- (2) Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure".

Variance — A grant of relief from the requirements of this ordinance that permits construction in a manner that would otherwise be prohibited by this ordinance.

Violation — The failure of a structure or other development to be fully compliant with this ordinance. A new or substantially improved structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in 44 CFR §60.3(b)(5), (c)(4), (c)(10), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided.

SECTION 3.0 GENERAL PROVISIONS

3.1 LANDS TO WHICH THIS ORDINANCE APPLIES

This ordinance shall apply to all areas of special flood hazards within the jurisdiction of the City of Brigantine, Atlantic County, New Jersey.

3.2 BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD

The areas of special flood hazard for the City of Brigantine, Community No. 345286, are identified and defined on the following documents prepared by the Federal Emergency Management Agency:

- a) A scientific and engineering report "City of Brigantine, New Jersey, Atlantic County" dated August 28, 2018.

- b) "Flood Insurance Rate Map, City of Brigantine, New Jersey, Atlantic County" as shown on Index and panel(s) 34001C0334F, 34001C0341F, 34001C0342F, 34001C0343F, 34001C0344F, 34001C0353F, 34001C0354F, 34001C0361F, 34001C0362F, 34001C0363F, 34001C0456F, 34001C045F whose effective date is August 28, 2018.
- c) Best Available Flood Hazard Data. These documents shall take precedence over effective panels and FIS in construction and development regulations only. Where the effective mapping or Base Flood Elevation conflict or overlap with the Best Available Flood Hazard Data, whichever imposes the more stringent requirement shall prevail.

The above documents are hereby adopted and declared to be a part of this ordinance. The Flood Insurance Study, maps and advisory documents are on file at Brigantine City Hall, 1417 West Brigantine Avenue, Brigantine, New Jersey.

3.3 PENALTIES FOR NONCOMPLIANCE

No structure or land shall hereafter be constructed, re-located to, extended, converted, or altered without full compliance with the terms of this ordinance and other applicable regulations. Violation of the provisions of this ordinance by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Any person who violates this ordinance or fails to comply with any of its requirements shall upon conviction thereof be fined not more than \$500.00 or imprisoned for not more than 30 days, or both, for each violation, and in addition shall pay all costs and expenses involved in the case. Nothing herein contained shall prevent the City of Brigantine from taking such other lawful action as is necessary to prevent or remedy any violation.

3.4 ABROGATION AND GREATER RESTRICTIONS

This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and other ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

3.5 INTERPRETATION

In the interpretation and application of this ordinance, all provisions shall be:

- a) Considered as minimum requirements;
- b) Liberally construed in favor of the governing body; and,
- c) Deemed neither to limit nor repeal any other powers granted under State statutes.

3.6 WARNING AND DISCLAIMER OF LIABILITY

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the area of special flood hazards or uses permitted within such areas will be free from flooding or flood damages.

This ordinance shall not create liability on the part of the City of Brigantine, any officer or employee thereof or the Federal Insurance Administration, for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made thereunder.

SECTION 4.0

ADMINISTRATION

4.1 ESTABLISHMENT OF DEVELOPMENT PERMIT

A Development Permit shall be obtained before construction or development begins, including placement of manufactured homes, within any area of special flood hazard established in section 3.2. Application for a Development Permit shall be made on forms furnished by the Construction Official and may include, but not be limited to; plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities; and the location of the foregoing. Specifically, the following information is required:

- a) Elevation in relation to mean sea level, of the lowest floor (including basement) of all structures;
- b) Elevation in relation to mean sea level to which any structure has been floodproofed.
- c) Certification by a registered professional engineer or architect that the floodproofing methods for any nonresidential structure meet the floodproofing criteria in section 5.2-2; and,
- d) Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

4.2 DESIGNATION OF THE LOCAL ADMINISTRATOR

The Construction Official is hereby appointed to administer and implement this ordinance by granting or denying development permit applications in accordance with its provisions.

4.3 DUTIES AND RESPONSIBILITIES OF THE ADMINISTRATOR

Duties of the Construction Official shall include, but not be limited to:

4.3-1 PERMIT REVIEW

- a) Review all development permits to determine that the permit requirements of this ordinance have been satisfied.
- b) Review all development permits to determine that all necessary permits have been obtained from those Federal, State or local governmental agencies from which prior approval is required.
- c) Review all development permits in the coastal high hazard area and Coastal A Zone to determine if the proposed development alters sand dunes or other natural coastal protections so as to increase potential flood damage.
- d) Review plans for walls to be used to enclose space below the base flood level in accordance with section 5.3-2 d).

4.3-2 USE OF OTHER BASE FLOOD AND FLOODWAY DATA

When base flood elevation and floodway data has not been provided in accordance with section 3.2, BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD, the Construction Official shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a Federal, State or other source, in order to administer sections 5.2-1, SPECIFIC STANDARDS, RESIDENTIAL CONSTRUCTION, and 5.2-2, SPECIFIC STANDARDS, NONRESIDENTIAL CONSTRUCTION.

4.3-3 INFORMATION TO BE OBTAINED AND MAINTAINED

- a) Obtain and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement.

- b) For all new or substantially improved floodproofed structures:
 - i. verify and record the actual elevation (in relation to mean sea level); and
 - ii. maintain the floodproofing certifications required in section 4.1 c).
- c) In coastal high hazard areas and Coastal A Zone areas, certification shall be obtained from a registered professional engineer or architect that the provisions of 5.3-2 a) and 5.3-2 b) i. and ii. are met.
- d) Maintain for public inspection all records pertaining to the provisions of this ordinance.

4.3-4 ALTERATION OF WATERCOURSES

- a) Notify adjacent communities and the New Jersey Department of Environmental Protection, Bureau of Flood Control and the Land Use Regulation Program prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration.
- b) Require that maintenance is provided within the altered or relocated portion of said watercourse so the flood carrying capacity is not diminished.

4.3-5 SUBSTANTIAL DAMAGE REVIEW

- a) After an event resulting in building damages, assess the damage to structures due to flood and non-flood causes.
- b) Record and maintain the flood and non-flood damage of substantial damage structures and provide a letter of Substantial Damage Determination to the owner and the New Jersey Department of Environmental Protection, Bureau of Flood Control.
- c) Ensure substantial improvements meet the requirements of sections 5.2-1, SPECIFIC STANDARDS, RESIDENTIAL CONSTRUCTION, 5.2-2, SPECIFIC STANDARDS, NONRESIDENTIAL CONSTRUCTION, and 5.2-3, SPECIFIC STANDARDS, MANUFACTURED HOMES.

4.3-6 INTERPRETATION OF FIRM BOUNDARIES

Make interpretations where needed, as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in section 4.4.

4.4 VARIANCE PROCEDURE

4.4-1 APPEAL BOARD

- a) The City Council of the City of Brigantine shall hear and decide appeals and requests for variances from the requirements of this ordinance.
- b) The City Council of the City of Brigantine shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Construction Official in the enforcement or administration of this ordinance.
- c) Those aggrieved by the decision of the City Council of the City of Brigantine, or any taxpayer, may appeal such decision to the appropriate court of competent jurisdiction.
- d) In passing upon such applications, the City Council of the City of Brigantine, shall consider all technical evaluations, all relevant factors, standards specified in other sections of this ordinance, and:
 - i. the danger that materials may be swept onto other lands to the injury of others;
 - ii. the danger to life and property due to flooding or erosion damage;

- iii. the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 - iv. the importance of the services provided by the proposed facility to the community;
 - v. the necessity to the facility of a waterfront location, where applicable;
 - vi. the availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
 - vii. the compatibility of the proposed use with existing and anticipated development;
 - viii. the relationship of the proposed use to the comprehensive plan and floodplain management program of that area;
 - ix. the safety of access to the property in times of flood for ordinary and emergency vehicles;
 - x. the expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and,
 - xi. the costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.
- e) Upon consideration of the factors of section 4.4-1 d) and the purposes of this ordinance, the City Council of the City of Brigantine may attach such conditions to the granting of variances as it deems necessary to further the purposes of this ordinance.
- f) The Construction Official shall maintain the records of all appeal actions, including technical information, and report any variances to the Federal Insurance Administration upon request.

4.4-2 CONDITIONS FOR VARIANCES

- a) Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items i.-xi. in section 4.4-1 d) have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.
- b) Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.
- c) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- d) Variances shall only be issued upon:
 - i. A showing of good and sufficient cause;
 - ii. A determination that failure to grant the variance would result in exceptional hardship to the applicant; and,
 - iii. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public as identified in section 4.4- 1 d), or conflict with existing local laws or ordinances.
- e) Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

SECTION 5.0 PROVISIONS FOR FLOOD HAZARD REDUCTION

5.1 GENERAL STANDARDS

In all areas of special flood hazards, compliance with the applicable requirements of the Uniform Construction Code (N.J.A.C. 5:23) and the following standards, whichever is more restrictive, is required:

5.1-1 ANCHORING

- a) All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure.
- b) All manufactured homes to be placed or substantially improved shall be anchored to resist flotation, collapse or lateral movement. Methods of anchoring may include, but are not to be limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces.

5.1-2 CONSTRUCTION MATERIALS AND METHODS

- a) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
- b) All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

5.1-3 UTILITIES

- a) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
- b) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters;
- c) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding; and
- d) For all new construction and substantial improvements the electrical, heating, ventilation, plumbing and air-conditioning equipment and other service facilities shall be designed and certified by a NJ Licensed design professional and located above the required freeboard so as to prevent water from entering or accumulating within the components during conditions of flooding.

5.1-4 SUBDIVISION PROPOSALS

- a) All subdivision proposals and other proposed new development shall be consistent with the need to minimize flood damage;
- b) All subdivision proposals and other proposed new development shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage;
- c) All subdivision proposals and other proposed new development shall have adequate drainage provided to reduce exposure to flood damage; and,
- d) Base flood elevation data shall be provided for subdivision proposals and other proposed new development which contain at least fifty (50) lots or five (5) acres (whichever is less).

5.1-5 ENCLOSURE OPENINGS

All new construction and substantial improvements having fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area

other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria: A minimum of two (2) openings in at least two (2) exterior walls of each enclosed area, having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one (1) foot above grade. Openings may be equipped with screens, louvers, or other covering or devices provided that they permit the automatic entry and exit of floodwaters.

5.2 SPECIFIC STANDARDS

In all areas of special flood hazards where base flood elevation data have been provided as set forth in section 3.2, BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD or in section 4.3-2, USE OF OTHER BASE FLOOD DATA, the following standards are required:

5.2-1 RESIDENTIAL CONSTRUCTION

- a) For Coastal A Zone construction see section 5.3 COASTAL HIGH HAZARD AREA AND COASTAL A ZONE.
- b) New construction and substantial improvement of any residential structure located in an AE-9 zone shall have the lowest floor, including basement together with the attendant utilities (including all electrical, heating, ventilating, air-conditioning and other service equipment) and sanitary facilities, elevated at or above the base flood elevation (published FIS/FIRM) or the best available flood hazard data elevation, whichever is more restrictive, plus three feet;
- c) New construction and substantial improvement of any residential structure located in an A or AE zone (other than the AE-9 zone) shall have the lowest floor, including basement together with the attendant utilities (including all electrical, heating, ventilating, air-conditioning and other service equipment) and sanitary facilities, elevated at or above the base flood elevation (published FIS/FIRM) or the best available flood hazard data elevation, plus two feet;
- d) New construction and substantial improvement of any residential structure located in a Shaded X zone shall comply with the requirements of the AE-9 zone noted above;
- e) Require within any AO or AH zone on the municipality's DFIRM that all new construction and substantial improvement of any residential structure shall have the lowest floor, including basement together with all attendant utilities and sanitary facilities, elevated above the highest adjacent grade two feet above the depth number specified in feet (at least three feet if no depth number is specified) or at or above the best available flood elevation data plus two feet, whichever is more restrictive. And, require adequate drainage paths around structures on slopes to guide floodwaters around and away from proposed structures.

5.2-2 NONRESIDENTIAL CONSTRUCTION

In an Area of Special Flood Hazard, all new construction and substantial improvement of any commercial, industrial or other nonresidential structure located in an A or AE zone (for Coastal A Zone construction see section 5.3 COASTAL HIGH HAZARD AREA AND COASTAL A ZONE) shall have the lowest floor, including basement together with the attendant utilities and sanitary facilities as well as all electrical, heating, ventilating, air-conditioning and other service equipment:

either

- a) Elevated to or above the base flood elevation plus two (2) feet or the best available flood hazard data elevation, plus two feet or as required by ASCE/SEI 24-14, Table 2-1, whichever is more restrictive; and
- b) Require within any AO or AH zone on the municipality's DFIRM that all new construction and substantial improvement of any commercial, industrial or other nonresidential structure shall have the lowest floor, including basement, elevated above the highest adjacent grade two feet above the depth number specified in feet (at least three feet if no depth number is specified) or at or above the best available flood elevation data plus two feet, whichever is more restrictive. And, require adequate drainage paths around structures on slopes to guide floodwaters around and away from proposed structures;

or

- c) Be floodproofed so that below the base flood level plus two feet or as required by ASCE/SEI 24-14, Table 2-1, whichever is more restrictive, or at or above the best available flood elevation data plus two feet, whichever is more restrictive, the structure is watertight with walls substantially impermeable to the passage of water;
- d) Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and,
- e) Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting the applicable provisions of this subsection. Such certification shall be provided to the official as set forth in section 4.3-3 b) ii.

5.2-3 MANUFACTURED HOMES

- a) Manufactured homes shall be anchored in accordance with section 5.1-1 b).
- b) All manufactured homes to be placed or substantially improved within an area of special flood hazard shall:
 - i. Be consistent with the need to minimize flood damage,
 - ii. Be constructed to minimize flood damage,
 - iii. Have adequate drainage provided to reduce exposure to flood damage; and,
 - iv. Be elevated on a permanent foundation such that the top of the lowest floor is elevated to or above the base flood elevation (published FIS/FIRM) or the best available flood hazard data elevation, plus two feet or as required by ASCE/SEI 24-14, Table 2-1, whichever is more restrictive.
 - v. The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and be securely anchored to an adequately anchored foundation system to resist floatation, collapse, and lateral movement.

5.3 COASTAL HIGH HAZARD AREA AND COASTAL A ZONE

Coastal high hazard areas (V or VE Zones) and Coastal A Zones are located within the areas of special flood hazard established in section 3.2. These areas have special flood hazards associated with high velocity waters from tidal surges and hurricane wave wash; therefore, the following provisions shall apply:

5.3-1 LOCATION OF STRUCTURES

- a) All buildings or structures shall be located landward of the reach of the mean high tide.
- b) The placement of manufactured homes shall be prohibited, except in an existing manufactured home park or subdivision.

5.3-2 CONSTRUCTION METHODS

a) ELEVATION

All new construction and substantial improvements shall be elevated on piling or columns so that:

- i. The bottom of the lowest horizontal structural member of the lowest floor (excluding the piling or columns) is elevated two feet above the base flood elevation (published FIS/FIRM), the best available flood hazard data or as required by the ASCE/SEI 24-14, Table 4-1, whichever is more restrictive, and,
- ii. All electrical, heating, ventilating, air-conditioning, mechanical equipment and other equipment servicing the building is elevated two (2) feet above the base flood elevation, and
- iii. With all space below the lowest floor's supporting member open so as not to impede the flow of water, except for breakaway walls as provided or in section 5.3-2 d).

b) STRUCTURAL SUPPORT

- i. All new construction and substantial improvements shall be securely anchored on piling or columns.
- ii. The pile or column foundation and structure attached thereto shall be anchored to resist flotation, collapse or lateral movement due to the effects of wind and water loading values each of which shall have a one percent chance of being equaled or exceeded in any given year (100-year mean recurrence interval).
- iii. Prohibit the use of fill for structural support of buildings within Zones VI-30, VE, V, and Coastal A on the community's FIRM

c) CERTIFICATION

A registered professional engineer or architect shall develop or review the structural design specifications and plans for the construction and shall certify that the design and methods of construction to be used are in accordance with accepted standards of practice for compliance with the provisions of section 5.3-2 a) and 5.3-2 b) i. and ii.

d) SPACE BELOW THE LOWEST FLOOR

- i. Any alteration, repair, reconstruction or improvement to a structure started after the enactment of this ordinance shall not enclose the space below the lowest floor unless breakaway walls, open wood lattice-work or insect screening are used as provided for in this section.
- ii. Breakaway walls, open wood lattice-work or insect screening shall be allowed below the base flood elevation provided that they are intended to collapse under wind and water loads without causing collapse, displacement or other structural damage to the elevated portion of the building or supporting foundation system. Breakaway walls shall be designed for a safe loading resistance of not less than 10 and no more than 20 pounds per square foot. Use of breakaway walls which exceed a design safe loading of 20 pounds per square foot (either by design or when so required by local or State codes) may be permitted only if a registered professional engineer or architect certifies that the designs proposed meet the following conditions.
 - (i) breakaway wall collapse shall result from a water load less than that which would occur during the base flood and,

- (ii) the elevated portion of the building and supporting foundation system shall not be subject to collapse, displacement or other structural damage due to the effects of wind and water load acting simultaneously on all building components (structural and non-structural). Water loading values used shall be those associated with the base flood. Wind loading values used shall be those required by applicable State or local building standards.
- iii. If breakaway walls are utilized, such enclosed space shall be used solely for parking of vehicles, building access, or storage and not for human habitation and shall not exceed 300 SF.
- iv. Prior to construction, plans for any breakaway wall must be submitted to the Construction Code Official or Building Sub-Code Official for approval.

5.3-3 SAND DUNES

Prohibit man-made alteration of sand dunes within Coastal A Zones, VE and V Zones on the community's DFIRM which would increase potential flood damage.

**SECTION 6.0
SEVERABILITY**

If any section, subsection, paragraph, sentence, clause, or phrase of this Ordinance shall be declared invalid for any reason whatsoever, such a decision shall not affect the remaining portions of the Ordinance, which shall remain in full force and effect, and for this purpose the provisions of this Ordinance are hereby declared to be severable.

**SECTION 7.0
ENACTMENT**

7.01 ADOPTION

This Ordinance shall be effective on *(effective date)* and shall remain in force until modified, amended or rescinded by City of Brigantine, Atlantic County, New Jersey.

ENACTED AND ADOPTED by the City Council of the City of Brigantine this *[day]* day of *[month]*, *[year]*.

ATTEST: City Council of the City of Brigantine,

Lynn Sweeney, City Clerk

By: _____
Mayor

APPROVED, this *[day]* day of *[month]*, *[year]*, by the Mayor of Brigantine

ATTEST:

Lynn Sweeney, City Clerk

Mayor _____

CITY OF BRIGANTINE
RESOLUTION #

**A RESOLUTION AUTHORIZING AWARD OF CONTRACT TO TARS & STRIPES ASPHALT
MAINTENANCE FOR INSTALLATION OF PAVEMENT MARKINGS AND TRAFFIC STRIPES**

WHEREAS, the City has a need for the installation of pavement markings and traffic striping at various intersections within the City; and

WHEREAS, it is determined in the best interest of the City of Brigantine to acquire said services; and

WHEREAS, Dennis Krause, QPA, City Purchasing Agent has determined and certified in writing that the value of the contract will exceed \$17,500.00; and

WHEREAS, Quotes were received and Tars & Stripes Asphalt Maintenance was the lowest responsible bid; and

WHEREAS, John Doring, Public Works Director, Matt Doran on behalf of the City Engineer Ed Stinson and Dennis Krause, QPA, City Purchasing Agent have reviewed the proposal and recommended that Tars & Stripes Asphalt Maintenance, 304 White Horse Pike, Waterford, NJ 08089 be awarded an alternative non-advertised method of award contract for the installation of pavement markings and traffic striping as determined by the needs of the City of Brigantine; and

WHEREAS, the anticipated term of this contract is one (1) calendar year; and

WHEREAS, Tars & Stripes Asphalt Maintenance has completed and submitted a Business Registration Certificate (BRC), a Business Entity Disclosure Certification which certifies that Tars & Stripes Asphalt Maintenance has not made any contributions to a political or candidate committee for an elected office in the City of Brigantine, County of Atlantic, New Jersey in the previous one year period, and that the contract will prohibit Tars & Stripes Asphalt Maintenance from making any contributions through the term of the contract; and

WHEREAS, the vendor has provided information demonstrating its compliance with the provisions of N.J.S.A. 19:44A-20.5, regarding political contributions; and

NOW, THEREFORE BE IT RESOLVED by the Municipal Council of the City of Brigantine, New Jersey that an alternative method contract with Tars & Stripes Asphalt Maintenance for the installation of pavement markings and traffic striping. A copy of the Business Entity Certification and Determination of Value shall be on file with this resolution in the City Clerk's Office.

BE IT FURTHER RESOLVED that Roxanne Tosto, Chief Financial Officer of the City of Brigantine, does hereby certify that there are adequate funds available in the Current Capital Street Improvements Various Locations line: C-04-13-010-101 in the amount of \$23,375.00.

Certified to be a true copy of a Resolution adopted by the Municipal Council for the City of Brigantine, County of Atlantic and State of New Jersey, on the 14th day of July 2018

CITY OF BRIGANTINE

Lynn Sweeney, RMC
City Clerk

Roxanne Tosto
Chief Financial Officer

Recorded Vote:	MOTIONS	AYE	NAY	ABSTAIN	ABSENT
Guenther					
Simpson					
Sera					
Bew					
Riordan					
Haney					
DeLucry					

RESOLUTION NO. 2018-

A RESOLUTION OF THE CITY OF BRIGANTINE
AUTHORIZING AWARDING OF BID FOR SODIUM HYPOCHLORITE SOLUTION

WHEREAS, the City duly advertised for and accepted sealed bids on June 22, 2017 for Sodium Hypochlorite Solution for the City's pumping stations; and

WHEREAS, the term of the contract is for twelve (12) months and the specifications provide that the City can exercise (2) one-year extensions; and

NOW, THEREFORE BE IT RESOLVED by the Municipal Council of the City of Brigantine, County of Atlantic and State of New Jersey that the first year extension for sodium Hypochlorite solution be granted to Miracle Chemical Company.

BE IT FURTHER RESOLVED that Roxanne Tosto, Chief Financial Officer of the City of Brigantine, does hereby certify that there are adequate funds available in the 2018 Utility Fund. Estimated expenditures for 2018 should not exceed \$65,000.00

Certified to be a true copy of a Resolution adopted by the Municipal Council for the City of Brigantine, County of Atlantic and State of New Jersey, on the 14th day of July 2018.

CITY OF BRIGANTINE

Lynn Sweeney, RMC
City Clerk

Roxanne Tosto
Chief Financial Officer

Recorded Vote:	MOTIONS	AYE	NAY	ABSTAIN	ABSENT
Guenther					
Simpson					
Sera					
Bew					
Riordan					
Haney					
DeLucry					

RESOLUTION #2018-

A RESOLUTION AUTHORIZING AWARD OF CONTRACT TO JERSEY ARCHITECTURAL
DOOR & SUPPLY INC. FOR SERVICE AND REPAIRS

WHEREAS, the Public Works department has a need for service and repairs to various City buildings; and

WHEREAS, it is determined in the best interest of the City of Brigantine to acquire said services as needed; and

WHEREAS, Dennis Krause, QPA, City Purchasing Agent has determined and certified in writing that the value of the contract will exceed \$17,500.00; and

WHEREAS, Jersey Architectural Door & Supply has supplied these services in the past; and

WHEREAS, John W. Doring Jr., Superintendent of Public Works and Dennis Krause, QPA, City Purchasing Agent have reviewed required maintenance schedules and recommended that Jersey Architectural Door & Supply, Inc., 722 Adriatic Avenue, Atlantic City, NJ 08401 be awarded an alternative non-advertised method of award contract for service and repairs to various City Buildings as determined by the needs of the City of Brigantine; and

WHEREAS, the anticipated term of this contract is one (1) calendar year; and

WHEREAS, Jersey Architectural Door & Supply, Inc. has completed and submitted a Business Registration Certificate (BRC), a Business Entity Disclosure Certification which certifies that Jersey Architectural Door & Supply, Inc. has not made any contributions to a political or candidate committee for an elected office in the City of Brigantine, County of Atlantic, New Jersey in the previous one year period, and that the contract will prohibit Jersey Architectural Door & Supply, Inc. from making any contributions through the term of the contract; and

WHEREAS, the vendor has provided information demonstrating its compliance with the provisions of N.J.S.A.19:44A-20.5, regarding political contributions; and

NOW, THEREFORE BE IT RESOLVED by the Municipal Council of the City of Brigantine, New Jersey that an alternative method contract with Jersey Architectural Door & Supply, Inc. for service and repairs to various City Buildings. A copy of the Business Entity Certification and Determination of Value shall be on file with this resolution in the City Clerk's Office.

BE IT FURTHER RESOLVED that Roxanne Tosto, Chief Financial Officer of the City of Brigantine, does hereby certify that there are adequate funds available in the 2018 Current and Utility maintenance and repair line items. Estimated expenditures for 2018 should not exceed \$39,900.00

Certified to be a true copy of a Resolution adopted by the Municipal Council for the City of Brigantine, County of Atlantic and State of New Jersey, on the 14th day of July 2018

CITY OF BRIGANTINE

Lynn Sweeney, RMC
City Clerk

Roxanne Tosto
Chief Financial Officer

Recorded Vote:	MOTIONS	AYE	NAY	ABSTAIN	ABSENT
Guenther					
Simpson					
Sera					
Bew					
Riordan					
Haney					
DeLucry					

RESOLUTION NO. 2018-

WORK CHANGE ORDER #1

Professional Engineering Design and Permitting Services for the 2017 Road Paving Project

WHEREAS, the City Council of the City of Brigantine did award a contract for the Construction Phase Consulting Engineering Services for the 2017 Road Paving Project and did enter into a contract with Dixon Associates Engineering, LLC in the amount of \$39,050.00 (Resolution #2017-150); and

WHEREAS, during the performance of the project additional work was required to properly complete and enhance the project to date; and

NOW, THEREFORE BE IT RESOLVED that the contract for the "Inspection/Contract Management Service for the 2017 Road Paving Project" be amended from \$39,050.00 to \$42,050.00, a net increase of \$3,000.00.

BE IT FURTHER RESOLVED that Roxanne Tosto, Chief Financial Officer of the City of Brigantine, does hereby certify that there are adequate funds available in Ordinance #15-2017 Municipal Roadways Account # C-04-17-015-101

Certified to be a true copy of a Resolution adopted by the Municipal Council for the City of Brigantine, County of Atlantic and State of New Jersey, on the 14th day of July, 2018.

CITY OF BRIGANTINE

Lynn Sweeney, RMC
City Clerk

Roxanne Tosto
Chief Financial Officer

Recorded Vote:	MOTIONS	AYE	NAY	ABSTAIN	ABSENT
Guenther					
Simpson					
Sera					
Bew					
Riordan					
Haney					
DeLucry					

RESOLUTION NO. 2018-

A RESOLUTION OF THE CITY OF BRIGANTINE
AUTHORIZING A CONCESSION AGREEMENT WITH VIPLY LLC FOR THE
ELECTRONIC SALES AND DISTRIBUTION OF BEACH TAGS

WHEREAS, the City duly advertised for and accepted sealed proposals on May 17, 2017 for the implementation of an electronic beach badge system; and

WHEREAS, the term of the contract is for twelve (12) months and the specifications provide that the City can exercise (2) one-year extensions; and

NOW, THEREFORE BE IT RESOLVED by the Municipal Council of the City of Brigantine, County of Atlantic and State of New Jersey that the first year extension for the electronic beach system be granted to VIPLY LLC

BE IT FURTHER RESOLVED that the implementation of the electronic beach system is at no cost to the City and all fees associated for beach tags will be passed on to the consumer.

Certified to be a true copy of a Resolution adopted by the Municipal Council for the City of Brigantine, County of Atlantic and State of New Jersey, on the 14th day of July 2018.

CITY OF BRIGANTINE

Lynn Sweeney, RMC
City Clerk

Roxanne Tosto
Chief Financial Officer

Recorded Vote:	MOTIONS	AYE	NAY	ABSTAIN	ABSENT
Guenther					
Simpson					
Sera					
Bew					
Riordan					
Haney					
DeLucry					

RESOLUTION 2018 –

WHEREAS, it has been determined by the Brigantine C.E.R. that the individual(s) as indicated on the attached Schedule "A" Refund for two tickets for New York City Day Trip, May 12, 2018

WHEREAS, it is the desire of the Council of the City of Brigantine to have these payment(s) Returned to the respective individuals.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Brigantine, County of Atlantic, State of New Jersey, that:

1. The Financial Department is hereby authorized to refund the amounts shown to the respective applicants as presented in Schedule "A".
2. Copies of the resolution shall be sent to the Director of the C.E.R.

SCHEDULE A

Refund
New York City Day Trip – May 12, 2018
June 28, 2018

Beverly Bzik
4817 Atl-Brig. Blvd.
Brigantine, NJ 08203

\$90.00

TOTAL \$ 90.00

RESOLUTION

THE COUNCIL OF THE CITY OF BRIGANTINE RESOLVES THAT:

WHEREAS, the City of Brigantine has, pursuant to various ordinances, a set fee schedule for the collection of rental inspections fees; and

WHEREAS, it appears from the record that *Michael O'Donnell, 2813 Somerset Drive, Cinnaminson, NJ 08077*, owner of the property located at *214 18th Street South, (Block 1606, Lot 14.01)*, has overpaid for rental registration in the amount of *\$150.00 (One Hundred Fifty Dollars)*, resulting in an overpayment.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF BRIGANTINE THAT:

- 1) The City Financial Officers are hereby directed to refund the sum of *\$150.00 (One Hundred Fifty Dollars)* to the above mentioned property owner.
- 2) This resolution shall take effect immediately.

This is to certify that the above is a true and lawful copy of a resolution adopted by the city council of the City of Brigantine, County of Atlantic, New Jersey.
At its meeting of _____

Lynn Sweeney, RMC, City Clerk

RESOLUTION
2018-

WHEREAS, it has been determined by the Tax Collector that the taxpayers as indicated on the attached Schedule "A" are entitled to overpayment refunds and;

WHEREAS, it is the desire of the Council of the City of Brigantine to have these overpayments returned to the respective taxpayers;

NOW THEREFORE BE IT RESOLVED by the Council of the City of Brigantine, County of Atlantic, State of New Jersey, that:

1. The Tax Collector is hereby authorized to make overpayment refunds in the amount shown and to the taxpayers, as appears on Schedule "A" which made apart hereof.
2. Copies of the resolution to the Tax Collector

CITY OF BRIGANTINE
OVERPAYMENT REFUNDS

July 14, 2018

BLOCK	LOT	QUAL	NAME	YEAR-QRT	AMOUNT
1705	5		Vangorder, Crystal & Shawn 100% Disabled Veteran	2018-1&2	3058.75

CITY OF BRIGANTINE
RESOLUTION NO. 2018-
RESOLUTION AUTHORIZING EXECUTION OF
AMENDMENT # 2 TO CONTRACT FOR
ADMINISTRATION OF MARKET-TO-AFFORDABLE
HOUSING PROGRAM

WHEREAS, on April 20, 2015 the City of Brigantine ("City" and/or "Brigantine") entered into a Contract with Triad Advisory Services, Inc. ("Triad") for the administration of its Market-to-Affordable Housing Program; and

WHEREAS, on September 20, 2017 the City Council of the City of Brigantine approved to amend the original contract with Triad which authorized the transfer an additional \$150,000.00 from the Affordable Housing Trust Fund (AHTF) to be added to the \$42,153.06 balance of the previously allocated funds to be used to create additional Market-to-Affordable units..

WHEREAS, it has become necessary to modify the Scope of Services of the original agreement to include the preparation of an operating manual for a Rental Rehabilitation program, including application/loan documents/advertising/marketing manuals in accordance with the provisions of the Fair Housing Act and the Uniform Housing Affordability (UHAC) regulations (N.J.A.C. 5:80-26.1 et seq.); and

WHEREAS, the Triad Advisory Services will provide these services for additional compensation of \$2,500.00, and Triad may deduct such fee from the applicable monies held by it.

WHEREAS, a proposed form of Amendment to the Contract is attached hereto, the terms of which are incorporated by reference herein as if set forth herein at length and the purpose of this Resolution is to authorize the execution of the Amendment to the Contract by the City.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Brigantine that the Amendment to Contract for Administration of Market-to-Affordable Housing

Program by and between the City and Triad which is attached hereto is approved and the Mayor and Clerk of the City of Brigantine are hereby authorized to execute same.

CERTIFICATION

I, Lynn Sweeney, City Clerk of the City of Brigantine, do hereby certify that the above Resolution was considered and adopted by the Governing Body of the City of Brigantine at a regularly advertised meeting held on _____, 2018.

Lynn Sweeney

[SEAL]

AMENDMENT No. 2 TO THE
CONTRACT FOR ADMINISTRATION OF
MARKET TO AFFORDABLE HOUSING PROGRAM
AND
CLOSING COST/DOWN PAYMENT PROGRAM

This will serve as an Amendment made July 9, 2018, to the existing Contract Agreement, originally made effective and executed on April 20, 2015 between TRIAD ADVISORY SERVICES, INC. (trading as TRIAD ASSOCIATES), 1301 W. Forest Grove Road, Vineland, New Jersey 08360 ("Consultant") and CITY OF BRIGANTINE BEACH, 1417 W. Brigantine Avenue, Brigantine, New Jersey 08203 ("Principal").

DESCRIPTION OF THE PROJECT: Administration of Market to Affordable Housing Program and Closing Cost/Down Payment Program;

The existing contract shall be amended to modify the Scope of Services and Compensation as follows:

SCOPE OF SERVICES: Principal agrees to retain Consultant to provide the following service:

- The Consultant, upon the request of the Principal, in accordance with the provisions of the Fair Housing Act and the Uniform Housing Affordability Control (UHAC) regulations (N.J.A.C. 5:80-26.1 et seq.), complete the preparation of an Operating Manual for a Rental Rehabilitation program, including application forms/ loan documents, advertising/marketing materials.

COMPENSATION: Principal shall provide compensation of \$2,500.00 for services as follows:

- Preparation of a rental rehabilitation manual, including application forms/ loan documents, advertising/marketing materials.

METHOD OF PAYMENT: Principal agrees to pay Consultant in accordance with the following billing schedule:

- \$1,500.00 upon 50% completion
- \$1,000.00 upon submission of the completed manual.
- Principal shall process all invoices for payment upon receipt.

Contract Agreement between City of Brigantine and Triad Associates
Administration of Market to Affordable Housing Program and Closing Cost/Down Payment Program
Amendment No. 2 to Market to Affordable Program Contract-2018

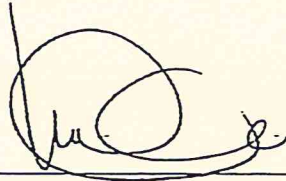
In each case, Triad may deduct such fee from the applicable Monies held by it. All such fees shall be in addition to any reimbursable expenses payable to Triad from any such Monies pursuant to this Agreement.

Witness/Attest:

Name
Title

Date:

Witness/Attest



Michael Zumpino
Chairman/CEO

Date: July 9, 2018

MAYOR, COUNCIL MEMBERS

ON BEHALF OF BRIGANTINE EKS LODGE #2428,
I AM REQUESTING A NOISE VARIANCE FOR
OUR SEAFOOD FEST JULY 28th WE ARE
ASKING TO ALLOW US UNTIL 11PM INSEAD
OF THE 10PM NOW IN PLACE

ALSO WE ARE ASKING THE SAME AGAIN
FOR OUR BAYFEST AUG. 24th 25th 26th

THANK YOU,
DON IRONE
EXALTED RULER

Margaret Conn

1400 Sheridan Blvd.

Brigantine, NJ 08203

July 2, 2018

Ms. Roxanne Tosto, City Manager

Brigantine, NJ 08203

BRIGANTINE ELKS #2428 – Seafood Fest, July 28 2018

Dear Ms. Tosto:

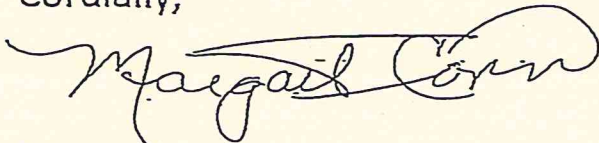
This letter is to inform the City of Brigantine of our annual Seafood Fest to be held on Saturday, July 28, from 4 PM to 11PM. I have enclosed a flyer with the times and events.

We are expecting a good crowd and look forward to your police presence if you deem necessary. We appreciate the help that your police department gives the Brigantine Elks.

If you or your officers have any questions or concerns, please contact Tom Paolucci, Committee Chairman at [REDACTED] or myself at [REDACTED]

[REDACTED] We will have our cell phones on at all times during the event.

Cordially,



Margaret Conn

enc.

[REDACTED]

Ryan-

The Chamber would like to host Jaws again this year on The Cove beach on Friday, August 17th @ 8pm. I don't believe this date was included on our original list. Our committee will be meeting with Department Heads to iron out details. Can you arrange for this to be on the next Council agenda? Thanks!

Angela Reynolds

Brigantine Chamber of Commerce

609.800.2821

July 9, 2018

Mrs. Mary Pat Geppert
#2 16th Street
Brigantine NJ 08203

City Manager
City of Brigantine
1717 W. Brigantine Avenue
Brigantine NJ 08203

I am writing to seek permission from the City of Brigantine to allow me to put up a tent and close off 16th Street from Friday, August 10th, 2018 in the afternoon until Monday, August 13th, 2018. As in the past, the tent will be left up until Monday and once it's removed, the street will be left in fine condition. I've notified my neighbors and they have also granted their approval as per the attached letter. Attached, please find a letter from Willian and Helene Morton.

Should you have any questions or concerns, please feel free to contact me at [REDACTED]

Thank you,

Mary Pat Geppert

July 9, 2018

City Manager
City of Brigantine
1717 W. Brigantine Avenue
Brigantine NJ 08203

Dear City Manager:

We are writing this letter today to grant our permission to Mary Pat Geppert, #2 16th Street, Brigantine NJ, to allow her to place a tent and close off 16th Street from Friday, August 10th, 2018 in the afternoon until Monday, August 13th, 2018.

Sincerely,

William & Helene Marten
1519 Bayshore Avenue
Brigantine NJ 08203