

CITY OF BRIGANTINE

ORDINANCE 21 OF 2018

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 210 OF THE
CODE OF THE CITY OF BRIGANTINE ENTITLED
"MERCANTILE LICENSES" BY ADDING A NEW ARTICLE V, ENTITLED
"SINGLE-USE BAG REGULATION"

WHEREAS, the City of Brigantine ("City") is a municipal entity organized and existing under the laws of the State of New Jersey and located in Atlantic County; and

WHEREAS, pursuant to N.J.S.A. 40:48-2, the City Council for the City of Brigantine is authorized to enact and amend ordinances as deemed necessary for the preservation of the public health, safety and welfare and as may be necessary to carry into effect the powers and duties conferred and imposed upon the City by law; and

WHEREAS, single-use carryout bags which are not properly disposed of by the consumer end up as litter on the City's streets, beaches, wetlands and parks and in the ocean and bay, which has a negative effect on the public health, safety and welfare of City residents and visitors; and

WHEREAS, City Council desires to regulate and limit the distribution of single-use carryout bags by commercial establishments doing business within the City, and encourage the use of reusable bags; and

WHEREAS, the regulation of single-use carryout bags is a necessary and proper means of addressing this significant problem.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BRIGANTINE IN THE COUNTY OF ATLANTIC, STATE OF NEW JERSEY AS FOLLOWS:

Section 1. Chapter 210, "Mercantile Businesses" of the Code of the City of Brigantine is hereby supplemented and amended to create Article V, "Single-Use Bag Regulation," which shall read as follows:

§210-1 Definitions.

The following words, phrases and terms as used in this Chapter are hereby defined for the purpose thereof as follows:

- A. Carryout bag: A bag, sheet, or receptacle produced or manufactured from material commonly known as "plastic" or "polyethylene" provided by a commercial establishment at the point of sale for customers to carry their goods and/or products out of the premises.
- B. Commercial Establishment: Any business required to obtain a Mercantile License pursuant to Chapter 210. This includes, but is not limited to, drug stores, pharmacies, grocery stores, supermarkets, convenience food stores, food marts or restaurants, that provide carryout bags to consumers in which to place items purchased or obtained at such establishment.
- C. Reusable Bag: A bag that is designed and manufactured to withstand repeated uses over a period of time, is machine washable or made from a material that can be cleaned and disinfected regularly, is at least 2.25 mil thick if made from cotton or polyester or other fabric, has a minimum lifetime of 75 uses, and is capable of carrying a minimum of 18 pounds.
- D. Single-Use Carryout Bag: Any carryout bag that is not a reusable carryout bag, except that "single-use carryout bag" shall not include any non-handled bag intended to separate and prevent an item from damaging or contaminating another item.

§210-2. Prohibition of Single-Use Carryout Bag.

It shall be unlawful for any Commercial Establishment to provide single-use carryout bags to any customer or individual for the purpose of transporting products or goods out of the business or store, except as otherwise provided in this Chapter.

§210-3. Exceptions to Prohibition.

Single-Use Carryout Bags may be provided by a Commercial Establishment in the following circumstances:

- A. Any single-use carryout bag, which is a maximum of 11 inches by 17 inches, without handles provided for the customer (1) to transport produce, bulk food, meat, or seafood from a produce, bulk food, meat or seafood department within a store to the point of sale; or (2) to hold prescription medication dispensed from a pharmacy.
- B. Any single-use carryout bag provided for the purposes of transporting any live or previously live and now frozen substance used to attract and catch fish and/or crabs.
- C. A 40" Dry Cleaner Poly Garment Bag.

§210-4. Enforcement.

The City Licensing Officer shall have the authority to enforce the provision of this Chapter.

§210-5. Violations and Penalties.

Any commercial establishment who violates any provision of this article shall be subject to a fine of not less than \$5 dollars and not more than \$500.00 for each individual violation.

Section 2. Any and all Ordinances inconsistent with the terms of this Ordinance are hereby repealed to the extent of any such inconsistencies.

Section 3. Severability. In the event that any clause, section, paragraph or sentence of this Ordinance is deemed to be invalid or unenforceable for any reason, then the City Council hereby declares its intent that the balance of the Ordinance not affected by said invalidity shall remain in full force and effect to the extent that it allows the City to meet the goals of the Ordinance.

Section 4. This Ordinance shall take effect after final adoption and publication in accordance with law. Enforcement of this Ordinance shall begin June 1, 2019.

INTRODUCTION: August 15, 2018

ADOPTION:

Lynn Sweeney, City Clerk

Philip J. Guenther, Mayor

**CITY OF BRIGANTINE
RESOLUTION 2018-161**

THE CITY COUNCIL OF THE CITY OF BRIGANTINE RESOLVES THAT:

WHEREAS, the City Council of the City of Brigantine authorized Doran Engineering to request and receive bids for the "East Evans Blvd. Pump Station and Drainage Improvements" on August 23, 2018 at 10:00 A.M.; and

WHEREAS, said bid was advertised and received; and

WHEREAS, the City of Brigantine reserves the right to reject any and all bids.

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

1. The bid received was substantially higher than the Engineer's estimate.
2. The bid submitted is hereby rejected.
3. Doran Engineering is hereby directed to prepare specifications and advertise to re-bid this project

BE IT SO RESOLVED.

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 September 5, 2018.

Lynn Sweeney, RMC
City Clerk

City of Brigantine

Resolution 2018-162

**Approval to Submit a Municipal Aid Grant Application MA-2019-BrigantineCity-00019
And Execute Grant Agreement with the New Jersey Department of Transportation**

WHEREAS, the New Jersey Department of Transportation is accepting applications for the Municipal Aid Grant Program; and

WHEREAS, \$151 million is appropriated to municipalities; and

WHEREAS, this program is available to all counties and municipalities in the State of New Jersey; and

WHEREAS, this program can be used for road improvement projects such as resurfacing, rehabilitation or reconstruction and signalization; and

WHEREAS, this grant program does not require a local match; and

WHEREAS, the City of Brigantine carefully considers grant programs that assist the City in achieving projects and programs that are priorities for the community; and

NOW, THEREFORE, BE IT RESOLVED that governing body of the City of Brigantine formally approves a grant application for a municipal aid project.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as **MA-2019-BrigantineCity-00019** to the New Jersey Department of Transportation for the reconstruction and paving of Sheridan Blvd. from Sarazen Road to Vardon Road in Brigantine, New Jersey.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of the City of Brigantine and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

Certified as a true copy of the Resolution adopted by City Council on this 5 day of September, 2018.

My signature and the Clerk's seal serve to acknowledge the above resolution and constitute acceptance of the terms and conditions of the grant agreement and approve the execution of the grant agreement as authorized by the resolution above.

ATTEST and AFFIX SEAL _____

(Clerk)

CITY OF BRIGANTINE

RESOLUTION 2018 - 163

REFUND OF ESCROW FOR SITE INSPECTION

THE COUNCIL OF THE CITY OF BRIGANTINE RESOLVES THAT:

WHEREAS, Brigantine on the Bay, LLC and Richard H. Lander posted a Site Inspection Escrow associated with property known as Lots 1.01 through 1.12, Block 8102 on the tax map of Brigantine (the "property"); and

WHEREAS, the City of Brigantine has determined that the improvements at the site have been completed and inspected, and that the remaining Escrow funds should be released; and

WHEREAS, a Release was prepared by Brigantine Planning Board attorney Hance C. Jaquett, Esq. on behalf of Brigantine on the Bay and Richard H. Lander and the City of Brigantine, providing for the release of the Site Inspection Escrow (attached); and

WHEREAS, Brigantine on the Bay and Richard H. Lander have executed this Release and by doing so have released the City of Brigantine from any claims associated with the property; and

WHEREAS, the City of Brigantine will issue a refund check payable in the amount of \$8,375.00 to the attorney trust account of Hance C. Jaquett, Esq., for further disbursement to the parties; and

NOW, THEREFORE, BE IT RESOLVED that a check be issued for Refund of Site Inspection Escrow for the property located at Lots 1.01-1.12, Block 8102.

Lynn Sweeney, RMC
City Clerk

CITY OF BRIGANTINE
RESOLUTION NO. 2018-164

A RESOLUTION OF THE CITY OF BRIGANTINE AUTHORIZING AWARDDING THE FIRST OPTION YEAR CONTRACT FOR MAINTENANCE, SERVICE & REPAIRS OF WATER WELLS, SEWER LIFT STATIONS AND STORM PUMP STATIONS

WHEREAS, the City duly advertised for and accepted sealed bids on July 13, 2017 for maintenance, service and repairs of the City's water wells, sewer lift stations and storm pump 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 contract extension for maintenance, service and repairs of the City's water wells, sewer lift stations and storm pump stations be granted to A.C. Schultes Inc.

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 account 8-09-55-502-233. Estimated expenditures for 2018 should not exceed \$140,000.00 excluding any emergent conditions.

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 5th day of September 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					

CITY OF BRIGANTINE
RESOLUTION #2018-165

A RESOLUTION AUTHORIZING AWARD OF CONTRACT TO GIBBS & DOUGLASS
ENTERPRISES LLC d/b/a SERVPRO OF EGG HARBOR/VENTNOR FOR ENVIRONMENTAL
CLEANING SERVICES AT VARIOUS LOCATIONS

WHEREAS, the Public Works department has a need to environmentally clean 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, Public Works solicited quotes from three (3) vendors and Gibbs & Douglass Enterprises LLC d/b/a ServPro of Egg Harbor was the lowest responsible bid; and

WHEREAS, John W. Doring Jr., Superintendent of Public Works and Dennis Krause, QPA, City Purchasing Agent have reviewed up-coming projects and recommended that Gibbs & Douglass Enterprises LLC d/b/a ServPro of Egg Harbor/Ventnor, 8 Steelmans Lane, Suite C-1, Egg Harbor Twp., NJ 08234 be awarded an alternative non-advertised method of award contract for environmental cleaning services 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, Gibbs & Douglass Enterprises LLC has completed and submitted a Business Registration Certificate (BRC), a Business Entity Disclosure Certification which certifies that Gibbs & Douglass Enterprises LLC 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 ServPro of Egg Harbor/Ventnor 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 Gibbs & Douglass Enterprises LLC d/b/a ServPro of Egg Harbor/Ventnor for environmental cleaning services. 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 Fund Account #8-01-26-302-216. 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 5th day of September 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					

CITY OF BRIGANTINE
RESOLUTION #2018-166

A RESOLUTION AUTHORIZING AWARD OF CONTRACT TO SOUTH JERSEY OVERHEAD
DOOR CO., 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, South Jersey Overhead Door Company 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 South Jersey Overhead Door Co. Inc., 1360 N. Delsea Drive, Vineland, NJ 08360 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, South Jersey Overhead Door Company has completed and submitted a Business Registration Certificate (BRC), a Business Entity Disclosure Certification which certifies that South Jersey Overhead Door Company 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 South Jersey Overhead Door Company 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 South Jersey Overhead Door Company 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 5th day of September 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					



New Jersey Office of the Attorney General
 Division of Consumer Affairs
 Legalized Games of Chance Control Commission
 124 Halsey Street, 6th Floor, P.O. Box 46000
 Newark, New Jersey 07101
 (973) 273-8000

Application for a Raffle License

Application No. RA 859
 Identification No. 58-6-16128

Submit four (4) copies of this application to the Municipal Clerk's office in the municipality where the games will be conducted.

Please print clearly.

Name of municipality: Brigantine NJ 08203

Part A - General

- 1. Name of applying organization: Brigantine Elks 2428
- 2a. Street address of headquarters: 400 West Shore Dr. Brigantine NJ 08203
- b. Mailing address (if different): _____

3. A license is requested to conduct raffles of the kind stated on the date, or on each of the dates, and during the hours listed (use a separate application for each type of raffle).

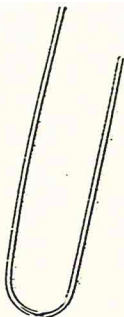
Date	Hours	Date	Hours
<u>9/6/2018 - 2/3/2019</u>	<u>12pm- 7pm</u>	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

- 4a. Address of place where raffles will be played: 400 West Shore dr, Brigantine NJ 08203
- b. Does the applicant own the premises or regularly occupy them for its general purposes? Yes No
- 5. If raffles equipment is to be rented, attach a statement by the raffles equipment lessor to this application on Form 13.

Part B - Schedule of Expenses

The items of expense intended to be incurred or paid in connection with the games listed in this application, the names and addresses of the persons to whom each item is to be paid, and the purpose for which each item is to be paid, are:

Item of Expense	Name and address of supplier	Purpose
<u>Bike</u>	<u>donated</u>	<u>raffle</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____



New Jersey Office of the Attorney General
 Division of Consumer Affairs
 Legalized Games of Chance Control Commission
 124 Halsey Street, 6th Floor, P.O. Box 46000
 Newark, New Jersey 07101
 (973) 273-8000

Application for a Raffle License

Application No. RA 960
 Identification No. 58-1-12461

Submit four (4) copies of this application to the Municipal Clerk's office in the municipality where the games will be conducted.

Please print clearly.

Name of municipality: _____ City of Brigantine

Part A - General

1. Name of applying organization: St Thomas Roman Catholic Church
- 2a. Street address of headquarters: 331 8th Street South Brigantine, NJ 08203
- b. Mailing address (if different): _____
3. A license is requested to conduct raffles of the kind stated on the date, or on each of the dates, and during the hours listed (use a separate application for each type of raffle).

Date	Hours	Date	Hours
<u>January 1, February 1, & March 1, 2019</u>	<u>12 Noon</u>	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

- 4a. Address of place where raffles will be played: 331 8th Street S., Brigantine, NJ. 08203
- b. Does the applicant own the premises or regularly occupy them for its general purposes? Yes No
5. If raffles equipment is to be rented, attach a statement by the raffles equipment lessor to this application on Form 13.

Part B - Schedule of Expenses

The items of expense intended to be incurred or paid in connection with the games listed in this application, the names and addresses of the persons to whom each item is to be paid, and the purpose for which each item is to be paid, are:

Item of Expense	Name and address of supplier	Purpose
<u>License</u>	<u>City of Brigantine</u>	<u>to conduct raffle</u>
<u>License</u>	<u>State of New Jersey</u>	<u>to conduct raffle</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

ATLANTIC COUNTY SURF FISHING DERBY

25 SOUTH MADISON AVENUE

MARGATE, NJ 08402

Mayor Phillip Guenther

City Hall, 1417 W. Brigantine Ave.

Brigantine, NJ, 08403

Dear Mayor Guenther

I am writing to request your cooperation in permitting access by four-wheel drive vehicles on your beach for the Atlantic County/Atlantic City Surf Fishing Derby to be held this year from September 24th. thru December 2nd., 2018.

Over the years, this tournament, which has proven to be an excellent means of generating public interest and media coverage for the area, has donated thousands of dollars to local charities and it relies on your assistance to succeed.

Please contact me, Donald Brown, Tournament Director, if you have any questions. I can be reached at [REDACTED]

Your cooperation will be greatly appreciated.

Sincerely,

Donald Brown

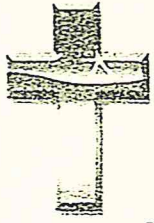
Ed Berger

Tournament Directors



c:

Police, Brigantine NJ, 08403



Saint Thomas the Apostle Church

331 8th Street South
Brigantine, NJ 08203
www.stthomasbrigantine.org

Phone: (609) 266-2123
Fax: (609) 266-

6416

August 30, 2018

To Whom It May Concern:

St. Thomas the Apostle Church is asking the City of Brigantine for permission to celebrate Mass on the beach at 11am on Sunday, September 23rd, 2018 at the 16th Street Pavilion. Set up will be at 10:30am and we will be finished and cleaned up by 12:30pm.

Thank you and we will wait for your confirmation,

Jane Staunton

Jane Staunton
Office Manager
j.staunton@stthomasbrigantine.org

Sweeney, Lynn

From: Tosto, Roxanne
Sent: Thursday, August 30, 2018 8:13 PM
To: Sweeney, Lynn
Subject: FW: Heart of Surfing Event-Sunday September 9, 16th Street beach, 9-11:30 a.m.

Please see below.

Roxanne B. Tosto, Acting City Manager/CFO City of Brigantine
1417 West Brigantine Ave
Brigantine, NJ 08203
Phone: 609-266-7600 ext 213
Fax: 609-266-3823

-----Original Message-----

From: Delucry, Richard
Sent: Thursday, August 30, 2018 6:53 PM
To: Tosto, Roxanne
Cc: Daley, Tim; Kip Emig
Subject: Heart of Surfing Event-Sunday September 9, 16th Street beach, 9-11:30 a.m.

Roxanne: Would you please place the "Heart of Surfing" event on Council's September 5 consent agenda for approval?

This is the event I spoke about two meetings back...the organizer is the Heart of Surfing nonprofit, run by area residents Cindy and Bob Fertsch. The event involves volunteers taking special needs children (and some adults) into the water and assisting them to surf. Cindy has been in touch with representatives of the Beach Patrol and Fire Department, who have also involved Mike Laielli from Primal Surf in helping to coordinate and volunteer at the event.

The event will run from about 9 to 11:30 at 16th street beach on Sunday the 9th. That location was chosen for the proximity to BCBP headquarters, the nearby parking, the vehicular access and the mobi mat for access by the participants.

Heart of Surfing has done a number of similar events in Ocean City, Margate and Wildwood, so they have developed a smooth-running system. Besides the general authorization from the City, they'd ask for 2-3 one day 4WD passes to bring equipment (and the volunteers/food tent) down on the beach.

I expect to have more details by the meeting, but let me know if you have any questions before then.

Thanks.

Rick DeLucry