

13. Ordinance No. 27 of 2018: Introduction
Authorizing Acquisition of 103 12th Street North

M: S: RC: MC:

14. Resolution 2018-195 Re: Authorizing Execution of Agreement with Volunteers of America to Provide Affordable Units Pursuant to Settlement of Third Round Mount Laurel Litigation

M: S: RC: MC:

15. Resolution 2018-196 Re: Authorizing an Application for the Flood Mitigation Assistance Program Administered by F.E.M.A.

M: S: RC: MC:

16. Resolution 2018-197 Re: Approval to Submit a Grant Application and Execute a Grant Agreement with the U.S. Dept. of Homeland Security for the FY 2018 F.E.M.A. Pre-Disaster Mitigation Program

M: S: RC: MC:

17. Resolution 2018-198 Re: Authorizing Grant Application and Execution of An Agreement for a Resilient NJ Grant

M: S: RC: MC:

18. Resolution 2018-199 Re: Directing the Distribution of the City of Brigantine's Net Returned Surplus Funds Held in Trust by the J.I.F.

M: S: RC: MC:

19. Resolution 2018-200 Re: Award of Contract
Disposal Service for Recycling and Solid Waste Containers

M: S: RC: MC:

20. Resolution 2018-201 Re: Award of Contract
Purchase of Electric Generation Supply Service through the South Jersey Power Cooperative

M: S: RC: MC:

21. Resolution 2018-202 Re: Award of Contract

East Evans Blvd. Pumping Station

M: S: RC: MC:

22. Resolution 2018-203 Re: Transfer Resolution

M: S: RC: MC:

23. Resolution 2018-204 Re: Authorization of Dune Maintenance Permit Applications

M: S: RC: MC:

24. Resolution 2018-205 Re: Rental Inspection Fee Refunds

M: S: RC: MC:

25. Resolution 2018-206 Re: Real Estate Tax Refund

M: S: RC: MC:

26. Resolution 2018-207 Re: Authorizing City Manager to Execute Dispatcher's Agreement (Tenative)

M: S: RC: MC:

27. Consent Agenda

A.

M: S: RC: MC:

28. Council Manager/Committee Discussion:

29. Public Comments

30. Council Comments

31. 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.

**THE CITY OF BRIGANTINE CITY IN
THE COUNTY OF ATLANTIC, NEW JERSEY**

ORDINANCE NO. 25 OF 2018

BOND ORDINANCE APPROPRIATING NINE HUNDRED FIFTY THOUSAND DOLLARS (\$950,000) AND AUTHORIZING THE ISSUANCE OF UP TO NINE HUNDRED FIFTY THOUSAND DOLLARS (\$950,000) IN BONDS OR NOTES OF THE CITY OF BRIGANTINE FOR THE CONSTRUCTION OF SANITARY SEWER MAIN REPLACEMENTS WITHIN THE CITY OF BRIGANTINE, IN THE COUNTY OF ATLANTIC, NEW JERSEY

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF BRIGANTINE, IN THE COUNTY OF ATLANTIC, NEW JERSEY (not less than two-thirds of the full membership thereof affirmatively concurring), AS FOLLOWS:

Section 1. Appropriation for Project-Down Payment

The improvements described in Section 3 of this Bond Ordinance are hereby respectfully authorized as general capital improvements to be made to the sewer utility system of the City of Brigantine, in the County of Atlantic, New Jersey (the "City"). For said improvements or purposes stated in Section 3, there are hereby appropriated the sums of money therein stated as the appropriations made for said improvements or purposes, said sums being inclusive of all appropriations heretofore made therefore and amounting in the aggregate to NINE HUNDRED FIFTY THOUSAND DOLLARS (\$950,000). No down payment is required as the purposes authorized herein are deemed self-liquidating and the obligations authorized herein are deductible from the gross debt of the City, as more fully explained in Section 6(e) of this bond ordinance.

Section 2. Authorization of Bonds

For the financing of said improvements or purposes and to meet the NINE HUNDRED FIFTY THOUSAND DOLLARS (\$950,000) appropriation, negotiable bonds of the City are hereby authorized to be issued in the maximum principal amount of NINE HUNDRED FIFTY THOUSAND DOLLARS (\$950,000) pursuant to the Local Bond Law of New Jersey (the "Local Bond Law") and any other law applicable thereto. In anticipation of the issuance of said bonds and to temporarily finance said improvements or purposes stated in Section 3, negotiable note(s) of the City in the maximum principal amount of NINE HUNDRED FIFTY THOUSAND DOLLARS (\$950,000) are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. Description of Project

The improvements hereby authorized and the purposes for the financing of which said obligations are to be issued, the appropriations made for and the estimated costs of such purposes (including all work or materials necessary therefore or incidental thereto), and the estimated maximum amount of bonds or notes to be issued for such purposes are as follows:

IMPROVEMENT OR <u>PURPOSE</u>	APPROPRIATION AND <u>ESTIMATED COST</u>	AMOUNT OF BONDS <u>OR NOTES</u>
Construction of improvements to the City's Sanitary Sewer System, including without limitation, sewer main replacements on Sheridan Boulevard between Vardon Road and Sarazen Road and on a portion of Roosevelt Boulevard, and all other necessary or desirable structures, appurtenances and work or materials, including the costs of surveying, construction planning, engineering, preparation of plans and specifications, permits, bid documents and construction inspection and administration.	<u>\$950,000</u>	<u>\$950,000</u>
TOTAL	<u>\$950,000</u>	<u>\$950,000</u>

Section 4. Authorization of Notes

In anticipation of the issuance of said bonds and to temporarily finance said improvements, negotiable notes of the City in a principal amount equal to the said principal of bonds not exceeding NINE HUNDRED FIFTY THOUSAND DOLLARS (\$950,000) are hereby authorized to be issued pursuant to the limitations prescribed by the Local Bond Law. All such note(s) shall mature at such time as may be determined by the Chief Financial Officer or such other Financial Officer designated by Resolution for these purposes (both being hereinafter referred to in this Section as Chief Financial Officer); provided that no note shall mature later than one (1) year from its issue date. Such note(s) shall bear interest at a rate or rates and shall be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer shall determine all matters in connection with any note(s) issued pursuant to this Ordinance, and the signature of the Chief Financial Officer upon such note(s) shall be conclusive evidence as to all such determinations. The Chief Financial Officer is hereby authorized to sell the note(s) from time to time at public or private sale in such amounts as the Chief Financial Officer may determine and not less than par, and to deliver the same from time to time to the purchasers thereof upon receipt of the purchase price plus accrued interest from their dates to the date of delivery thereof as payment thereof. Such Chief Financial Officer is authorized and directed to report in writing to the Mayor and the Council of the City at the meeting next succeeding the date when any sale or delivery of the note(s) pursuant to this Ordinance is made. Such report shall include the amount, the description, the interest rate, the maturity schedule of the

note(s) sold, price obtained and the name of the purchaser. All note(s) issued hereunder may be renewed from time to time for periods not exceeding one (1) year for the time period specified in and in accordance with the provisions and limitations of N.J.S.A. 40A:2-8(a) of the Local Bond Law. The Chief Financial Officer is further directed to determine all matters in connection with said note or notes and not determined by this Ordinance. The Chief Financial Officer's signature upon said note(s) shall be conclusive evidence of such determination.

Section 5. Capital Budget

The City hereby certifies that it has adopted a capital budget which conforms to the provisions of this bond ordinance. The resolution in the form promulgated by the Local Finance Board showing full detail of the capital budget and capital program is on the file with the Clerk and is available there for public inspection.

Section 6. Additional Matters

The following additional matters are hereby determined, declared and recited and stated:

(a) The said purposes described in Section 3 of this bond ordinance are not current expenses and are properties or improvements which the City may lawfully undertake as a self-liquidating purpose of a municipal public utility. No part of the cost thereof has been or shall be specifically assessed on property specifically benefited thereby.

(b) The period of usefulness of said purposes authorized herein as determined in accordance with the Local Bond Law is **40 years**.

(c) The supplemental debt statement required by the Local Bond Law has been duly prepared and filed in the office of the City Clerk and a complete duplicate thereof has been electronically filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey, and such statement shows that the gross debt of the City as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided for in this bond ordinance by NINE HUNDRED FIFTY THOUSAND DOLLARS (\$950,000), and that the net debt of the City determined as provided in the Local Bond Law is not increased by this bond ordinance. The said obligations authorized by this bond ordinance will be within the debt limitations prescribed by the Local Bond Law.

(d) Amounts not exceeding ONE HUNDRED FORTY-TWO THOUSAND DOLLARS (\$142,000) in the aggregate for interest on said obligations, costs of issuing said obligations, architectural, engineering and inspection costs, legal expenses, a reasonable proportion of the compensation and expenses of employees of the City in connection with the acquisition of such improvement and property as authorized herein, and other items of expense listed in and permitted under Section 40A:2-20 of the Local Bond Law have been

included as part of the costs of said improvement and are included in the foregoing estimate thereof.

(e) This bond ordinance authorize obligations of the City solely for purposes described in N.J.S.A. 40A:2-7(h). The obligations authorized herein are to be issued for a purpose that is deemed to be self-liquidating pursuant to N.J.S.A 40A:2-47(a) and are deductible from gross debt pursuant to N.J.S.A. 40A:2-44(c).

Section 7. Ratification of Prior Actions

Any action taken by any officials of the City in connection with the improvements described in Section 3 hereof are hereby ratified and confirmed notwithstanding that such actions may have been taken prior to the effective date of this bond ordinance and shall be deemed to have been taken pursuant to this bond ordinance.

Section 8. Application of Grants

Any grant moneys received for the purpose described in Section 3 hereof shall be applied either to direct payment of the cost of the improvement or to payment of the obligations issued pursuant to this bond ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are so used.

Section 9. Full Faith and Credit

The full faith and credit of the City are hereby pledged to punctual payment of the principal and interest on the said obligations authorized by this bond ordinance. Said obligations shall be direct, unlimited obligations of the City, and the City shall be obligated to levy *ad valorem* taxes upon all of the taxable property within the City for the payment of said obligations and interest thereon without limitation of rate or amount.

Section 10. Official Intent to Reimburse Expenditures

The City reasonably expects to reimburse any expenditures towards the cost of the improvement or purpose described in Section 3 of this bond ordinance and paid prior to the issuance of any bonds or notes authorized by this bond ordinance with the proceeds of such bonds or notes. No funds from sources other than the bonds or notes authorized herein has been or is reasonably expected to be reserved, allocated on a long-term basis or otherwise set aside by the City, or any member of the same "control group" as the City, within the meaning of Treasury Regulations Section 1.150-1(f), pursuant to their budget or financial policies with respect to any expenditures to be reimbursed. This Section is intended to be and hereby is a declaration of the City's official intent to reimburse any expenditures towards the costs of the improvement or purpose described in Section 3 hereof to be incurred and paid prior to the issuance of bonds or notes authorized herein in accordance with Treasury Regulations Section 1.103-18, and no action (or inaction) will be an artifice or device in accordance with Treasury Regulation Section yield restrictions or arbitrage rebate requirements.

Section 11. Effective Date

This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption, as provided by said Local Bond Law.

PHILIP J. GUENTHER, MAYOR

FIRST READING:	November 7, 2018
PUBLICATION:	November 12, 2018
FINAL READING:	December 5, 2018
PUBLICATION WITH STATEMENT:	December 10, 2018

ORDINANCE NO. 26 of 2018

BOND ORDINANCE APPROPRIATING TWO MILLION FOUR HUNDRED THOUSAND DOLLARS (\$2,400,000) AND AUTHORIZING THE ISSUANCE OF TWO MILLION TWO HUNDRED EIGHTY THOUSAND DOLLARS (\$2,280,000) IN BONDS AND NOTES OF THE CITY OF BRIGANTINE FOR THE DESIGN AND CONSTRUCTION OF STREETScape PROJECTS TO BE UNDERTAKEN BY THE CITY OF BRIGANTINE, IN THE COUNTY OF ATLANTIC, NEW JERSEY

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BRIGANTINE, COUNTY OF ATLANTIC AND STATE OF NEW JERSEY, (with the affirmative concurrence of not less than two-thirds of all the members thereof) AS FOLLOWS:

Section 1. Appropriation for Project-Down Payment

The improvements described in Section 3 of this Bond Ordinance are hereby respectfully authorized as general improvements to be made or acquired by the City of Brigantine, in the County of Atlantic, New Jersey (the “City”). For said improvements or purposes stated in Section 3, there are hereby appropriated the sums of money therein stated as the appropriations made for said improvements or purposes, said sums being inclusive of all appropriations heretofore made therefore and amounting in the aggregate to TWO MILLION FOUR HUNDRED THOUSAND DOLLARS (\$2,400,000), including the aggregate sum of ONE HUNDRED TWENTY THOUSAND DOLLARS (\$120,000), being five percent (5%) of the obligations authorized by this Bond Ordinance as required pursuant to N.J.S.A. 40A:2-11 and having been made available prior to final adoption of this Bond Ordinance by provisions in prior or current budgets of the City for capital improvements and down payments, including also other monies received from the United States of America, the State of New Jersey or the County of Atlantic, or agencies thereof, as grants in aid of financing said improvements or purposes.

Section 2. Authorization of Bonds

For the financing of said improvements or purposes and to meet the TWO MILLION FOUR HUNDRED THOUSAND DOLLARS (\$2,400,000) appropriation, negotiable bonds of the City are hereby authorized to be issued in the maximum principal amount of TWO MILLION TWO HUNDRED EIGHTY THOUSAND DOLLARS (\$2,280,000) pursuant to the Local Bond Law of New Jersey (the “**Local Bond Law**”) and any other law applicable thereto. In anticipation of the issuance of said bonds and to temporarily finance said improvements or purposes stated in Section 3, negotiable note(s) of the City in the maximum principal amount of TWO MILLION TWO HUNDRED EIGHTY THOUSAND DOLLARS (\$2,280,000) are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. Description of Projects

The improvements hereby authorized and the purposes for the financing of which said obligations are to be issued, the appropriations made for and the estimated costs of such purposes (including all work or materials necessary therefore or incidental thereto), and the estimated maximum amount of bonds or notes to be issued for such purposes are as follows:

IMPROVEMENT OR <u>PURPOSE</u>	<u>APPROPRIATION AND ESTIMATED COST</u>	<u>AMOUNT OF BONDS OR NOTES</u>
(a) Design and Construction of the Lighthouse District Streetscape Improvement Project, including without limitation replacement of sidewalks and driveways with brick pavers, installation of lighting, landscaping and street furniture, installation of handicap ramps at street intersections, together with all other necessary or desirable structures, appurtenances and work or materials, including the costs of surveying, design, construction planning, engineering, preparation of plans and specifications, permits, bid documents, construction management, construction inspection and administration.	\$1,200,000	\$1,140,000
(b) Design and Construction of Streetscape Improvement Project from 30 th Street South to 35 th Street South, including without limitation replacement of sidewalks and driveways with brick pavers, installation of lighting, landscaping and street furniture, installation of handicap ramps at street intersections, and upgrades to NJ Transit bus stops, together with all other necessary or desirable structures, appurtenances and work or materials, including the costs of surveying, design, construction planning, engineering, preparation of plans and specifications, permits, bid documents, construction management, construction inspection and administration.	<u>\$1,200,000</u>	<u>\$1,140,000</u>
TOTAL	<u>\$2,400,000</u>	<u>\$2,280,000</u>

The excess of the appropriation made for such improvements or purposes aforesaid over the estimated maximum amount of bonds or notes to be issued therefore, as stated above, not including the amount of any grant, is the amount of the said down payments for said purposes.

Section 4. Authorization of Notes

In anticipation of the issuance of said bonds and to temporarily finance said improvements, negotiable notes of the City in a principal amount equal to the said principal of bonds not exceeding of TWO MILLION TWO HUNDRED EIGHTY THOUSAND DOLLARS (\$2,280,000) are hereby authorized to be issued pursuant to the limitations prescribed by the

Local Bond Law. All such note(s) shall mature at such time as may be determined by the Chief Financial Officer or such other Financial Officer designated by Resolution for these purposes (both being hereinafter referred to in this Section as Chief Financial Officer); provided that no note shall mature later than one (1) year from its issue date. Such note(s) shall bear interest at a rate or rates and shall be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer shall determine all matters in connection with any note(s) issued pursuant to this Ordinance, and the signature of the Chief Financial Officer upon such note(s) shall be conclusive evidence as to all such determinations. The Chief Financial Officer is hereby authorized to sell the note(s) from time to time at public or private sale in such amounts as the Chief Financial Officer may determine and not less than par, and to deliver the same from time to time to the purchasers thereof upon receipt of the purchase price plus accrued interest from their dates to the date of delivery thereof as payment thereof. Such Chief Financial Officer is authorized and directed to report in writing to the Mayor and the Council of the City at the meeting next succeeding the date when any sale or delivery of the note(s) pursuant to this Ordinance is made. Such report shall include the amount, the description, the interest rate, the maturity schedule of the note(s) sold, price obtained and the name of the purchaser. All note(s) issued hereunder may be renewed from time to time for periods not exceeding one (1) year for the time period specified in and in accordance with the provisions and limitations of N.J.S.A. 40A:2-8(a) of the Local Bond Law. The Chief Financial Officer is further directed to determine all matters in connection with said note or notes and not determined by this Ordinance. The Chief Financial Officer's signature upon said note(s) shall be conclusive evidence of such determination.

Section 5. Capital Budget

The City hereby certifies that it has adopted a capital budget which conforms to the provisions of this bond ordinance. The resolution in the form promulgated by the Local Finance Board showing full detail of the capital budget and capital program is on the file with the Clerk and is available there for public inspection.

Section 6. Additional Matters

The following additional matters are hereby determined, declared and recited and stated:

(a) The said purposes described in Section 3 of this Bond Ordinance are not current expenses and are properties or improvements which the City may lawfully require or make as a general improvement, and no part of the cost thereof has been or shall be specifically assessed on property specifically benefited thereby.

(b) The period of usefulness of said purposes authorized herein as determined in accordance with the Local Bond Law is **10 years**.

(c) The supplemental debt statement required by the Local Bond Law has been duly prepared and filed in the office of the City Clerk and a complete duplicate thereof has been electronically filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey, and such statement

shows that the gross debt of the City as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided for in this bond ordinance by of TWO MILLION TWO HUNDRED EIGHTY THOUSAND DOLLARS (\$2,280,000), and the said obligations authorized by this bond ordinance will be within the debt limitations prescribed by the Local Bond Law.

(d) Amounts not exceeding ONE HUNDRED SEVEN-FIVE THOUSAND DOLLARS (\$175,000) in the aggregate for interest on said obligations, costs of issuing said obligations, architectural, engineering and inspection costs, legal expenses, a reasonable proportion of the compensation and expenses of employees of the City in connection with the acquisition of such improvement and property as authorized herein, and other items of expense listed in and permitted under Section 40A:2-20 of the Local Bond Law have been included as part of the costs of said improvement and are included in the foregoing estimate thereof.

Section 7. Ratification of Prior Actions

Any action taken by any officials of the City in connection with the improvements described in Section 3 hereof are hereby ratified and confirmed notwithstanding that such actions may have been taken prior to the effective date of this bond ordinance and shall be deemed to have been taken pursuant to this bond ordinance.

Section 8. Application of Grants

Any grant moneys received for the purpose described in Section 3 hereof shall be applied either to direct payment of the cost of the improvement or to payment of the obligations issued pursuant to this bond ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are so used.

Section 9. Full Faith and Credit

The full faith and credit of the City are hereby pledged to punctual payment of the principal and interest on the said obligations authorized by this bond ordinance. Said obligations shall be direct, unlimited obligations of the City, and the City shall be obligated to levy *ad valorem* taxes upon all of the taxable property within the City for the payment of said obligations and interest thereon without limitation of rate or amount.

Section 10. Official Intent to Reimburse Expenditures

The City reasonably expects to reimburse any expenditures towards the cost of the improvement or purpose described in Section 3 of this Bond Ordinance and paid prior to the issuance of any bonds or notes authorized by this Bond Ordinance with the proceeds of such bonds or notes. No funds from sources other than the bonds or notes authorized herein has been or is reasonably expected to be reserved, allocated on a long-term basis or otherwise set aside by the City, or any member of the same "control group" as the City, within the meaning of Treasury Regulations Section 1.150-1(f), pursuant to their budget or financial policies with respect to any expenditures to be reimbursed. This Section is intended to be and hereby is a declaration of the City's official intent to reimburse any expenditures towards the costs of the improvement or

purpose described in Section 3 hereof to be incurred and paid prior to the issuance of bonds or notes authorized herein in accordance with Treasury Regulations Section 1.103-18, and no action (or inaction) will be an artifice or device in accordance with Treasury Regulation Section yield restrictions or arbitrage rebate requirements.

Section 11. Effective Date

This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption, as provided by said Local Bond Law.

PHILIP J. GUENTHER, MAYOR

FIRST READING:	November 7, 2018
PUBLICATION:	November 12, 2018
FINAL READING:	December 5, 2018
PUBLICATION WITH STATEMENT:	December 10, 2018

CITY OF BRIGANTINE

ORDINANCE NO. 27 OF 2018

**“AN ORDINANCE AUTHORIZING THE ACQUISITION OF
BLOCK 103, LOT 7 A/K/A 103 12th STREET NORTH
IN THE CITY OF BRIGANTINE
FOR THE AMOUNT OF \$125,000
PURSUANT TO N.J.S.A. 40A:12-5”**

WHEREAS, it has come to the attention of City Council that Block 103, Lot 7, a/k/a 103 12th Street North, in the City of Brigantine is available for purchase from its current owners; and

WHEREAS, City Council has determined that the purchase of the property located at Block 103, Lot 7, a/k/a 103 12th Street North, Brigantine, would be in the best interest of the citizens of Brigantine due to the location of the property and the potential for future use as part of the 12th Street North Pump Station Project; and

WHEREAS, such purchase is consistent with the statutes of the State of New Jersey and the Ordinances of the City of Brigantine; and

WHEREAS, the present owner is willing to sell the property to the City for One Hundred Twenty-five Thousand (\$125,000.00); and

WHEREAS, the City has determined that said value is consistent with the market for property in the area and is a fair price; and

WHEREAS, the City has funds sufficient to pay for the property pursuant to the 2018 Municipal Budget, and the CFO will certify to the existence of said funds; and

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

SECTION 1: The City Manager, Mayor, City Clerk, City Solicitor are hereby authorized to execute any and all documents necessary to effectuate the purchase of Block 103, Lot 7, a/k/a

103 12th Street North, Brigantine, New Jersey, and the CFO is authorized to release the sum of \$125,000.00, and any additional sums for any incidental costs for the completion of the transaction to purchase such property, including closing costs, survey, title search, title insurance, recording of title, etc.; and

SECTION 2: If any section, paragraph subsection, clause or provision of this ordinance shall be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of remaining portions of the Ordinance.

SECTION 3: All ordinances of the City of Brigantine heretofore adopted that are inconsistent with any terms and provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

SECTION 4: This Ordinance shall take effect immediately upon its final passage and publication according to law.

ATTESTED:

CITY OF BRIGANTINE

LYNN SWEENEY, CITY CLERK

By: _____
PHILIP A. GUENTHER., MAYOR

November 7, 2018: First Reading
November 12, 2018: Publication
December 5, 2018: Second Reading
December 10, 2018: Publication

CITY OF BRIGANTINE

RESOLUTION NO. 2018-

**RESOLUTION AUTHORIZING EXECUTION OF AGREEMENT WITH
VOLUNTEERS OF AMERICA- DELAWARE VALLEY TO PROVIDE AFFORDABLE
UNITS PURSUANT TO SETTLEMENT OF THIRD ROUND MOUNT LAUREL
LITIGATION**

WHEREAS, the City of Brigantine was a declaratory judgment petitioner in Third Round voluntary compliance Mount Laurel proceedings encaptioned In the Matter of the Application of the City of Brigantine, Docket No. ATL-L-1504-15 (Mount Laurel) which was case managed by The Honorable Nelson C. Johnson, J.S.C. with assistance of Court Master The Honorable Steven P. Perskie, J.S.C. (ret'd); and

WHEREAS, the City has agreed upon its Third Round fair share number and unmet need and compliance techniques that will be used to address the number with Fair Share Housing Center ("FSHC") which is a Supreme Court recognized interested party in all Mount Laurel proceedings pending in the State; and

WHEREAS, under Judge Perskie's supervision and guidance, the City has been able to agree upon the City's Third Round fair share obligation and unmet need and the compliance techniques that will be used to satisfy that number which is documented in a Settlement Agreement under date of May 7, 2018; and

WHEREAS, the New Jersey Supreme Court and the New Jersey Legislature have recognized and mandated in So. Burl. Co. NAACP v. Mount Laurel, 92 N.J. 158 (1983) ("Mount Laurel II") and the Fair Housing Act. N.J.S.A. 52:27D-301, et seq. ("FHA") that every municipality in New Jersey has an affirmative obligation to facilitate the provisions of affordable housing; and

WHEREAS, pursuant to the terms of the Settlement Agreement, Brigantine and FSHC have agreed that Brigantine will enter into an Agreement with Volunteers of America- Delaware Valley (“VOADV”) to provide five (5) apartments/ units which will have either one or two bedrooms for veterans and their families; and

WHEREAS, the purpose of this Resolution is to authorize the execution of the Agreement with VOADV; and

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Brigantine that the Agreement attached hereto with VOADV is hereby approved and that the Mayor and City Clerk are authorized to execute same on the City's behalf.

BE IT FURTHER RESOLVED that the City's attorneys and staff be and are hereby authorized and directed to file the Agreement with the Court.

Adopted:

CERTIFICATION

I, Lynn Sweeney, City Clerk of the City of Brigantine, do hereby certify that the above Resolution was considered and adopted by the City Council of the City of Brigantine at a regularly advertised meeting held on November 7, 2018.

Lynn Sweeney, RMC, City Clerk

[SEAL]

**CITY OF BRIGANTINE
RESOLUTION 2018-**

**Resolution of Support from Local Governing Body Authorizing
An Application for the Flood Mitigation Assistance Program
Administered by the Federal Emergency Management Agency**

WHEREAS, the City of Brigantine qualifies for the Flood Mitigation Assistance (FMA) Programs administered by the Federal Emergency Management Agency (FEMA); and

WHEREAS, the Flood Mitigation Assistance (FMA) program provided funding to assist in efforts to reduce or eliminate the risks of repetitive flood damage to buildings and structures insurable under the National Flood Insurance Program (NFIP); and

WHEREAS, eligible activities for the FMA Programs include: property acquisition and structure demolition or relocation and structure elevation; and

WHEREAS, the City of Brigantine strives to save tax dollars; assist homeowners to recover from Superstorm Sandy; assure clean land, air and water; and improve working and living environments; and

WHEREAS, the City of Brigantine wishes to apply for funding through the FEMA FMA Program to assist property owners to elevate their homes; and

NOW THEREFORE, BE IT RESOLVED, that the City Council of the City of Brigantine, State of New Jersey, hereby supports and authorizes the Flood Mitigation Assistance (FMA) Programs application.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to submit a grant application to the Federal Emergency Management Agency of the U. S. Department of Homeland Security.

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 7TH day of November 2018.

City of Brigantine

Resolution 2018-

Approval to Submit a Grant Application and Execute a Grant Agreement with the U. S. Department of Homeland Security for the FY 2018 FEMA Pre-Disaster Mitigation Program

WHEREAS, the U. S. Department of Homeland Security for the FY 2018 FEMA Pre-Disaster Mitigation Program; and

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

WHEREAS, this grant program requires a 25 percent local match from the municipality; 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

WHEREAS, the Pre-Disaster Mitigation Program may fund generators for critical facilities identified in a FEMA approved Mitigation Plan among other priorities; and

NOW, THEREFORE, BE IT RESOLVED that City Council of the City of Brigantine formally approves that grant application to fund an emergency generator for the Public Works Building.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to submit a grant application to the U. S. Department of Homeland Security.

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 7TH day of October 2018.

City of Brigantine

Resolution 2018-

A Resolution Authorizing the Grant Application and Execution of an Agreement for a Resilient NJ Grant

Whereas, as part of the National Disaster Resilience Competition the United States Department of Housing and Urban Development (HUD) awarded New Jersey a grant to advance regional planning initiatives in the nine counties designated Most Impacted and Distressed from Hurricane Sandy by HUD; and

Whereas, this grant is being used to fund the Resilient NJ Program; and

Whereas, the New Jersey Department of Environmental Protection (DEP) will fund Regional Teams consisting of at least three contiguous municipalities to participate in a comprehensive planning process; and

Whereas, the process will result in the development of Regional Resilience and Adaptation Action Plans and in Regional Teams implementing selected actions from these plans; and

Whereas, the grant funds can be used for data gathering, studies, analysis, and preparation of plans. The funds cannot be used for creating engineering or architectural drawings in support of construction. However, these funds can be used to advance analysis for long-range planning and solutions; and

Whereas, the City of Brigantine wishes to apply for this grant in conjunction with contiguous municipalities to continue regional back bay protection planning by using such concepts as thin layer application, filling dredge holes, restoring wetlands areas, and similar techniques using dredge material; and

Whereas, the City of Ventnor has agreed to be the Prime for this grant and will be responsible for meeting the requirements of this grant; and

Whereas, said grant will help fund a priority project in the City of Brigantine.

Now Therefore, be it Resolved that the City of Brigantine authorizes that a grant application be submitted for a Resilient NJ grant; and

Be It Further Resolved, that the City of Brigantine is committed to participating in the Resilient NJ Planning Grant Program to undergo a comprehensive planning approach to identify and address vulnerabilities to increased flood risk, protection of environmental resources, and promotion of sustainable/smart growth development;

Be It Further Resolved, that the City of Brigantine will:

- Fulfill the requirements as a Regional Team member by:

1. Supporting the Regional Team Prime in their role as the single entity representing the region and who is responsible for coordinating the activities of each team member to complete the regional action plan;
2. Actively participating in Program meetings and activities;
3. Providing review and feedback on draft products and final deliverables; and
4. Submit to the Regional Team Prime timesheets, receipts, and other documents necessary to support requests for reimbursement when requested, on a monthly basis.

- Attendance at all meetings.
- Engage and participate in outreach efforts.
- Provide data and information as requested.
- Identify potential resilience projects and initiatives.
- Provide meeting support, space, and resources.

Be It Further Resolved that the governing body of the City of Brigantine authorizes the execution of a grant agreement and associated documents for the Resilient NJ Program.

The City Clerk of the City of Brigantine, hereby certify that this resolution was duly adopted by the Brigantine Governing Body at a meeting held on the ____day of ____, 2018; that this resolution has not been amended or repealed; and that it remains in full force and effect on the date I have subscribed my signature.

Signature of City Clerk

Print Name and Title of City Clerk

Date

**CITY OF BRIGANTINE
RESOLUTION NO. 2018-**

**RESOLUTION DIRECTING THE DISTRIBUTION
OF THE CITY OF BRIGANTINE
NET RETURNED SURPLUS FUNDS
HELD IN TRUST BY THE
ATLANTIC COUNTY MUNICIPAL JOINT INSURANCE FUND**

WHEREAS, the City of Brigantine hereinafter referred to as MUNICIPALITY, participated as a member municipality of the Atlantic County Municipal Joint Insurance Fund, hereinafter referred to as FUND, for one or more of the following FUND fiscal years beginning January 1, 2005, January 1, 2006, January 1, 2007, January 1, 2008, January 1, 2009, January 1, 2010, January 1, 2011, January 1, 2012, January 1, 2013 **and**

WHEREAS, the FUND is a statutory filed municipal joint insurance fund as defined in N.J.A.C. 11:15-2.1 et seq., **and**

WHEREAS, the MUNICIPALITY joined the FUND knowing that membership carries with it joint and several liability with all other member municipalities for each year of the MUNICIPALITY's membership, **and**

WHEREAS, the MUNICIPALITY understands that the FUND's Executive Committee are the only persons authorized in law to make decisions as to when and how much of any available statutory surplus will be released by the FUND, **and**

WHEREAS, the MUNICIPALITY understands that the FUND's Executive Committee are the only persons authorized in law to make decisions as to when and how much of any projected deficit will be declared as an additional assessment due to the FUND, **and**

WHEREAS, the MUNICIPALITY understands that Available Statutory Surplus is defined to be the amount of money in excess of the projected value of claims by line of coverage, plus an actuarially determined value for Incurred But Not Reported claims, subject to the surplus reserve calculations as defined in N.J.A.C. 11:15-4.6 et seq., and subject to review and approval by the Department of Banking and Insurance and Department of Community Affairs, State of New Jersey, prior to release by the Executive Committee of the FUND, **and**

WHEREAS, the MUNICIPALITY understands that it remains jointly and severally liable into perpetuity despite the earlier release of Available Statutory Surplus due to the possibility that a FUND year wherein a return of Statutory Surplus has been duly authorized could later be presented with a claim for which it could be responsible causing a demand for an additional assessment from each participating member municipality of that FUND year, **and**

WHEREAS, the MUNICIPALITY understands that it remains jointly and severally liable into perpetuity despite the earlier collection of an additional assessment due to the possibility that a FUND year wherein an additional assessment has been duly authorized could later be presented with a need for additional assessments from each participating member municipality of that FUND year, **and**

WHEREAS, the MUNICIPALITY understands that its options for directing the distribution of its net share of released Statutory Surplus to be as follows:

1. Direct the FUND to apply the MUNICIPALITY's share to the MUNICIPALITY's premium as a credit in the next FUND fiscal year (N.J.A.C. 11:15-4.21(e)),
2. Direct the FUND to issue a check to the MUNICIPALITY for the MUNICIPALITY's share,
3. Direct the FUND to apply the MUNICIPALITY's share to the FUND's Aggregate Excess Loss Contingency Fund (A.E.L.C.F.), which provides member municipalities with an available individual contingency balance for use in satisfying any possible need for a supplemental assessment for any year they were a member and an annual capacity to use all or a portion of a member municipality's available balance in offsetting future premiums, **or**
4. Direct the FUND to apportion the MUNICIPALITY's share as a stated dollar amount among options 1, 2 and 3 above such that the sum total of allocated dollars equals the amount of the Net Distribution available to the MUNICIPALITY as noted above.

NOW THEREFORE, the MUNICIPALITY directs the FUND to distribute the MUNICIPALITY's share of its Net Distribution as follows (**check the boxes that apply**):

- Apply a portion of the amount as a credit to the MUNICIPALITY's next FUND Year premium.
- Apply a portion of the amount as a check to the MUNICIPALITY.
- Apply a portion or the full amount to the MUNICIPALITY's share of the FUND's Aggregate Excess Loss Contingency Fund (A.E.L.C.F.).

Designate the full amount as follows (Sum of below must equal full dividend amount):

- **Credit** \$ _____
- **Check** \$ _____ (Requires voucher)
- **A.E.L.C.F.** \$ _____ (Requires Resolution)
- Total Dividend** \$ _____

This Resolution was duly adopted by the Governing Body of the

City of Brigantine at a Public Meeting held on November 7, 2018.

(Name of Municipality)

(Date)

City of Brigantine

Signature of Mayor

Name of Municipality

City of Brigantine

Signature of Clerk

Name of Municipality

RESOLUTION NO.

A RESOLUTION OF THE CITY OF BRIGANTINE AUTHORIZING AWARD OF BID FOR DISPOSAL SERVICE FOR RECYCLING AND SOLID WASTE CONTAINERS

WHEREAS, the City duly advertised for and accepted sealed bids on October 26, 2018 for Disposal Service for Recycling and Solid Waste Containers for the City of Brigantine; and

WHEREAS, John Doring, Public Works Director and Dennis Krause, Purchasing Agent has reviewed all bid documentation and recommended awarding a contract to Can of Worms, LLC; and

WHEREAS, the term of the contract is for three (3) years 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 authorizes award of contract to Can of Worms, LLC, 552 West Leeds Avenue, Absecon NJ 08201 based on their low bid.

BE IT FURTHER RESOLVED that Roxanne Tosto, Chief Financial Officer of the City of Brigantine certifies that funds are available for 2018 and shall be charged to Current Fund account 8-01-26-306-202. Funds for future calendar years are contingent upon the adoption of the Local Municipal Budgets and shall be charged to the appropriate accounts when purchase orders are issued. Estimated expenditures for 2018 should not exceed \$20,000.00 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 7th day of November 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 NO. 2018-

RESOLUTION AUTHORIZING AWARD OF CONTRACT TO
CONSTELLATION/NEW ENERGY INC. AND SOUTH JERSEY ENERGY
FOR THE PURCHASE OF ELECTRIC GENERATION SUPPLY SERVICE
THROUGH THE SOUTH JERSEY POWER COOPERATIVE

WHEREAS, The County of Camden, as the lead agent for the South Jersey Power Cooperative (SJPC), received and opened bids for the supply and delivery of Electricity to various South Jersey Power Cooperative locations; and

WHEREAS, Constellation/New Energy was awarded a contract for Rate Groups 1, 2 and 4 and South Jersey Energy for Rate Group 3 located within the Atlantic City Electric Company (ACE) service territory were the lowest responsible bidders for a service period of 24-months; and

NOW, THEREFORE BE IT RESOLVED by the Municipal Council of the City of Brigantine, County of Atlantic and State of New Jersey that Roxanne Tosto, Acting City Manager, is hereby authorized to enter into a Contract with the said Vendor, on behalf of the City of Brigantine, for the period of November 2018 through August 30, 2020.

BE IT FURTHER RESOLVED that Roxanne Tosto, Chief Financial Officer of the City of Brigantine, does hereby certify that the funds necessary to pay this bid shall be appropriated in the 2018 Current and Utility Fund Electric and Street Lighting line items. Funds for calendar year 2019 are contingent upon the adoption of the Local Municipal Budgets and shall be charged to the appropriate accounts when purchase orders are issued.

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 7th of November, 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-

A RESOLUTION AUTHORIZING THE AWARD OF CONTRACT
TO CROWN PIPELINE CONSTRUCTION CO. FOR THE EAST EVANS PUMP STATION
AND DRAINAGE IMPROVEMENTS PROJECT

WHEREAS, the City Council of the City of Brigantine authorized the acceptance of proposals on November 2, 2018 for the East Evans Pump Station and Drainage Improvements Project; and

WHEREAS, bids were received and the lowest bidder was Crown Construction Co., 3345 Delsea Drive, Frankllinville, NJ 08322, with a combined base bid along with alternate #1 in the amount of \$2,471,743.73 which was determined to be the lowest responsible bid; 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 bid submitted by Crown Construction Co is hereby determined to be the lowest responsible bid and is accepted by the City subject to the execution of an Agreement, the posting of proper Performance Guarantees and insurance as required by the bid documents in forms acceptable to the Municipal Attorney; and

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 Capital Accounts: C-04-14-013-104 (\$438,887.69), C-04-14-013-102 (\$944,193.51), C-04-14-013-101 (\$1,023,736.81) and C-04-14-013-107 (\$64,925.72) totaling \$2,471,743.73.

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 7th day of November, 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-
2018 BUDGET APPROPRIATIONS TRANSFER**

WHEREAS, N.J.S.A. 40A-58 provides for appropriation transfers during the last two (2) months of the fiscal year, when it has been determined that it is necessary to expend for any of the purposes specified in the budget an amount in excess of the sum appropriated therefore, and when it has been further determined that there is an excess in any appropriation over and above the amount deemed to be necessary to fulfill the purpose of such appropriation.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Brigantine, County of Atlantic, State of New Jersey, that the Chief Financial Officer be and the same is hereby authorized to make transfers among the 2018 budget appropriations as follows:

CURRENT FUND	FROM	TO
General Administration –Sal &Wages	15,000.00	
General Administration – OE		10,000.00
Police-Sal & Wages	1,000.00	
OEM-Sal & Wages		1,000.00
PW-PB&G-Sal & Wages	5,000.00	
PW-PB&G-OE		28,000.00
Streets & Roads- OE		15,000.00
PW-Recycling Sal & Wages	10,000.00	
Beach Fee-Sal & Wages	25,000.00	
Beach Fee-OE		20,000.00
Beach Patrol-Sal & Wages	10,000.00	
Vehicle Mtce-OE	15,000.00	
Utility- Electric		5,000.00
Utility- Telephone		10,000.00
Utility-Natural Gas		5,000.00
Contractual		7,000.00
Social Security	20,000.00	
Total- Current Fund	<u>\$101,000.00</u>	<u>\$101,000.00</u>

This is to certify that the above is a true and correct copy of a resolution passed by the City Council of the City of Brigantine, County of Atlantic, State of New Jersey at their meeting held on November 7, 2018.

Lynn Sweeney, RMC, City Clerk

**CITY OF BRIGANTINE
RESOLUTION 2018-204**

A RESOLUTION AUTHORIZING DUNE MAINTENANCE PERMITS FOR 2018

The City Council of the City of Brigantine resolves that:

WHEREAS, the City of Brigantine requires permits for Dune Maintenance Activities, and

WHEREAS, the City of Brigantine has, pursuant to various ordinances, a set fee schedule for Brigantine Dune Maintenance Activity Permits, being \$300.

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

1. Authorization for Dune Maintenance Permits is granted to :

Stephen P. Bliss	405 20 th Street South
Bill Messick	12 Ocean Drive West
Robert O'Donnell	411 36 th Street South
Lou Bencardino	3700 Ocean Avenue
Krystal Beach	3901 Ocean Avenue
Angela & David Grande	403 16 th Street South

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, State of New Jersey at its meeting of November 7, 2018.

Lynn Sweeney, RMC
City Clerk

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 ***Gary & Lori Cooperstein, 18 Craig Lane, Malvern, PA 19355***, owner of the property located at ***312 29th Street South, (Block 2503, Lot 13)***, 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
2006-

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

November 7, 2018

BLOCK	LOT	QUAL	NAME	YEAR-QRT	AMOUNT
204	10.02	C000B	Crabtree, Jack Foundation Tile	2018-04	800.34
1405	3		Sherwood, Thomas Corelogic	2018-04	4654.03
2804	8.02	C000B	Correll, Francis & Deborah Corelogic	2018-04	1268.93
3902	36		Coco, Armand & Nancy Corelogic	2018-04	1281.75

**CITY OF BRIGANTINE
RESOLUTION 2018-**

BE IT RESOLVED, by the City Council of the City of Brigantine that the City Manager is herewith authorized to execute the Brigantine Government Worker's Union Local 300 Agreement for the terms set forth herein.

This is to certify that the above is a lawful copy of a resolution adopted by the City Council of the City of Brigantine, County of Atlantic, State of New Jersey at its meeting of November 7, 2018.

Lynn Sweeney, RMC
City Clerk