



City Manager to Initiate Activities as Recommended in the Brigantine Repetitive Loss Area Analysis; and Providing an Effective Date

M: S: RC: MC:

12. Resolution 2020-190 Re: Authorizing Award of Contract for the Reconstruction of Golf Paths, Holes #1 through #9

M: S: RC: MC:

13. Resolution 2020-191 Re: Award of Contract – Equipment and Supplies for City Beach Patrol

M: S: RC: MC:

14. Resolution 2020-192 Re: C.E.R. Refund

M: S: RC: MC:

15. Resolution 2020-193 Re: Real Estate Tax Refund

M: S: RC: MC:

16. Resolution 2020-194 Re: Adopting a Change to an Existing Deferred Compensation Plan

M: S: RC: MC:

17. Resolution 2020-195 Re: Adopting Changes to an Existing Deferred Compensation Plan

M: S: RC: MC:

18. Council Manager/Committee Discussion:

19. Public Comments

20. Council Comments

21. 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.

**ORDINANCE NO. 13 OF 2020**

**AN ORDINANCE OF THE CITY OF BRIGANTINE  
AUTHORIZING A PRIVATE PROPERTY SALE OF CERTAIN  
NON-BUILDABLE PROPERTY TO CONTIGUOUS PROPERTY OWNER(S)  
PURSUANT TO N.J.S.A. 40A:12-13(b)(5)**

**WHEREAS**, it has been deemed by the City of Brigantine that a certain parcel of city-owned land on the Tax Map of the City of Brigantine is not needed for public use; and

**WHEREAS**, it has been determined that the said parcel of land is a non-buildable lot as provided by in N.J.S.A. 40A:12-13(b)(5); and

**WHEREAS**, no capital improvements of the City of Brigantine are contained thereon;

**WHEREAS**, there are property owners owning property that is contiguous to the property being sold; and

**WHEREAS**, the Mayor and City Council of the City of Brigantine wish to sell the contiguous undersized lot to a contiguous land owner; and

**NOW, THEREFORE, BE IT ORDAINED** by the Mayor and City Council of the City of Brigantine, County of Atlantic and State of New Jersey, as follows:

**SECTION 1.** The following non-buildable parcel of real property owned by the City of Brigantine is offered for sale to the highest bidder among the adjoining property owners:

<u>BLOCK/LOT</u>	<u>ADDRESS/LOCATION</u>	<u>MINIMUM PRICE</u>
Portions of 2803/14	3318 Brigantine Avenue	\$1,800.00

Said non-buildable parcel(s) of real property are more fully described on the attached Exhibit "A".

**SECTION 2.** A copy of this Ordinance shall be posted on the bulletin board in City Hall, mailed to contiguous land owners, and advertisement made in the Press of Atlantic City

within five (5) days after enactment.

**SECTION 3.** No warranties of any kind are made with regard to these properties by the City of Brigantine.

**SECTION 4.** The successful bidder shall be prohibited from building upon the property purchased from the City of Brigantine, any separate dwelling unit as is defined in the Zoning Code of the City of Brigantine and further from seeking either from the Brigantine Board of Adjustment or Planning Board permission to build such dwelling unit. The successful bidder shall be permitted to construct an accessory building, such as is defined in the Zoning Code of the City of Brigantine and to use the property for any such accessory uses as the term is defined in said Zoning Code.

**SECTION 5.** An auction at which only the contiguous property owners may bid will be scheduled for the \_\_\_\_\_ day of \_\_\_\_\_, 2020, at \_\_\_\_\_ o'clock. The auction will occur in the Council Chambers of Brigantine City Hall at 1417 W. Brigantine Atlantic Avenue, Brigantine, New Jersey.

**SECTION 6.** Only contiguous property owners or a legal representative acting on their behalf, may come and bid at the auction.

**SECTION 7.** A deposit of Five Hundred Dollars (\$500.00) shall be required from the successful bidder, at the auction to be paid by cash or certified check payable to the City of Brigantine. The total deposit placed by the successful bidder shall be retained by the City as a non-refundable deposit and shall be considered as liquidated damages and not as a penalty, if the sale is not consummated pursuant to terms and conditions as set forth herein.

**SECTION 8.** Settlement between the City of Brigantine and the purchaser shall take place within thirty (30) days of the date of sale.

**SECTION 9.** The Successful bidder shall be responsible for the costs incurred by the City including, but not limited to advertising and publication, and title work, deed preparation and recording fees, and any other costs of this transaction.

**SECTION 10.** This Ordinance shall take effect immediately upon final adoption and publication in the manner provided by law.

ATTEST:

GOVERNING BODY OF  
THE CITY OF BRIGANTINE

\_\_\_\_\_  
Lynn Sweeney, City Clerk

BY: \_\_\_\_\_  
Vince Sera, Mayor

Introduction: October 7, 2020  
Publication: October 13, 2020  
Public Hearing and Adoption:

# DORAN

**ENGINEERING, PA**  
ENGINEERS • PLANNERS • SURVEYORS

840 NORTH MAIN STREET • PLEASANTVILLE, NJ 08232  
(609) 646-3111 FAX (609) 641-0592

Date 3/26/2020  
Block 2803, Lot 14

City of Brigantine  
County of Atlantic

## **Revocable License Area for the Parking Area & Patio Area**

All that certain, tract or parcel of land located in the City of Brigantine, County of Atlantic and State of New Jersey, bounded and described as follows:

**BEGINNING AT** a point in the Southerly line of Brigantine Avenue (100 feet wide), said point being North 48 degrees 45 minutes East 31.10 feet from the intersection of the Southerly line of Brigantine Avenue and the Easterly line of 34<sup>th</sup> Street South (60 feet wide) and extending; thence

1. North 41 degrees 15 minutes West a distance of 8.0 feet more or less to a point in the line of the concrete sidewalk; thence
2. North 48 degrees 45 minutes East a distance of 13.9 feet more or less to a point in the extended division line between Lots 14 and 15 in Block 2803 ; thence
3. South 41 degrees 15 minutes East along last mentioned division line a distance of 8.0 feet more or less to a point in the Southerly line of Brigantine Avenue; thence
4. South 48 degrees 45 minutes West along the Southerly line of Brigantine Avenue a distance of 13.9 feet to the point and place of BEGINNING.

Containing 111.2 Square Feet more or less

**BEGINNING AT** a point in the Easterly line of 34<sup>th</sup> Street South (60 feet wide), said point being South 41 degrees 15 minutes East a distance of 82.89 feet from the intersection the Easterly line of Brigantine Avenue (100 feet wide) and extending; thence

1. South 41 degrees 15 minutes East along the Easterly line of 34<sup>th</sup> Street South a distance of 42.0 feet to a point in the division line between Lots 13 and 14 in Block 2803; thence
2. South 48 degrees 45 minutes West along the extended division line between Lots 13 and 14 in Block 2803 a distance of 5.0 feet more or less to a point in the concrete sidewalk; thence
3. North 41 degrees 15 minutes West along said line of concrete sidewalk, 42.0 feet more or less to a point; thence
4. North 48 degrees 45 minutes East a distance of 5.0 feet more or less to a point in the Easterly line of 34<sup>th</sup> Street South and the point and place of BEGINNING.

Containing 210.0 square feet more or less.

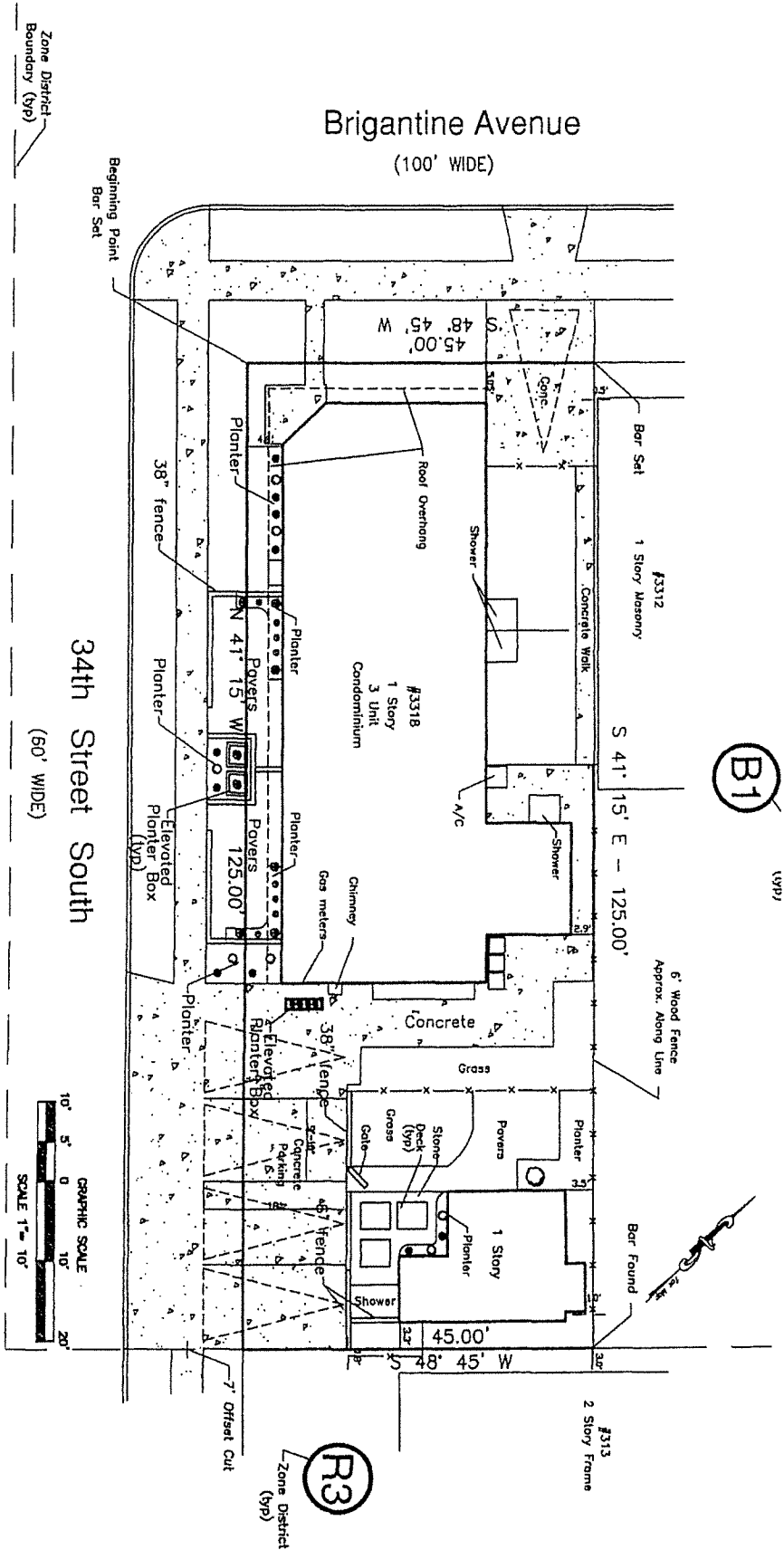
**BEGINNING AT** a point in the Easterly line of 34<sup>th</sup> Street South (60 feet wide), said point being South 41 degrees 15 minutes East a distance of 29.16 feet from the intersection the Easterly line of Brigantine Avenue (100 feet wide) and extending; thence

4. South 41 degrees 15 minutes East along the Easterly line of 34<sup>th</sup> Street South a distance of 44.42 feet to a point; thence
5. South 48 degrees 45 minutes West a distance of 5.0 feet more or less to a point in the concrete sidewalk; thence
6. North 41 degrees 15 minutes West along said line of concrete sidewalk, 44.42 feet more or less to a point; thence
2. North 48 degrees 45 minutes East a distance of 5.0 feet more or less to a point in the Easterly line of 34<sup>th</sup> Street South and the point and place of **BEGINNING**.

Containing 222.1 square feet more or less.

BEING shown and designated as Proposed Revocable License Areas as shown on plan entitled "Revocable License Plan, #3318 Brigantine Avenue, City of Brigantine, Block 2803, Lot 14" prepared by Doran Engineering, PA dated 12/13/19, revised to 3/26/2020.

Brigantine Avenue  
(100' WIDE)



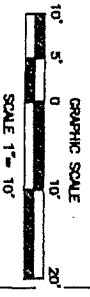
**(R3)** Zone District (yp)

**(B1)** (yp)

**(R3)** Zone District (yp)

**SITE/USE VARIANCE PLAN**

SCALE 1" = 10'



34th Street South  
(60' WIDE)



**CITY OF BRIGANTINE**  
**ORDINANCE #140F 2020**

**AN ORDINANCE AMENDING THE CITY CODE AT CHAPTERS 181 AND 198  
REGARDING ENCLOSED AREAS, NON-CONVERSION AGREEMENTS, AND  
CHANNELS**

**WHEREAS**, the City Council of Brigantine desires to enhance its Community Rating System class and safeguard its residents from flood hazard; and

**WHEREAS**, the City Council of Brigantine has adopted its Watershed Management Plan pursuant to Resolution \_\_\_\_\_; and

**WHEREAS**, the City Council of Brigantine desires to amend its Flood Damage Prevention and Land Use ordinances in order to protect property from flood hazard.

**NOW, THEREFORE BE IT ORDAINED** by the City Council of the City of Brigantine, County of Atlantic and State of New Jersey that the City Code, specifically Chapters 181 and 198, be and hereby is amended as follows:

**SECTION 1.**

§181-5 shall be modified to include the following definition:

**DESIGN FLOOD ELEVATION**

The Design Flood Elevation shall be the Base Flood Elevation (BFE) designated on the most recent Flood Insurance Rate Map (FIRM) used for regulatory purposes plus the required freeboard used to specify the minimum elevation of the bottom of the lower most floor pursuant to §181-17. Any material installed below the Design Flood Elevation (DFE) shall be flood resistant materials.

**SECTION 2.**

§181-12 shall be modified to include the following definition:

**§ 181-12. Establishment of development permit.**

E. In addition to the aforementioned information, the following is required:

- (1) Upon development completion and following the final inspection, a non-conversion agreement signed by the developer and/or property owner shall be submitted to the Brigantine City Construction Office and be recorded with the deed for the property with the Atlantic County Clerk's Office. This non-conversion agreement is a prerequisite to the issuance of a Certificate of Occupancy. The non-conversion agreement shall be enforced through the Brigantine City Construction Office and include the following conditions:
  - (a) The owner and or/developer will not convert or alter the area below the lowest floor elevated above the Design Flood Elevation what has been initially constructed and approved in such a way that would make the enclosure and structure more susceptible to flood damage.
  - (b) The area below the lowest floor elevated above the design flood elevation shall never be used for human habitation or any use excepting vehicle parking, limited storage, or building access without first becoming

compliant with this ordinance.

- (c) The owner and/or developer shall grant staff of the Brigantine City Construction Office entry and permission to inspect the enclosed area at any time to ensure compliance with the non-conversion agreement.
- (d) Mechanical, electrical, and/or plumbing devices that service the building shall not be installed below the Design Flood Elevation minus 1.0 foot.
- (e) Any openings in the walls of the enclosed shall not be blocked, obstructed, or otherwise altered to reduce the size of the openings or restrict the automatic entry and exit of floodwater.
- (f) All interior walls, ceilings, and floors beneath the lowest horizontal structural member of the lowest floor shall remain unfinished or constructed of flood-resistant materials.
- (g) The agreement shall run with the land and be enforceable while the approved structure is extant, regardless of ownership. Information regarding the non-conversion agreement shall be disclosed to successive property owners.
- (h) Any breach of this agreement shall constitute a violation of Chapter 126 of the Brigantine City Code of Ordinances.

### **SECTION 3.**

§198-31 shall be modified to include the following rule:

E. No zoning or development permit shall be issued for a project that entails the modification, development, or alteration of existing natural channels excepting those projects that enhance the ecological functions of natural channels.

F. Should a development or zoning permit request entail channel improvement projects not impacting natural channels, Brigantine City recommends the use of natural approaches, such as those outlined in the “Ecological Solutions Involving Tidal Marshes” section of *Building Ecological Solutions to Coastal Community Hazards: A Guide for New Jersey Coastal Communities*.

(1) “Natural channels” shall be defined as bodies of water not already protected by maintained sand dunes or bulkheads.

(2) Any channels owned by the City of Brigantine that are not already actively maintained or developed shall have their shorelines preserved in their natural state.

### **SECTION 4. Repealer, Severability, and Effective Date.**

**Repealer.** Any and all Ordinances or parts of Ordinances inconsistent with the terms of this Ordinance are hereby repealed to the extent of any such inconsistencies.

**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 extent that it allows the City to meet the goals of the ordinance.

**Effective Date.** This Ordinance shall take effect upon proper passage and approval in accordance with the law.

Introduction:

Adoption:

**CITY OF BRIGANTINE  
ORDINANCE NO. 15 OF 2020**

**AN ORDINANCE AMENDING CHAPTER 284 OF THE CODE OF THE CITY  
OF BRIGANTINE AS IT RELATES TO HANDICAP PARKING SPACES**

**WHEREAS**, state statute specifically allows municipalities to establish restrictive parking zones in front of residences occupied by handicap persons; and

**WHEREAS**, a request has been made by the City of Brigantine Police Department concerning the withdraw of a handicap parking space that is no longer needed; and

**WHEREAS**, the space set forth in this Ordinance has been investigated by the Brigantine Police Department who have recommended the same.

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

**SECTION 1:** Section 284-59 of the Code of the City of Brigantine shall be amended by deleting the following space as a designated handicap space within the City of Brigantine:

NAME OF STREET  
112 9<sup>th</sup> Street North

LOCATION  
Twenty (20) foot area  
in front of the property  
located at 112 9<sup>th</sup> Street North

**SECTION II:** Upon adoption of this ordinance by the City Council of the City of Brigantine, the Department of Public Works and all other appropriate entities are authorized to take any and all steps to dismantle the appropriate signs designating the above space as a handicap parking space and to take any other action to fulfill the intention of this ordinance.

**SECTION III:** Severability

If any section or part of this ordinance is deemed to be invalid or illegal in any court or competent jurisdiction then said part is severable from this ordinance as a whole and the remaining selections or parts of this ordinance shall remain in full force and effect.

**SECTION IV:** Repealer

All ordinances or portions thereof inconsistent with this ordinance are hereby repealed to the extent of said inconsistency.

**SECTION V:** Effective Date

This ordinance shall take effect after final adoption and publication as prescribed by law.

INTRODUCTION: October 21, 2020

ADOPTION:

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VINCE SERA, MAYOR

ATTEST:

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LYNN SWEENEY, RMC  
CITY CLERK

**CITY OF BRIGANTINE**

**ORDINANCE NO. 16 OF 2020**

**“AN ORDINANCE AMENDING CHAPTER 210-37, ARTICLE II OF  
THE CODE OF THE CITY OF BRIGANTINE  
AS IT RELATES TO BEACH TAG FEES AND BEACH VEHICLE FOUR-WHEEL  
DRIVE PERMITS”**

**WHEREAS**, the City of Brigantine is permitted by its police power to establish certain fees for services within the City of Brigantine; and

**WHEREAS**, the City Council of the City of Brigantine desires to amend its fee schedule to provide for certain fees.

**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. The following fees are hereby established:

<b>License, Permit or Service</b>	<b>Fee</b>
Beach tag fee	
Seasonal badges purchased prior to June 1	\$20
Seasonal badges purchased on or subsequent to June 1	\$25

Section 2.

<b>License, Permit or Service</b>	<b>Fee</b>
Beach vehicle, four-wheel drive permit	
Permit purchased in December for the following year through April 30 of the current year, which permit includes 2 beach tags	\$200
Permit for the current year purchased from May 1 to December 31, which includes 2 beach tags	\$300

Section 3. Chapter 210 shall remain in full force and effect to the extent not modified herein.

Section 4. Repealer, Severability, and Effective Date.

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

- B. 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.
- C. Effective Date. This Ordinance shall take effect upon proper passage in accordance with the law.

Introduction: October 21, 2020

Adoption:

**ATTEST:**

\_\_\_\_\_  
Lynn Sweeney, City Clerk

\_\_\_\_\_  
Vince Sera, Mayor

**CITY OF BRIGANTINE**

**RESOLUTION 2020-**

**A RESOLUTION ADOPTING THE BRIGANTINE REPETITIVE LOSS AREA ANALYSIS; TRANSMITTING THIS PLAN TO THE FEDERAL EMERGENCY MANAGEMENT AGENCY AS REQUIRED BY THE NATIONAL FLOOD INSURANCE PROGRAM'S COMMUNITY RATING SYSTEM; AUTHORIZING THE CITY MANAGER TO INITIATE ACTIVITIES AS RECOMMENDED IN THE BRIGANTINE REPETITIVE LOSS AREA ANALYSIS; AND PROVIDING AN EFFECTIVE DATE**

WHEREAS, the City of Brigantine has experienced severe flood disaster events causing significant damage to public and private property, including homes and businesses, resulting in a need for insurance coverage for those who may be exposed to flood risks; and

WHEREAS, relief from economic hardships of flood damage is available in the form of federally subsidized flood insurance as authorized by the National Flood Insurance Act of 1968 and its subsequent amendments; and

WHEREAS, the National Flood Insurance Program (NFIP) is a federal program enabling property owners in participating communities to purchase insurance protection against losses from flooding; and

WHEREAS, the City of Brigantine participates in the NFIP's Community Rating System (CRS) which provides a framework necessary for the community's actions and efforts in meeting the three goals of: (1) reduction of flood losses; (2) facilitation of accurate insurance ratings; and (3) promotion of awareness of flood insurance; and

WHEREAS, as part of the CRS, communities are encouraged to exceed minimum standards and in doing so qualify for a reduction in flood insurance premiums for policy holders; and

WHEREAS, based on the City of Brigantine's floodplain management efforts, property owners currently enjoy a premium discount of up to 25 percent; and

WHEREAS, the City of Brigantine has prepared a Repetitive Loss Area Analysis to further exceed the minimum NFIP standards; and

WHEREAS, a Repetitive Loss Area Analysis (RLAA) is a mitigation plan for areas that have or are expected to experience repeated losses from flooding. During this analysis, detailed building information is collected through field visits to develop an understanding of the exact causes of repetitive flood damage at those sites. The purpose of an RLAA is to generate mitigation solutions for individual buildings or areas, in contrast to a hazard mitigation or floodplain management plan, which examines community-wide flooding problems and solutions; and



WHEREAS, the Brigantine Repetitive Loss Area Analysis, April 2020 fully complies with CRS requirements; and

WHEREAS, adoption by the City of Brigantine demonstrates our commitment to flood hazard mitigation and achieving the goals outlined in the Brigantine Repetitive Loss Area Analysis, April 2020; and

WHEREAS, various projects, programs, operations, and initiatives in the Plan may lower flood insurance rates for the City's property owners.

NOW, THEREFORE, BE IT RESOLVE, that the City of Brigantine hereby:

1. The Brigantine Repetitive Loss Area Analysis, April 2020 is hereby adopted.
2. The Brigantine Repetitive Loss Area Analysis shall be transmitted to the Federal Emergency Management Agency for appropriate action as required under the National Flood Insurance Program's Community Rating System.
3. The City Manager is authorized to initiate activities as recommended in the Analysis.
4. This resolution shall take effect immediately upon adoption.

Adopted this \_\_\_\_ day of \_\_\_\_\_ 2020.

ATTEST:

By: \_\_\_\_\_

Lynn Sweeney, City Clerk

CITY OF BRIGANTINE  
RESOLUTION #

A RESOLUTION BY THE CITY OF BRIGANTINE AUTHORIZING THE AWARD OF CONTRACT TO PAVING PLUS LLC FOR THE RECONSTRUCTION OF GOLF PATHS, HOLES #1 THROUGH #9 IN THE AMOUNT OF \$254,636.00

**WHEREAS**, the City Council of the City of Brigantine authorized the acceptance of proposals on October 1 2020 for the "Reconstruction of Golf Paths, Holes #1 Through #9"; and

**WHEREAS**, (2) bids were received and the low bidder was Paving Plus LLC, PO Box 508, Franklinville, NJ 08322, with a base bid in the amount of \$254,636.00 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 Paving Plus LLC 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 the Capital Accounts, C-04-19-012-103 (\$80,000.00) and C-04-19-012-101 (\$174,636.00) totaling \$254,636.00

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 21<sup>th</sup> day of October, 2020

CITY OF BRIGANTINE

\_\_\_\_\_  
Lynn Sweeney, RMC  
City Clerk

\_\_\_\_\_  
Roxanne Tosto  
Chief Financial Officer

Recorded Vote:	MOTIONS	AYE	NAY	ABSTAIN	ABSENT
Sera					
Riordan					
Kane					
Bew					
Lettieri					
Haney					
DeLucry					

CITY OF BRIGANTINE  
RESOLUTION #

EQUIPMENT AND SUPPLIES  
FOR THE CITY BEACH PATROL

**WHEREAS**, the City of Brigantine has a need for equipment and supplies to service beach patrol; 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 these services will exceed \$17,500.00; and

**WHEREAS**, John Doring, Public Works Superintendent and Dennis Krause, QPA, City Purchasing Agent have reviewed the required equipment and supplies needed and recommended that Marine Rescue Products, Inc., P.O. Box 3484, Newport, RI 02840 be awarded an alternative non-advertised method of award for equipment and supplies as determined by the needs of the City of Brigantine; and

**WHEREAS**, Marine Rescue Products, Inc. has completed and submitted a Business Registration Certificate (BRC) and a Business Entity Disclosure Certification which certifies that Marine Rescue Products, Inc. has not made any contributions to a political or candidate committee for an elected office in the City of Brigantine in the previous one year period, and will prohibit them from making any contributions through the projected time of completion; 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 award with Marine Rescue Products, Inc. for equipment and supplies. 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 2020 Beach Patrol various line items. Estimated expenditures for 2020 should not exceed \$40,000.00

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 21<sup>st</sup> day of October 2020

CITY OF BRIGANTINE

\_\_\_\_\_  
Lynn Sweeney, RMC  
City Clerk

\_\_\_\_\_  
Roxanne Tosto  
Chief Financial Officer

Recorded Vote:	MOTIONS	AYE	NAY	ABSTAIN	ABSENT
Sera					
Riordan					
Kane					
Bew					
Lettieri					
Haney					
DeLucry					

RESOLUTION 2020 –

WHEREAS, it has been determined by the Brigantine C.E.R. that the individual(s) as indicated on the attached Schedule "A" Brigantine Spring Wellness Program Cancelled due to Coronavirus.

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

REFUNDS  
BRIGANTINE WELLNESS PROGRAM/WOLF GYM  
SPRING SESSION CANCELLATION 2020  
DUE TO COVID 19

1. Shirley Morgan (& Sid) 4800 Harbor Beach Blvd. #5102 Brigantine, NJ 08203	\$60.00
2. Marycay Sundburg (&Bryson) 49 Heald Rd. Brigantine, NJ 08203	\$60.00
3. Ann Bowie (&Tom) 4124 B Atlantic-Brigantine Blvd. Brigantine, NJ 08203	\$60.00
	<hr/>
<b>TOTAL</b>	<b>\$180.00</b>

RESOLUTION  
2020-

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

October 7, 2020

BLOCK	LOT	QUAL	NAME	YEAR-QRT	AMOUNT
3504	10.02	C0002	Conigliero, Frances & Harkins, VR City of Brigantine	2020-4 & 2021-1	404.46
2207	1		Perrucci, Mario & Patricia 100% Disabled Veteran	2020-4	903.95
5504	6		Slaughter, Michael	2020&2021	5802.35
4701	22.01	C000A	Schrandt, Frederick & Dorothy Corelogic	2020-3	963.18



**RESOLUTION  
FOR ADOPTING CHANGES TO  
AN EXISTING DEFERRED COMPENSATION PLAN PURSUANT TO THE  
FINAL INTERNAL REVENUE CODE SECTION 415 REGULATIONS, PENSION PROTECTION  
ACT OF 2006, THE HEROES EARNINGS ASSISTANCE AND RELIEF TAX ACT OF 2008 AND THE  
WORKER, RETIREE AND EMPLOYER RECOVERY ACT OF 2008**

WHEREAS, the City of Brigantine (hereinafter referred to as the "Employer") by resolution adopted a Deferred Compensation Plan (hereinafter referred to as the "Plan") effective October 21, 2020, for the purpose of making available to eligible employees the accrual of tax benefits under a Section 457 Deferred Compensation Plan; and

WHEREAS, the Employer by resolution retained The Variable Annuity Life Insurance Company ("VALIC") as the contractor under the Deferred Compensation Plan and executed a Service Agreement with said contractor; and

WHEREAS, the final Internal Revenue Code ("Code") Section 415 regulations, Pension Protection Act of 2006 ("PPA"), the Heroes Earnings Assistance and Relief Tax Act of 2008 (the "HEART Act") and the Worker, Retiree and Employer Recovery Act of 2008 ("WRERA") amended Section 457 of the Code; and

WHEREAS, State and local governmental Section 457(b) plan sponsors must amend their plans to comply with the PPA legislative changes by the last day of the 2011 plan year;

WHEREAS, the Employer desires its Plan to conform with the changes in the Code; and

WHEREAS, the Employer desires to adopt an amended and restated Plan that conforms with the changes in the Code; and

WHEREAS, such amended and restated Plan shall supersede the previously adopted Plan;

NOW, THEREFORE, BE IT RESOLVED that the Employer does hereby adopt the amended and restated Plan prepared by VALIC and assigned Plan Document identifier 81-PD-VALIC-103111 by the Director of the Division of Local Governmental Services.

BE IT FURTHER RESOLVED that a certified copy of this resolution shall be forwarded to the Director of the Division of Local Governmental Services.

I, Lynn Sweeney, RMC City Clerk,  
of the Employer, in the County of Atlantic and the State of New Jersey, do hereby certify  
the foregoing to be a true and correct copy of a RESOLUTION adopted by the Employer on the 21 day of  
October 21, 2020.

Witness my hand and seal of the Employer on the 21 day of October, 2020.

\_\_\_\_\_  
Signature

**RESOLUTION  
FOR ADOPTING A CHANGE  
TO AN EXISTING DEFERRED COMPENSATION PLAN**

**DEFERRED COMPENSATION PLAN**

WHEREAS, the City of Brigantine (hereinafter referred to as the "Employer") by resolution adopted a Deferred Compensation Plan (hereinafter referred to as the "Plan") effective October 21, 2020 for the purpose of making available to eligible employees the accrual of tax benefits under a Section 457 Deferred Compensation Plan; and

WHEREAS, the Employer desires to provide for Designated Roth Contributions and/or In-plan Roth Conversions under its Plan;

NOW, THEREFORE, BE IT RESOLVED that the Employer hereby adopts the attached Amendment, which Amendment has been approved by the Division of Local Government Services and assigned identifier 83-PD-VALIC-061912, to Deferred Compensation Plan Document, identifier 81-PD-VALIC-103111, to be part of and incorporated into its existing Deferred Compensation Plan Document.

BE IT FURTHER RESOLVED that a certified copy of this resolution shall be forwarded to the Director of the Division of Local Government Services.

I, Lynn Sweeney, RMC City Clerk of the Employer, in the County of Atlantic and the State of New Jersey, do hereby certify the foregoing to be a true and correct copy of a RESOLUTION adopted by the Employer on the 21<sup>st</sup> day of October, 2020.

Witness my hand and seal of the Employer on the 21 day of October, 2020.

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Signature