

Absent:

1. Flag Salute
2. Opening Prayer
3. Open Public Meetings Act Announcement
4. Approval of 12/2/2020 Council Meeting Minutes

|    |    |     |     |
|----|----|-----|-----|
| M: | S: | RC: | MC: |
|----|----|-----|-----|

5. Approval of Payroll, Requisition List and Operating Expenses

|    |    |     |     |
|----|----|-----|-----|
| M: | S: | RC: | MC: |
|----|----|-----|-----|

6. Public Comments on Agenda Items Only
7. Ordinance No. 17 of 2020 – Public Hearing and Adoption  
Amending Chapter 284 of the Code of the City of Brigantine as it Relates to  
Handicap Parking Spaces

|    |    |     |     |
|----|----|-----|-----|
| M: | S: | RC: | MC: |
|----|----|-----|-----|

8. Ordinance No. 18 of 2020 – Public Hearing and Adoption  
Amending Chapter 210-37, Article II of the Code of the City of Brigantine as it  
Relates to Horseback Riding Permits

|    |    |     |     |
|----|----|-----|-----|
| M: | S: | RC: | MC: |
|----|----|-----|-----|

9. Ordinance No. 19 of 2020 – Public Hearing and Adoption  
Providing for Restricted Handicapped Parking Spaces

|    |    |     |     |
|----|----|-----|-----|
| M: | S: | RC: | MC: |
|----|----|-----|-----|

10. Ordinance No. 20 of 2020 – Public Hearing and Adoption  
Prohibiting the Ownership, Possession and Maintenance of any Livestock in the City  
of Brigantine

|    |    |     |     |
|----|----|-----|-----|
| M: | S: | RC: | MC: |
|----|----|-----|-----|

11. Ordinance No. 21 of 2020 – Introduction  
Removal of Handicap Parking Space in Front of 216 3<sup>rd</sup> Street South

M: S: RC: MC:

12. Resolution 2020-220 Re: Recognizing “Last Salute” as the City of Brigantine’s “Official Military Funeral Honor Guard”

M: S: RC: MC:

13. Resolution 2020-221 Re: Authorizing the Entry into an Agreement Waiving the City’s Rights to Enforce the “Walker Restriction” on Lot 8 in Block 1505

M: S: RC: MC:

14. Resolution 2020-222 Re: Authorizing the Professional Service of Coastal Research Center, Stockton State College

M: S: RC: MC:

15. Resolution 2020-223 Re: Cancellation of Outstanding Checks

M: S: RC: MC:

16. Resolution 2020-224 Re: Safe and Secure Grant/Brigantine Police Department

M: S: RC: MC:

17. Resolution 2020-225 Re: Real Estate Tax Overpayment Refunds

M: S: RC: MC:

18. Resolution 2020-226 Re: Rental Inspection Fee Refund

M: S: RC: MC:

19. Resolution 2020-227 Re: Bennett Chevrolet – Pay-To-Play

M: S: RC: MC:

20. Resolution 2020-228 Re: Transfer Resolution

M: S: RC: MC:

21. Resolution 2020-229 Re: Cancellation of Budget

M: S: RC: MC:

22. Resolution 2020-230 Re: Cancellation of Balances in the Grant Fund

M: S: RC: MC:

23. Consent Agenda

A. American Legion Raffle License #926

M: S: RC: MC:

24. Council Manager/Committee Discussion:

25. Public Comments

26. Council Comments

27. Adjourn \_\_\_\_\_ P.M.

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

**CITY OF BRIGANTINE  
ORDINANCE NO.17 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 to the City of Brigantine concerning two such handicap parking spaces; and

**WHEREAS**, implementing this Ordinance would be a benefit to the health, welfare and safety of the residents of the City of Brigantine and the individuals who need the use of said handicap spaces; and

**WHEREAS**, the spaces set forth in this Ordinance have 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 I:** Section 284-59 of the Code of the City of Brigantine shall be amended be adding the following spaces as a designated handicap spaces within the City of Brigantine:

**NAME OF STREET**

121 31<sup>st</sup> Street Sotuh

**LOCATION**

Twenty (20) foot area  
on the side of the property  
located at 121 31<sup>st</sup> Street South

**SECTION II:** Upon adoption by the City Council of the City of Brigantine of this Ordinance, the Department of Public Works and all other appropriate entities area authorized to take any and all steps to erect the appropriate signs designating the above spaces as a handicap parking spaces 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: December 2, 2020

ADOPTION:

ATTEST:

\_\_\_\_\_  
VINCE SERA, MAYOR

\_\_\_\_\_  
LYNN SWEENEY, RMC CITY CLERK

**CITY OF BRIGANTINE**

**ORDINANCE NO. 18 OF 2020**

**“AN ORDINANCE AMENDING CHAPTER 210-37, ARTICLE II OF  
THE CODE OF THE CITY OF BRIGANTINE  
AS IT RELATES TO HORSEBACK RIDING 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> |
|-----------------------------------|------------|
| Horseback riding permit           | \$100      |
| Senior citizens 65 and over       | \$75       |
| Active military and veterans      | \$50       |

Section 2. Chapter 210 shall remain in full force and effect to the extent not modified herein.

Section 3. 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.

**ATTEST:**

**BRIGANTINE CITY COUNCIL**

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

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

**CITY OF BRIGANTINE**

**ORDINANCE NO. 19 of 2020**

**“AN ORDINANCE PROVIDING FOR RESTRICTED  
HANDICAPPED PARKING SPACES”**

**WHEREAS**, the Municipal Code of the City of Brigantine (the “City”) provides in Chapter 284 for certain vehicle and traffic controls; and

**WHEREAS**, Section 284-32, Article III provides for Handicapped parking; and

**WHEREAS**, the City Council of the City of Brigantine wishes to provide for certain additional, restricted handicapped spaces within the City.

**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. **§284-32. Article III: Handicapped parking** is amended and supplemented as follows:

- A. The locations described in Schedule XXIII (§ 284-59), included herein and made a part of this chapter, are hereby designated as handicapped parking spots.
- B. Any resident of the City of Brigantine possessing a valid New Jersey driver's license who has qualified for a handicapped parking permit from the State of New Jersey may apply to the City of Brigantine for a restricted handicapped parking space located near their residence. The application shall be submitted to the City Manager with a current copy of the applicant's handicapped parking permit and valid driver's license issued by the State of New Jersey.
- C. Consideration will be given to non-driving applicants for restricted curbside spaces providing that it is shown that there is a hardship in dropping off the handicapped applicant at their residence and subsequently parking the vehicle at another location. The nondisabled driver must reside in the same household as the disabled person and provide verification of such status.
- D. Restricted handicapped spaces will not be provided to applicants who have access to driveways and/or to other off street parking facilities.
- E. The number of handicapped restricted spaces on each City block will be limited: Two spaces will be allotted per street side per block with a maximum of four (4) available spaces. The intent is to provide a fair distribution of accessible spaces that are compliant with the above guidelines to both handicapped and non-handicapped residents of the City.

- F. Applicants shall have the option of requesting a designated space with a personal restriction that shall be defined by their New Jersey license plate number being printed on the signs delineating their space which shall be established by ordinance.
- G. There will be a one-time fee of \$75.00 for a restricted handicapped parking space. All handicapped parking spaces shall be subject to annual review. Applicants shall be required to provide a copy of current status of valid New Jersey handicapped status, driver's license and vehicle registration.
- H. Restricted handicapped spaces designated by ordinance shall be listed in **§284-59, Schedule XXIII: Handicapped Parking Spaces Restricted by New Jersey Plate Number and Designated by Ordinance.**
- I. A handicapped parking permit may be suspended or revoked by the City of Brigantine if the holder thereof has committed fraud or misrepresentation in any application for a permit or in the use of such handicapped parking permit or has violated any provision of this chapter. Additionally, any individual to whom a restricted spot has been granted who is found to be regularly utilizing on-street parking in the immediate vicinity of the location of the restricted space that has been provided to such individual, instead of utilizing such restricted space, shall be subject to suspension or revocation of such restricted parking space. No suspension or revocation shall occur prior to a hearing being held before an Administrative Board, to consist of three persons: the City Clerk, the City Manager, and the Chief of Police. Prior to such hearing, the affected person(s) and/or firm(s) shall receive notice of said hearing and shall have an opportunity to present a defense.

Section 2. All other provisions contained in §284-39 shall remain in full force and effect.

Section 3. 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: December 2, 2020

ADOPTION: December 16, 2020

Lynn Sweeney, RMC, City Clerk

Vince Sera, Mayor



**CITY OF BRIGANTINE**

**ORDINANCE 20 -2020**

**AN ORDINANCE OF THE CITY OF BRIGANTINE, COUNTY OF ATLANTIC, AND  
STATE OF NEW JERSEY PROHIBITING THE OWNERSHIP, POSSESSION AND  
MAINTENANCE OF ANY LIVESTOCK IN THE CITY OF BRIGANTINE**

**WHEREAS**, the possession, housing, raising and maintenance of livestock in the City of Brigantine is inconsistent with the general good health and well-being of persons in the City of Brigantine; and

**WHEREAS**, it is the intention of City Council to insure the public health and well-being of all persons and cleanliness consistent with the presentation of the City of Brigantine to all residents and visitors; and

**WHEREAS**, in furtherance of such goals, it is the intention of City Council to prohibit the possession and housing of livestock in the City.

**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.** There is added to the Brigantine Municipal Code Section 153-11A in Article III, which will provide as follows:

The possession, housing, raising, and maintenance of any livestock in the City of Brigantine, including but not limited to horses, cows, bulls, pigs, and goats, is hereby prohibited.

**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.

**ATTEST:**

**CITY OF BRIGANTINE**

BY: \_\_\_\_\_  
LYNN A. SWEENEY, CITY CLERK

BY: \_\_\_\_\_  
VINCE SERA, MAYOR

**CITY OF BRIGANTINE  
ORDINANCE NO. 21 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:

**ADDRESS**

216 3<sup>rd</sup> Street South

**LOCATION**

Twenty (20) foot area  
in front of the property  
located at 216 3<sup>rd</sup> Street South

**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: December 16, 2020

ADOPTION:

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Vince Sera, Mayor

ATTEST:

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Lynn Sweeney, RMC  
City Clerk

RESOLUTION NO. \_\_\_\_

**RESOLUTION BY THE CITY OF BRIGANTINE  
RECOGNIZING “LAST SALUTE” AS THE CITY OF BRIGANTINE’S  
“OFFICIAL MILITARY FUNERAL HONOR GUARD”**

**WHEREAS**, the City of Brigantine would like to recognize “Last Salute” as its Official Military Funeral Honor Guard; and

**WHEREAS**, the Last Salute is a dedicated group of volunteer Military Veterans committed to providing our fallen brothers and sisters with dignified and appropriate final services, including the guard salute, flag folding and presentation, honor guard, taps, casket guard and the familiar “Jamie Lee” cannon; and

**WHEREAS**, members of the Last Salute serve Atlantic County, and some members are residents of Atlantic County, which volunteer their time for the Veterans that have served in our community; and

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the City of Brigantine, that

**“Last Salute”**

is hereby recognized as the official Military Funeral Honor Guard for the City of Brigantine.

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 December \_\_\_\_, 2020.

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

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

**CITY OF BRIGANTINE**

**RESOLUTION NO.                    - 2020**

**“A RESOLUTION OF THE CITY COUNCIL  
OF THE CITY OF BRIGANTINE AUTHORIZING THE ENTRY INTO  
AN AGREEMENT WAIVING THE CITY’S RIGHT TO ENFORCE THE ‘WALKER  
RESTRICTION’ ON LOT 8 IN BLOCK 1505.”**

**WHEREAS**, on December 10, 1945, the City of Brigantine entered into an agreement with Samuel D. Walker (hereinafter “Walker”) for the transfer of various City owned real property; and

**WHEREAS**, pursuant to said agreement, Walker would sell said property subject to a deed restriction (the “Walker Restrictions”) which prohibited the subdivision of the same into lots with less than eighty (80) foot of frontage; and

**WHEREAS**, HOB37, LLC (the “Property Owner”) is the owner of the real property currently known as Lot 8 in Block 1505 as shown on the current tax map of the City of Brigantine, said property is commonly known as 1504 W. Brigantine Avenue, (the “Subject Property”) in the City of Brigantine, County of Atlantic and State of New Jersey; and

**WHEREAS**, the Property Owner purchased the Subject Property subject to a Walker Restriction; and

**WHEREAS**, the Property Owners have received approval from the Brigantine Planning Board to subdivide the subject property conditioned upon the City’s waiver of enforcement of the Walker Restriction; and

**WHEREAS**, the Property Owners have requested the City of Brigantine waive any right or interest it may have to enforce said restrictions; and

**WHEREAS**, in consideration for agreeing to waive any right or interest it may have to enforce said restrictions the Property Owners have agreed to pay the City the sum of Twenty-five thousand dollars (\$25,000.00) and to release any and all claims of any nature against the City of Brigantine, all of which the City of Brigantine has relied upon in adopting this Resolution; and

**WHEREAS**, pursuant to State statute a municipality is authorized to waive, release, modify or subordinate any terms, covenants, conditions, limitations or reverters imposed in sales and conveyances of land made by said municipality after public hearing before the governing body once such proposed action has been advertised once each week for two weeks; and

**WHEREAS**, the required notice was published in the Press of Atlantic City on \_\_\_\_\_, 2020 and \_\_\_\_\_, 2020, a copy of the proof of publication is attached to this Resolution as Exhibit A; and

**WHEREAS**, prior to the adoption of this Resolution, a public hearing was held before the City Council of the City of Brigantine; and

**WHEREAS**, the Property Owners and the City of Brigantine desire to enter into the agreement to waive any right or interest the City of Brigantine may have to enforce the Walker Restrictions on the Subject Property.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and City Council of the City of Brigantine that the City Manager and the City Clerk are authorized to execute an agreement with the Property Owners to waive any right or interest the City of Brigantine may have to enforce the Walker Restrictions on the real property currently known as Lot 8 in Block 1505 as shown on the current tax map of the City of Brigantine. A copy of the draft agreement is attached to this Resolution as Exhibit B.

**BE IT FURTHER RESOLVED** that the City Manager and the City Clerk are authorized to execute and send for recording any documents to effectuate the release of said rights.

DATE: \_\_\_\_\_

\_\_\_\_\_  
LYNN SWEENEY, RMC  
CITY CLERK

**AGREEMENT TO WAIVE THE RIGHT OF ENFORCEMENT ON THE WALKER  
RESTRICTIONS ON LOT 8 IN BLOCK 1505**

This Agreement is made this \_\_\_\_ day of \_\_\_\_, 2020 by and between the City of Brigantine (hereinafter the “City”), a municipal corporation of the State of New Jersey with an address of 1417 West Brigantine Avenue, Brigantine, New Jersey 08203 and HOB37, LLC, (hereinafter the “Property Owner”), 1504 W. Brigantine Avenue, Brigantine, New Jersey 08203.

**WHEREAS**, on December 10, 1945, the City entered into an agreement with Samuel D. Walker (hereinafter “Walker”) for the transfer of various City owned real property; and

**WHEREAS**, pursuant to said agreement, Walker would sell said property subject to a deed restriction (the “Walker Restrictions”) which prohibited the subdivision of the same into lots with less than eighty (80) foot of frontage; and

**WHEREAS**, HOB37, LLC (the “Property Owner”) is the owner of the real property currently known as Lot 8 in Block 1505 as shown on the current tax map of the City of Brigantine, said property is commonly known as 1504 W. Brigantine Avenue, (the “Subject Property”) in the City of Brigantine, County of Atlantic and State of New Jersey; and

**WHEREAS**, the Property Owner purchased the Subject Property subject to a Walker Restriction; and

**WHEREAS**, the Property Owner has received approval from the Brigantine Planning Board to subdivide the Subject Property, contingent upon the City’s waiver of enforcement of the Walker Restriction; and

**WHEREAS**, the Property Owner has requested the City of Brigantine waive any right or interest it may have to enforce said restriction; and

**WHEREAS**, in consideration for agreeing to waive any right or interest it may have to enforce said restrictions the Property Owner has agreed to pay the City the sum of Twenty-Five thousand dollars (\$25,000.00) and to release any and all claims of any nature against the City of Brigantine, all of which the City of Brigantine has relied upon in adopting this Resolution; and

**WHEREAS**, the Property Owner and the City of Brigantine desire to enter into the agreement to waive any right or interest the City of Brigantine may have to enforce the Walker Restrictions on the Subject Property.

**NOW, THEREFORE**, with the parties intending to be bound by this agreement, having read and understood this agreement and acknowledging that adequate consideration has been exchanged regarding the same, they do hereby agree as follows:

**1. Recitals Incorporated:** The above recitals are incorporated into this section of the agreement as if more fully set forth at length herein.

2. **Waiver of Enforcement of Restrictions:** Pursuant to the terms and conditions as set forth in this agreement, and the memorializing Resolution, and with the understanding that there are particular and peculiar circumstances which affect this particular lot, and with the understanding that any waiver by the City Council is applicable solely to this lot, said lot being Lot 8 in Block 1505 as shown on the tax map of the City and further conditioned upon any and all consideration as set forth in this Agreement and subject to official municipal action as described herein, the City specifically waives any right or interest it may have to enforce the Walker Restrictions on Lot 8 in Block 1505. The City further agrees that once the subject property is subdivided in accordance with the Brigantine Planning Board approval, the City shall have no right to enforce the Walker Restrictions on the newly configured Lot8 in Block 1505.

3. **Consideration:** The full consideration to be paid to the City shall be the sum of Twenty-Five thousand dollars (\$25,000.00). Said sum shall be paid in a single certified or a Title Company check made payable to the City of Brigantine and shall be returned with a fully executed copy of this agreement. The check shall be payable to the City upon the signing of this Agreement and the recording of any document with the Clerk of Atlantic County to effectuate the waiver of any right or interest the City may have to enforce the Walker Restriction on the Subject Property.

4. **Fees and Costs:** The Property Owner shall be responsible for all fees and costs associated with the execution of this agreement and any fees associated with the recording of documents with the Atlantic County Clerk's Office.

5. **Who is Bound:** All of the parties are bound by this agreement and any person claiming an interest in the property on the date the same was purchased by the Property Owner until the signing of this agreement. Also bound by this agreement is anyone who succeeds to the rights and responsibilities of the parties including, but not limited to, any heir, executor, successor, affiliated corporation or successor corporation.

6. **No Acknowledgement of Liability:** This agreement is entered into after the parties have fully reviewed and understood the same and have had the opportunity to confer with competent counsel regarding the same. This document is simply entered into to effectuate the compromise between the parties, the release between the parties and the waiver of the deed restrictions and is not to be deemed as an indication of wrongdoing by any of the parties herein.

7. **No Waiver by the City of the Right to Enforce Restrictions in the Future:** The specific understanding and agreement between the parties, which the City has materially relied upon in entering into this agreement and which is to be considered part of the consideration for this agreement, is that this agreement and the terms contained herein shall in no way be determined as a waiver and/or release by the City of its right to enforce the deed restrictions as set forth in the agreement between the City and Samuel D. Walker concerning any and all other lots and properties within the City and Samuel D. Walker. The parties understand and agree that it is specifically the intention of the City to enforce any and all such restrictions in a vigorous manner in the future and the City reserves all rights in that respect and the signing of this agreement shall in no way be deemed a waiver of said rights or a waiver or release of said deed restrictions concerning any other lot or property. This agreement is specifically intended to



affect, be relative to and touch upon only the lots in questions, said lot being Lot 8 in Block 1505 as shown on the current tax map of the City of Brigantine, said property is commonly known as 1504 W. Brigantine Avenue, Brigantine, County of Atlantic and State of New Jersey.

8. **Compliance with All Other Laws:** Nothing herein shall be interpreted as a waiver of any law, ordinance or regulation not specifically set forth herein and the owner of the property or any successor in title, must comply with any and all Federal, State, County or Municipal laws, rules, ordinances or regulations including any and all ordinances or the City of Brigantine, the Uniform Construction Code, the Municipal Land Use Ordinance of the City of Brigantine and other appropriate codes, laws, ordinances and regulations in effect within the City of Brigantine, County of Atlantic, State of New Jersey or United States of America.

9. **Limitation on City's Representations and Warranties.** Property Owner acknowledges and agrees that, except as otherwise expressly set forth in this Agreement or any other document waiving the City's ability to enforce the Walker Restriction on the Property, (I) the release and or waiver by the City of the Walker Restriction on the Property shall be on an "As Is," "Where Is," "With all Faults Basis," and (II) none of the City of Brigantine, its agents, officers and employees nor any person purporting to represent any of the foregoing, have made any representation, warranty, guaranty, promise, projection or prediction whatsoever with respect to the Subject Property to be released or any aspect or portion thereof, written or oral, express or implied, arising by operation of law or otherwise, including without limitation, any representation or warranty as to (a) the condition, quality, use, occupancy or operation of the Property or any portion thereof, (b) the compliance of the property or any portion thereof or the operation of the property with any zoning requirements, building codes or other applicable law, (c) the accuracy of any environmental reports or other information obtained by the Property Owner, or (d) the suitability of the Property for any development use or any other proposed use by the Property Owner. The Property Owner acknowledges and agrees that he is not relying on any statement made or information provided to him by the City, its agents, officers and employees or any person purporting to represent any of the foregoing, except for the representations and warranties expressly made within this Agreement.

10. **Severability:** If any term, covenant or condition of this Agreement or the application thereof to any person or circumstances shall be invalid or unenforceable, the remainder of this Agreement or the application of such term, covenant or condition to persons, circumstances other than those as to whom it is held invalid and unenforceable shall not be affected thereby and each term, covenant or condition of this Agreement shall be valid and be enforceable to the fullest extent permitted by law.

11. **Governing Law:** This Agreement shall be governed by the Laws of New Jersey, and, in the event litigation arises out of this Agreement, jurisdiction shall be in the State of New Jersey and venue shall be in Atlantic County.

12. **Waiver:** Any waiver or notice by either party under this Agreement or any breach by the other party shall not affect similar rights subsequently arising, nor operate as a

waiver of subsequent breaches of the same or similar kinds, nor as a waiver of the clause or condition under which said right arose or said breach occurred.

**13. Notice:** Any notice provided or required hereunder shall be sufficient if sent via certified mail, return receipt requested, postage prepaid for the County, addressed to

To City: City of Brigantine  
Attn: City Admin  
1417 West Brigantine Avenue,  
Brigantine, New Jersey 08203

To Property Owner(s): HOB37, LLC  
c/o Ralph Paul Busco, Esq.  
3400 Atlantic-Brigantine Blvd., Suite 1B  
Post Office Box 828  
Brigantine, NJ 08203

**14. Entire Agreement:** This agreement is the entire agreement between the parties and supersedes any previous agreement between them whether oral or otherwise.

**IN WITNESS WHEREOF,** the parties have executed this Agreement on the day and year written at the top of the first page.

ATTEST

CITY OF BRIGANTINE

\_\_\_\_\_

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

ATTEST

PROPERTY OWNER  
HOB37, LLC, a Limited Liability  
Company of \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
BY:

**CITY OF BRIGANTINE  
RESOLUTION 2020-\_\_\_\_\_**

**A RESOLUTION AUTHORIZING THE PROFESSIONAL SERVICE OF  
COASTAL RESEARCH CENTER, STOCKTON STATE COLLEGE**

The City Council of the City of Brigantine resolves that:

**WHEREAS**, the City of Brigantine is desirous of engaging the services of the Richard Stockton Coastal Research Center to monitor the beaches of Brigantine, NJ in 2021 semi-annually to assess the beach erosion problem at the Absecon Inlet Jetty and an emergency event survey as a contingency; and

**WHEREAS**, pursuant to State Statute, said award of contract may be awarded without competitive bidding.

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

1. The contract to “Monitor the beaches of Brigantine, NJ in 2021 semi-annually to assess the beach erosion problem at the Absecon Inlet Jetty and an emergency event survey as a contingency:

The Coastal Research Center at The Richard Stockton College of New Jersey  
30 Wilson Avenue  
Port Republic, NJ 08241.

**WHEREAS**, the “Certification of Availability of Funds” is annexed hereto.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Brigantine on this 16<sup>th</sup> day of December 2020:

1. The contract for the “Monitoring of the Municipal Shoreline” is awarded to:

Coastal Research Center at Stockton University  
30 Wilson Avenue  
Port Republic, NJ 08241

2. The Coastal Research Center at Stockton University is awarded this contract on their proposal of \$26,944.33.
3. The exact title of the appropriation to be charged is:  
Account Title: Study & Construction of Beach Replenishment

Account #C-04-12-019-101.

4. This resolution shall take effective immediately and covers monitoring for 2021.

**BE IT SO RESOLVED.**

#### CERTIFICATION AS TO AVAILABILITY OF FUNDS

I hereby certify that, as of December 16, 2020, there are sufficient funds in the account entitled: Study & Construction of Beach Replenishment for the proposed contract noted above.

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Roxanne Tosto  
Chief Financial Officer  
City of Brigantine, New Jersey

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 December 16<sup>th</sup>, 2020.

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Lynn Sweeney, RMC  
City Clerk

**CITY OF BRIGANTINE  
RESOLUTION NO.  
2020-**

**CANCELLATION OF OUTSTANDING CHECKS**

**WHEREAS**, there exists several outstanding checks in various accounts of the City of Brigantine; and

**WHEREAS**, it has been determined that there are outstanding checks that should be canceled.

**NOW, THEREFORE, BE IT RESOLVED**, by the Governing Body of the City of Brigantine, County of Atlantic, that the following outstanding checks be and are hereby cancelled to the cash balances of the City of Brigantine.

|                                   | Ck No. | Amount           |
|-----------------------------------|--------|------------------|
| <b>Payroll Account</b>            | 166666 | \$ 27.56         |
|                                   | 166668 | 40.88            |
|                                   | 166672 | 43.64            |
|                                   | 166696 | 525.36           |
| <b>Total Payroll Account</b>      |        | <u>\$ 637.44</u> |
| <b>Disbursement Account</b>       | 9757   | \$ 232.32        |
|                                   | 11882  | 12.00            |
| <b>Total Disbursement Account</b> |        | <u>\$ 244.32</u> |

**CITY OF BRIGANTINE  
RESOLUTION 2020-  
STATE OF NEW JERSEY  
DEPARTMENT OF LAW AND PUBLIC SAFETY  
DIVISION OF CRIMINAL JUSTICE  
SAFE AND SECURE COMMUNITIES PROGRAM**

**RESOLUTION OF PARTICIPATION**

**A RESOLUTION APPROVING PARTICIPATION WITH THE STATE OF  
NEW JERSEY IN A SAFE AND SECURE COMMUNITIES PROGRAM  
ADMINISTERED BY THE DIVISION OF CRIMINAL JUSTICE, DEPARTMENT  
OF LAW AND PUBLIC SAFETY**

**WHEREAS**, the City of Brigantine wishes to apply for funding for a project under the Safe and Secure Communities Program (Grant #21-0103) in the amount of \$16,200.00, and a local match of \$53,314.74 which includes additional salary, health benefits and pension contributions; and

**WHEREAS**, the date range covered by this grant is June 1, 2021 to May 31, 2022; and

**WHEREAS**, City Council of the City of Brigantine has reviewed the application and has approved said request, and

**WHEREAS**, the project is a joint effort between the Department of Law and Public Safety and the City of Brigantine for the purpose described in the application;

**THEREFORE, BE IT RESOLVED** by the City Council of the City of Brigantine that

1. As a matter of public policy, the City of Brigantine wishes to participate to the fullest extent possible with the Department of Law and Public Safety.
2. The Attorney General of New Jersey will receive funds on behalf of the applicant.
3. The Division of Criminal Justice shall be responsible for the receipt and review of the applications for said funds.
4. The Division of Criminal Justice shall initiate allocations to each applicant as authorized.

**CERTIFICATION**

This is to certify that the foregoing resolution is a true and correct copy of a resolution finally adopted at the meeting of the city of Brigantine held on the 16<sup>th</sup> day of December, 2020 and duly recorded in my office; that all requirements of law pertaining to the conduct of said meeting and the passage of this resolution were observed; and that I am duly authorized to execute this resolution.

Dated this 16<sup>nd</sup> day of December, 2020.

GRANT #21-0103

\_\_\_\_\_  
James Bennett, City Manager

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

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  
December 2020 Meeting

| BLOCK | LOT     | QUAL  | NAME                                      | YEAR-QRT | AMOUNT  |
|-------|---------|-------|---|----------|---------|
| 3703  | 1.27    | C0066 | Forst, Greta                              | 2021-1   | 640.84  |
| 402   | 3       |       | Bond Street Freehold LLC<br>Corelogic     | 2020-4   | 2893.81 |
| 1502  | 10      |       | Amelio-Leahy, Francine<br>Corelogic       | 2020-4   | 3934.04 |
| 1603  | 1       |       | Skolnik, Brett & Sloane<br>Corelogic      | 2020-4   | 7429.30 |
| 2805  | 18      |       | Colgan, Paul & Doyle, M<br>Corelogic      | 2020-4   | 1299.31 |
| 3001  | 25.03   | C000C | Breyer, Marilyn<br>Corelogic              | 2020-4   | 1185.00 |
| 4303  | 26.02   | C026B | Delia, Frank<br>Corelogic                 | 2020-4   | 1157.95 |
| 4503  | 43      |       | Giatras, David & Rebecca<br>Corelogic     | 2020-4   | 1504.19 |
| 4503  | 47      |       | Lukens, Bruce & Maureen<br>Corelogic      | 2020-4   | 2135.20 |
| 4700  | 140.213 | C00Q9 | Schaeffer, Kimberly<br>Corelogic          | 2020-4   | 222.08  |
| 4902  | 27      |       | Dipietro, Thomas<br>Corelogic             | 2020-4   | 1306.28 |
| 6503  | 10      |       | Carroll, Christopher & Megan<br>Corelogic | 2020-4   | 1279.40 |
| 6808  | 5       |       | Costello, Jennifer & Raymond<br>Corelogic | 2020-4   | 1073.95 |



## 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 ***Thomas Woods, 232 Old Gradyville Road, Glen Mills, PA 19342***, owner of the property located at ***1206 E Beach Avenue, (Block 102, Lot 1.01)***, has overpaid for rental registration in the amount of ***\$150.00 (One Hundred Fifty Dollars)***, resulting in an overpayment.

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

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

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

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***Lynn Sweeney, RMC, City Clerk***

CITY OF BRIGANTINE  
RESOLUTION #2020-

FOR THE PURCHASE OF VARIOUS AUTOMOTIVE PARTS AND SUPPLIES

**WHEREAS**, the Public Works department has need for automotive parts and supplies to maintain its fleet; and

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

**WHEREAS**, Bennett Chevrolet, Inc. has provided our maintenance garage with parts and supplies in the past; and

**WHEREAS**, John Doring, Public Works Superintendent and Dennis Krause, QPA, City Purchasing Agent have recommended that Bennett Chevrolet, Inc., 6721 Black Horse Pike, Egg Harbor Twp., NJ 08234 be awarded an alternative non-advertised method of award for automotive parts and supplies as determined by the needs of the City of Brigantine; and

**WHEREAS**, Bennett Chevrolet, Inc. has completed and submitted a Business Registration Certificate (BRC) and a Business Entity Disclosure Certification which certifies that Bennett Chevrolet, 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 Bennett Chevrolet, Inc. for various automotive parts 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 Public Works Vehicle Maintenance line item Account: 0-01-26-303-263. Estimated expenditures for 2020 should not exceed \$40,000.00

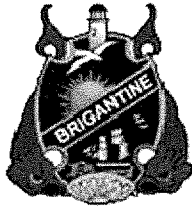
Certified to be a true copy of a Resolution adopted by the Municipal Council for the City of Brigantine, County of Atlantic and State of New Jersey, on the 16<sup>th</sup> day of December 2020

CITY OF BRIGANTINE

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

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

| Recorded<br>Vote: | MOTIONS | AYE | NAY | ABSTAIN | ABSENT |
|-------------------|---------|-----|-----|---------|--------|
| Sera              |         |     |     |         |        |
| Riordan           |         |     |     |         |        |
| Kane              |         |     |     |         |        |
| Bew               |         |     |     |         |        |
| Lettieri          |         |     |     |         |        |
| Haney             |         |     |     |         |        |
| DeLucry           |         |     |     |         |        |



CITY OF BRIGANTINE  
PURCHASING DEPARTMENT  
1417 West Brigantine Avenue • Brigantine, NJ 08203  
Telephone: (609) 266-7600 x217 • Fax: (609) 266-3823  
dkrause@brigantinebeachnj.com  
www.brigantinebeach.org

DENNIS KRAUSE  
PURCHASING AGENT

MEETING DATE: December 16, 2020

### AGENDA ITEM COMMENTARY

TITLE: Resolution authorizing Bennett Chevrolet, Inc. to provide various parts and supplies for automotive repairs.

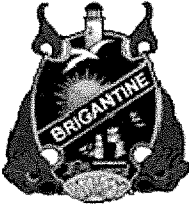
STAFF SOURCE: Dennis Krause, QPA, Purchasing Agent

DISCUSSION: The Public Works department has utilized Burke Chevrolet to provide fleet parts in the past and have found them very reliable. The City anticipates expenditures for these supplies to exceed the pay to play threshold of \$17,500.00 in 2020.

The State requires that the City comply with the pay to play laws of New Jersey. Bennett Chevrolet, Inc. Peirce Equipment Co has supplied the City with the required paperwork under the law.

EXHIBITS: Resolution and Determination of Value Letter.

RECOMMENDATION: Pass the Resolution



CITY OF BRIGANTINE  
PURCHASING DEPARTMENT  
1417 West Brigantine Avenue • Brigantine, NJ 08203  
Telephone: (609) 266-7600 x217 • Fax: (609) 266-3823  
dkrause@brigantinebeachnj.com  
www.bb-nj.org

DENNIS KRAUSE  
PURCHASING AGENT

To: Jim Bennett  
City Manager

From: Dennis Krause, QPA  
Purchasing Agent

SUBJECT: PAY TO PLAY DETERMINATION OF VALUE FOR BENNETT CHEVROLET INC.

The City of Brigantine authorizes Bennett Chevrolet, Inc. to provide various automotive parts and supplies to the Public Works Department.

The City of Brigantine's yearly expenditures for these specified services may exceed the Pay-to-Play threshold of \$17,500.00. The agreement to provide parts and supplies will be awarded by the City of Brigantine's Council at the December 16, 2020 Council Meeting.

I, Dennis Krause, QPA, Purchasing Agent of the City of Brigantine, do hereby certify that Bennett Chevrolet, Inc. may exceed the New Jersey Local Unit Pay-to-Play Law threshold of \$17,500.00 during the calendar year of 2020.

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Dennis Krause, QPA, Purchasing Agent

Resolution 2020-228  
Transfer Resolution

Resolution 2020-229  
Cancellation of Budget

Resolution 2020-230  
Cancellation of Balances in  
the Grant Fund