

Present:

Absent:

**AGENDA
CITY OF BRIGANTINE
COUNCIL MEETING
MARCH 17, 2021
5:00 P.M. – Public Portion**

1. Flag Salute
2. Opening Prayer
3. Open Public Meetings Act Announcement
4. Resolution 2021-48 Re: Executive Session ____ P.M.
Topics to be Discussed:

M: S: RC: MC:
5. Return from Executive Session ____ P.M.

M: S: RC: MC:
6. Approval of Payroll, Requisition List and Operating Expenses

M: S: RC: MC:
7. Public Comment on Agenda Items Only
8. Resolution 2021-49 Re: Temporary Emergency Appropriation #2

M: S: RC: MC:
9. Resolution 2021-50 Re: Opposing NJDEP's Proposed Coastal Regulations

M: S: RC: MC:
10. Resolution 2021-51 Re: Award of Contract for Reconstruction of Sheridan Blvd from Vardon Road to Sarazen Road

M: S: RC: MC:
11. Resolution 2021-52 Re: Renewal of Smile Factory Arcade License

M: S: RC: MC:
12. Resolution 2021-53 Re: Water/Sewer Installation Fee Refund

M: S: RC: MC:

13. Resolution 2021-54 Re: Sewer Service Fee Refund

M: S: RC: MC:

14. Resolution 2021-55 Re: Appointing Mollye O'Neill as JIF Fund Commissioner

M: S: RC: MC:

15. Resolution 2021-56 Re: Appointing Edward Stinson as C.R.S. Coordinator

M: S: RC: MC:

16. Consent Agenda

A. Presbyterian Church Raffle License #928

M: S: RC: MC:

17. Council Manager/Committee Discussion:

18. Public Comments

19. Council Comments

20. 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
 TEMPORARY EMERGENCY APPROPRIATION #2
 RESOLUTION # 2021-

WHEREAS, an emergent condition has arisen in that the City of Brigantine is expected to enter into contracts, commitments or payments prior to the 2021 budget adoption and no adequate provision has been made in the 2021 temporary budget for the aforesaid purposes, and

WHEREAS, N.J.S.A. 40A::4-20 provides for the creation of an emergency temporary appropriation for said purposes, and

WHEREAS, the total emergency temporary appropriation resolutions adopted in the year 2021 pursuant to the provisions of Chapter 96, P.L.1951 (NJSA 40A:4-20) including this resolution total of \$ 2,146,256.78 , and

NOW, THEREFORE BE IT RESOLVED, by the Council of the City of Brigantine, in the County of Atlantic, State of New Jersey, (not less than two-thirds of all member thereof affirmatively concurring) that in accordance with the provisions of NJSA 40A:4-20:

1. Emergency Temporary appropriations be and the same hereby made in the amount of as follows:

GENERAL APPROPRIATIONS-CURRENT FUND

General Administration	Salaries & Wages	3,000.00
Mayor and Council	Salaries & Wages	2,000.00
Municipal Clerk	Salaries and Wages	4,000.00
	Other Expenses	3,000.00
Financial Administration	Salaries & Wages	10,000.00
	Annual Audit	15,000.00
Revenue Administration (Tax Collector)		
	Salaries & Wages	6,500.00
	Other Expenses	5,000.00
Legal Services	Other Expenses	25,000.00
Emergency Medical Services-Billing		
	Other Expenses	2,000.00
Engineering Services	Other Expenses	20,000.00
Public Defender	Other Expenses	5,000.00
Planning Board	Salaries & Wages	600.00
	Other Expenses	7,000.00
Insurances	Liability Insurance	0.00
	Workers Compensation Insurance	0.00
	Group Insurance Plan for Employees	100,000.00
	Health Benefit Waiver	30,000.00
Fire Department	Salaries & Wages	215,000.00
	Other Expenses	15,000.00
Police Department	Salaries & Wages	250,000.00
Office of Emergency Management		
	Salaries & Wages	600.00
Streets & Roads	Salaries & Wages	15,000.00
	Other Expenses	20,000.00

Solid Waste Collection	Other Expenses	25,000.00
Recycling Program	Salaries & Wages	8,000.00
Department of Public Works	Salaries & Wages	30,000.00
Public Buildings & Grounds	Salaries & Wages	35,000.00
	Other Expenses	25,000.00
Demolition	Other Expenses	40,000.00
Vehicle Expense	Salaries & Wages	5,000.00
	Other Expenses	25,000.00
Golf Course	Other Expenses	25,000.00
Dog Regulations	Other Expenses	0.00
Beach Patrol	Other Expenses	20,000.00
Beach Fee Program	Other Expenses	5,000.00
Parks & Playgrounds	Salaries & Wages	18,000.00
	Other Expenses	5,000.00
Uniform Construction Code	Salaries & Wages	15,000.00
	Other Expenses	5,000.00
Maintenance Agreements(Contractual)		10,000.00
Utility Expenses and Bulk Purchases		
	Electric	30,000.00
	Street Lighting	15,000.00
	Telephone	15,000.00
	Natural Gas	20,000.00
	Fuel	0.00
	Cable	2,000.00
Grant	U DRIVE U Text U PAY	4,800.00
Statutory Expenses	Social Security/Umemployment/Pension	40,000.00
	Lifeguard Pension	10,000.00
	DCRP	1,500.00
Fire Prevention Inspections	Salaries & Wages	20,000.00
TOTAL CURRENT FUND		\$ 1,208,000.00
WATER & SEWER		
Operating		
	Salaries & Wages	25,000.00
Statutory Expenses	Social Security System	5,000.00
TOTAL WATER & SEWER UTILITY		\$ 30,000.00

2. Said emergency temporary appropriations will be provided for in the 2021 budget.

3. That the clerk will file one certified copy of this resolution will be filed with the Director of the Division of Local Government Services.

This is to certify that the above is a true and lawful copy of a resolution adopted by Council of the City of Brigantine, County of Atlantic, State of NJ at its meeting on March 17, 2021

Lynn Sweeney, City Clerk

**CITY OF BRIGANTINE
RESOLUTION 2021-**

Resolution of Opposing NJDEP's Proposed Coastal Regulations

WHEREAS, the New Jersey Department of Environmental Protection (NJDEP) is planning to adopt new land use regulations that will significantly devalue land and stymie construction in the City of Brigantine known as the Protecting Against Climate Threats (PACT) Regulations; and

WHEREAS, the NJDEP is proposing to require five feet of freeboard above the base flood elevation for new construction in the flood zone. Elevating new and substantially improved homes an additional five feet is not only prohibitively expensive for our residents but may not be feasible on many sites; and

WHEREAS, historically when NJDEP issues new rules they have been in alignment with corresponding legislation. In this case there is no legislation that has authorized the NJDEP to require more stringent requirements than the federal regulation that are now in place; and

WHEREAS, the NJDEP freeboard requirement is based on sea level rise projections for the year 2100. Municipalities are required to prepare Master Plans with a 20- or 30-year planning horizon, the City of Brigantine would strongly suggest that the State use the same time horizon that they required municipalities to use; and

WHEREAS, the science behind these 80-year projections have been questions as reported in a guest editorial in the Press of Atlantic City on Sunday, February 28, 2021; and

WHEREAS, when municipalities impose new regulations, the State requires that they must be consistent with the adopted Master Plan after public input and revisions. In this case, NJDEP is proposing drastic regulatory changes without a completed Resiliency Plan. The New Jersey Coastal Resiliency Plan is being prepared and has yet to be released or subject to public input or adoption; and

WHEREAS, there has been no major discussion concerning the magnitude of the economic impact of the proposed regulations or how to assist residents who will be negatively impacted. NJDEP's proposed regulatory re-alignment is expected to result in extensive and immediate economic impacts. NJDEP must engage in a meaningful, holistic economic impact analysis, and not simply rely on a one-sided analysis of potential economic impacts from future, projected climate change related threats.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Brigantine opposes the Protecting Against Climate Threats (PACT) Regulations as presented.

BE IT FURTHER RESOLVED, that the sea level rise projections being used by NJDEP be subject to a scholarly peer review prior to commencing the rule making process.

BE IT FURTHER RESOLVED, that the NJDEP regulations be based on a 20- or 30-year timeframe and adjusted over time to cater to the impacts of sea level rise and resiliency measures rather than based on an 80-year projection.

BE IT FURTHER RESOLVED, that NJDEP ensure that policy officials and stakeholders have an opportunity to review and evaluate the New Jersey Coastal Resiliency Plan before proposing rules that seek to solve many issues the report will purportedly identify.

BE IT FURTHER RESOLVED, that the NJDEP seek the counsel from an independent economist to considering potential economic impacts prior to commencing the rule making process.

BE IT FURTHER RESOLVED, that the NJDEP provide follow the same practice as FEMA and provide detailed maps so that communities and residents can clearly understand how these regulations effect specific properties.

CITY OF BRIGANTINE
RESOLUTION 2021-

A RESOLUTION BY THE CITY OF BRIGANTINE AUTHORIZING THE AWARD OF CONTRACT
TO LEXA CONCRETE LLC FOR THE RECONSTRUCTION OF SHERIDAN BLVD
FROM VARDON ROAD TO SARAZEN ROAD

WHEREAS, the City Council of the City of Brigantine authorized the acceptance of proposals on February 4, 2021 for the "Reconstruction of Sheridan Blvd from Vardon Road to Sarazen Road"; and

WHEREAS, (7) bids were received and Lexa Concrete LLC, 11 Commerce Way Drive, Hammonton, NJ 08037, with a base bid in the amount of \$264,395.30 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 Lexa Concrete 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 NJDOT Grant Account: G-02-41-865-036 in the amount of \$264,395.30

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 17th day of March, 2021

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 2021-**

WHEREAS, Jeffrey Delson is the owner of The Smile Factory, LLC and is desirous of renewing an amusement games license through the New Jersey Department of Law and Public Safety Division of Consumer Affairs, Legalized Games of Chance Control Commission; and

WHEREAS, according to N.J.S.A. 5:8-101 et seq and Chapter 95 of the Code of the City of Brigantine, the applicant for said license must first obtain a municipal license; and

WHEREAS, Jeffrey Delson has successfully completed an application and passed a background check, the City Council of the City of Brigantine has no objection to the renewal of the municipal license applied for and authorizes the applicant to file for the renewal of the state license and, furthermore, is not aware of any circumstances or provisions of law or local ordinance which would prohibit the issuance of the license.

NOW, BE IT RESOLVED, that this resolution shall take effect immediately.

This is to certify that this 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 March 17, 2021.

Lynn Sweeney, RMC
City Clerk

**CITY OF BRIGANTINE
RESOLUTION 2021-**

THE COUNCIL OF THE CITY OF BRIGANTINE RESOLVES THAT:

WHEREAS, it appears from the records that Edward Stella owner of 17 Atlantis Cove in Brigantine paid an unnecessary water/sewer installation fee of \$4,500.00 and is entitled to a refund in that amount.

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

1. The City Financial Officers are hereby authorized to refund the sum of \$4,500.00 to Edward Stella, 17 Atlantis Cove, Brigantine, NJ 08203.
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 March 17, 2021.

Lynn Sweeney, RMC
City Clerk

**CITY OF BRIGANTINE
RESOLUTION 2021-**

THE COUNCIL OF THE CITY OF BRIGANTINE RESOLVES THAT:

WHEREAS, it appears from the records that James Flood owner of 167 9th Street South in Brigantine paid an unnecessary sewer connection fee of \$1,000.00 and is entitled to a refund in that amount.

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

1. The City Financial Officers are hereby authorized to refund the sum of \$1,000.00 to James Flood, 167 9th Street South, Brigantine, NJ 08203.
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 March 17, 2021.

Lynn Sweeney, RMC
City Clerk

**CITY OF BRIGANTINE
RESOLUTION 2021-**

**A RESOLUTION APPOINTING MUNICIPAL JOINT INSURANCE
FUND COMMISSIONER FOR THE CITY OF BRIGANTINE**

WHEREAS, the City of Brigantine is a member of the Atlantic County Municipal Joint Insurance Fund, hereinafter referred to as the FUND; and

WHEREAS, the Bylaws of the FUND require that in the manner generally prescribed by law, each member shall appoint one (1) Fund Commissioner to the Fund. Each Fund Commissioner shall be either a member of the local unit's governing body or one of its employees and that no individual may serve as Fund Commissioner for more than one (1) member; and

WHEREAS, N.J.A.C. 11:15-2.6 states that a Fund Commissioner who is a member of the appointing local unit's governing body, shall hold office for two years or for the remainder of his/her term of office as a member of the local unit's governing body, whichever shall be less; and

WHEREAS, N.J.A.C. 11:15-2.6 states that a Fund Commissioner who is an employee of the appointing member shall hold office at the pleasure of the member and can be removed by the member at any time without cause; and

WHEREAS, the City Council of the City of Brigantine recommends the appointment of Mollye O'Neill to serve as Fund Commissioner to the Atlantic County Municipal Joint Insurance Fund.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Brigantine that it does hereby appoint Mollye O'Neill as Fund Commissioner to the Atlantic County Joint Insurance Fund.

Signed this 17th day of March, 2021.

Lynn Sweeney, RMC, City Clerk

**CITY OF BRIGANTINE
RESOLUTION 2021-**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGANTINE
APPOINTING EDWARD P. STINSON, P.E., AS COMMUNITY RATING
SYSTEM PROGRAM COORDINATOR FOR 2021**

WHEREAS, the City of Brigantine participates in the Community Rating System Program (“CRS Program”) administered by F.E.M.A. to reduce flood hazard risks; and

WHEREAS, there exists a need for a Coordinator to assist the City of Brigantine in complying with the standards and requirements of the CRS Program to help protect the City of Brigantine and its residents and visitors from flooding; and

WHEREAS, the City Council of the City of Brigantine desires to approve the appointment of Edward P. Stinson, P.E. as the City’s Community Rating System Program Coordinator for 2021 for an amount not to exceed \$6,000.00.

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 March 17, 2021.

Lynn Sweeney, RMC, City Clerk