

**CITY OF BRIGANTINE
COUNTY OF ATLANTIC
RESOLUTION 2026-74**

**RESOLUTION ADOPTING THE SPENDING PLAN PURSUANT TO FOURTH ROUND
AFFORDABLE HOUSING COMPLIANCE**

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

WHEREAS, on March 20, 2024, Governor Murphy signed into law P.L. 2024, c.2, which amended the New Jersey Fair Housing Act (“Amended FHA”); and

WHEREAS, the City of Brigantine (“City”) filed a timely Fourth Round Declaratory Judgment action (“DJ Action”) with the Affordable Housing Dispute Resolution Program (“Program”) under Docket No. ATL-L-105-25, along with its binding resolution, on January 16, 2025; and

WHEREAS, on March 27, 2025, the Program prepared an order fixing the City’s obligation and authorizing the City to proceed with preparing and adopting its Housing Element and Fair Share Plan (“HEFSP”) for the Fourth Round; and

WHEREAS, on June 30, 2025, the Brigantine City Planning Board approved the HEFSP; and

WHEREAS, by Resolution 2025-153, the City Council endorsed the HEFSP; and

WHEREAS, on June 30, 2025, the City filed its HEFSP; and

WHEREAS, the HEFSP includes a Spending Plan, which provides for the use of Affordable Housing Trust Funds in furtherance of the provision of affordable housing in the City; and

WHEREAS, the Spending Plan in the HEFSP has since been revised; and

WHEREAS, the City now must adopt and approve the proposed amended Spending Plan; and

NOW THEREFORE BE IT RESOLVED by the Council of the City of Brigantine, County of Atlantic, State of New Jersey on this 4th day of March, 2026, that:

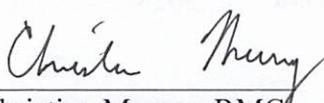
1. The City of Brigantine hereby adopts and approves the Spending Plan attached hereto, or in a form substantially consistent with the attached.

2. A certified true copy of this Resolution shall be filed by the Municipal Clerk and filed with the Program to be received by the Special Adjudicator and FSHC.
3. This Resolution shall take effect immediately.



Vince Sera, Mayor

Attest: March 4, 2026



Christine Murray, RMC
City Clerk

4907-2252-3024, v. 1

RECORD VOTE OF COUNCIL ON FINAL PASSAGE

COUNCIL MEMBERS	Y	N	NV	AB
SERA	✓			
RIORDAN	✓			
KANE * *	✓			
BEW	✓			
LETTIERI	✓			
HANEY x	✓			
VIRGILIO	✓			

X-INDICATES VOTE NV=NOT VOTING AB=ABSENT

**CITY OF BRIGANTINE
COUNTY OF ATLANTIC
RESOLUTION 2026-75**

**RESOLUTION ENDORSING THE AMENDED FOURTH ROUND
HOUSING ELEMENT AND FAIR SHARE PLAN**

WHEREAS, on March 20, 2024, Governor Murphy signed into law P.L. 2024, c.2, which amended the 1985 New Jersey Fair Housing Act (hereinafter the “Amended FHA”); and

WHEREAS, pursuant to the Amended FHA and the Administrative Office of the Court’s Directive No. 14-24, the City of Brigantine (“City”) Council adopted Resolution 2025-034, accepting the DCA-calculated Present Need and Prospective Need, on January 15, 2025, establishing its Fourth Round Present Need of thirteen (13) units and Prospective Need of nineteen (19) units; and

WHEREAS, the City filed a timely Fourth Round Declaratory Judgment action (“DJ Action”) with the Affordable Housing Dispute Resolution Program (“Program”), along with its binding resolution, on January 16, 2025; and

WHEREAS, the filing of the DJ Action gave the City automatic, continued immunity from all exclusionary zoning lawsuits, including builder’s remedy lawsuits, which is still in full force and effect; and

WHEREAS, the City did not receive any objections to its Present and Prospective Need numbers by February 28, 2025, resulting in the statutory automatic acceptance of the City’s Fourth Round obligations on March 1, 2025; and

WHEREAS, on March 27, 2025, the court prepared an order fixing the City’s obligation and authorized the City to proceed with preparing and adopting its Housing Element and Fair Share Plan for the Fourth Round; and

WHEREAS, pursuant to the Amended FHA and Directive #14-24, the municipality must adopt a housing element and fair share plan as provided for by the “Fair Housing Act,” P.L. 1985, c. 222 by June 30, 2025; and

WHEREAS, Tiffany A. Morrissey, the Township’s Affordable Housing Planner (“Planner”) has prepared a Fourth Round Housing Element and Fair Share Plan (“Fourth Round HEFSP”) that addresses the City’s Fourth Round affordable housing obligation; and

WHEREAS, the City adopted the Fourth Round HEFSP in 2025 but now needs to amend the HEFSP; and

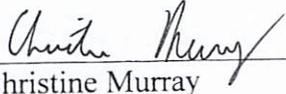
WHEREAS, the City of Brigantine Planning Board, at a duly noticed meeting held on June 30, 2025, reviewed the Fourth Round HEFSP and determined that it was consistent with the Master Plan and that implementation of the Fourth Round HEFSP is in the public interest and would promote the general welfare and, on February 25, 2026, adopted the Fourth Round HEFSP.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Brigantine, County of Atlantic, State of New Jersey, on this 4th day of March 2026, that:

1. The City Council hereby endorses the Fourth Round HEFSP as adopted by the Planning Board as an amendment to the City's Master Plan and agrees to implement the Fourth Round HEFSP by adopting applicable ordinances.
2. The Mayor, City Administrator and City Clerk, together with all other officers, professionals and employees of the City are hereby authorized and directed to take any and all steps necessary to effectuate the purposes of this Resolution.
3. This Resolution shall take effect immediately.

Vince Sera, Mayor

Attest: March 4, 2025



Christine Murray
City Clerk

4898-5909-3395, v. 1



Mayor Vimce Sera

RECORD VOTE OF COUNCIL ON FINAL PASSAGE

COUNCIL MEMBERS	Y	N	NV	AB
SERA	✓			
RIORDAN	✓			
KANE	✓			
BEW X	✓			
LETTIERI	✓			
HANEY	✓			
VIRGILIO X	✓			

X-INDICATES VOTE NV=NOT VOTING AB=ABSENT

**CITY OF BRIGANTINE
COUNTY OF ATLANTIC
RESOLUTION 2026-76**

**RESOLUTION ADOPTING THE AFFIRMATIVE MARKING MANUAL PURSUANT
TO FOURTH ROUND AFFORDABLE HOUSING COMPLIANCE**

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

WHEREAS, on March 20, 2024, Governor Murphy signed into law P.L. 2024, c.2, which amended the New Jersey Fair Housing Act (“Amended FHA”); and

WHEREAS, the City of Brigantine (“City”) filed a timely Fourth Round Declaratory Judgment action (“DJ Action”) with the Affordable Housing Dispute Resolution Program (“Program”) under Docket No. ATL-L-105-25, along with its binding resolution, on January 17, 2025; and

WHEREAS, on April 17, 2025, the Program prepared an order fixing the City’s obligation and authorizing the City to proceed with preparing and adopting its Housing Element and Fair Share Plan (“HEFSP”) for the Fourth Round; and

WHEREAS, on February 28, 2026, the City Planning Board adopted the HEFSP; and

WHEREAS, by Resolution, on March 4, 2026, the City Council endorsed the HEFSP; and

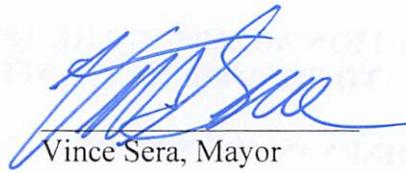
WHEREAS, pursuant to the Amended FHA and the amended New Jersey Uniform Housing Affordability Controls, N.J.A.C. 5:80-26., et seq. (“UHAC”), the City is required to adopt an Affirmative Marketing Plan to ensure that all affordable housing units created, including those created by the HEFSP, are affirmatively marketed to very low, low and moderate income households, particularly those living and/or working within Housing Region 4, the Affordable Housing Region encompassing the City.; and

WHEREAS, the City must adopt and approve an Affirmative Marketing Manual to effectuate the Plan; and

NOW THEREFORE BE IT RESOLVED by the Council of the City of Brigantine, County of Atlantic, State of New Jersey on this 4th day of March, 2026, that:

1. The City of Brigantine hereby adopts and approves the Affirmative Marketing Manual attached hereto, or in a form substantially consistent with the attached.

2. A certified true copy of this Resolution shall be filed by the Municipal Clerk and filed with the Program to be received by the Special Adjudicator and FSHC.
3. This Resolution shall take effect immediately.



Vince Sera, Mayor

Attest: March 4, 2026


 Christine Murray, RMC
 City Clerk

RECORD VOTE OF COUNCIL ON FINAL PASSAGE

COUNCIL MEMBERS	Y	N	NV	AB
SERA	✓			
RIORDAN *	✓			
KANE	✓			
BEW	✓			
LETTIERI	✓			
HANEY	✓			
VIRGILIO ✕	✓			

X-INDICATES VOTE NV=NOT VOTING AB=ABSENT

**CITY OF BRIGANTINE
COUNTY OF ATLANTIC
RESOLUTION 2026-77**

**AUTHORIZING THE IMPLEMENTATION AND EXPENDITURES FOR AN
AFFORDABILITY ASSISTANCE PROGRAM**

WHEREAS, the City previously adopted a mandatory development fee ordinance that established standards for the collection, maintenance, and expenditure of development fees to be used for supporting and providing low- and moderate-income housing in the City; and

WHEREAS, the City Council has established an Affordable Housing Trust Fund; and

WHEREAS, on March 20, 2024, Governor Murphy signed into law P.L. 2024, c.2, which amended the New Jersey Fair Housing Act (“Amended FHA”); and

WHEREAS, the City of Brigantine (“City”) filed a timely Fourth Round Declaratory Judgment action (“DJ Action”) with the Affordable Housing Dispute Resolution Program (“Program”) under Docket No. ATL-L-105-25, along with its binding resolution, on January 17, 2025; and

WHEREAS, on April 17, 2025, the Program prepared an order fixing the City’s obligation and authorizing the City to proceed with preparing and adopting its Housing Element and Fair Share Plan (“HEFSP”) for the Fourth Round; and

WHEREAS, on January 14, 2026, the City entered into a mediation agreement with Fair Share Housing Center (“FSHC”) setting forth the means by which the City will comply with its Mt. Laurel affordable housing obligations, which was recommended by the Program to the Mount Laurel Judge on February 13, 2026; and

WHEREAS, on February 28, 2026, the City Planning Board adopted the amended HEFSP, which was endorsed by the City Council by Resolution on March 4, 2026; and

WHEREAS, the City Council has or will adopt an updated mandatory development fee ordinance; and

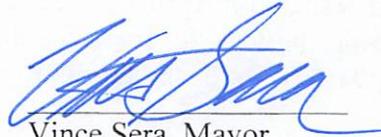
WHEREAS, the adopted HEFSP contained a draft 2025-2035 spending plan, which was or will be finalized and adopted by the City Council on March 4, 2026, pursuant to the mediation agreement with FSHC; and

WHEREAS, the Amended FHA, N.J.S.A. 52:27D-329.2, mandates that municipalities must set aside a portion of their development fee trust fund for the purpose of providing affordability assistance; and

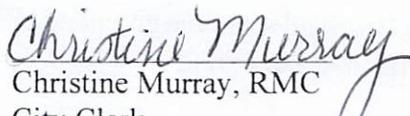
WHEREAS, the City’s Affordable Housing Administrative Agent or Planner has or will prepare an Affordability Assistance Manual for the implementation of these programs; and

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Brigantine, County of Atlantic, State of New Jersey on this 4th day of March, 2026, that:

1. The City of Brigantine hereby adopts and approves the Affordability Assistance Manual attached hereto, or in a form substantially consistent with the attached.
2. The City Council hereby authorizes the City Administrative Agent and/or designee to execute any and all documents and agreements as called for to approve developers or applicants to the Affordability Assistance Program in accordance with the approved Affordability Assistance Manual.
3. The City Council hereby authorizes the City Manager and/or designee to execute any and all necessary documents to allow for the disbursement of funds as set forth in this resolution and in accordance with the Spending Plan and the approved Affordability Assistance Manual.
4. The City Council hereby directs the City Manager and/or designee to provide regular reporting to the Council on program disbursements.
5. This Resolution shall take effect immediately.


 Vince Sera, Mayor

Attest: March 4, 2026


 Christine Murray, RMC
 City Clerk

RECORD VOTE OF COUNCIL ON FINAL PASSAGE				
COUNCIL MEMBERS	Y	N	NV	AB
SERA				
RIORDAN				
KANE				
BEW				
LETTIERI				
HANEY				
VIRGILIO				

X-INDICATES VOTE NV=NOT VOTING AB=ABSENT

**CITY OF BRIGANTINE
RESOLUTION 2026-78**

**A RESOLUTION AUTHORIZING AN AWARD OF A CONTRACT FOR PROFESSIONAL
PROPERTY APPRAISER, INC FOR TAX APPEALS AND CONSULTING**

WHEREAS, the City of Brigantine has a need for Property Appraising and Consulting for Tax Appeals and Consulting and;

WHEREAS, Professional Property Appraiser, Inc is a proprietary service company excluded from public bidding and;

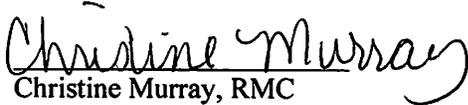
WHEREAS, services will be utilized on a as needed basis and will not exceed \$19,000.00

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Brigantine, County of Atlantic and State of New Jersey on this 4th day of March 2026:

1. The City of Brigantine shall enter into an agreement with Professional Property Appraiser Incorporated to provide professional services for tax appeals and appraising
2. The contract is to be awarded not to exceed \$19,000.00
3. Albert Stanley, Chief Financial Officer of the City of Brigantine, does hereby certify that there are adequate funds available not to exceed \$19,000.00 in Utility Operating Acct. #6-01-20-150-295
4. This Resolution shall take effect immediately.

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 4th day of March, 2026.

CITY OF BRIGANTINE


Christine Murray, RMC
City Clerk


Albert Stanley
Chief Financial Officer

RECORD VOTE OF COUNCIL ON FINAL PASSAGE

COUNCIL MEMBERS	Y	N	NV	AB
SERA	✓			
RIORDAN	✓			
KANE	✓			
BEW	✓			
LETTIERI	✓			
HANEY	✓			
VIRGILIO	✓			

X-INDICATES VOTE NV=NOT VOTING AB=ABSENT

**CITY OF BRIGANTINE
RESOLUTION 2026-79**

**A RESOLUTION AUTHORIZING A CONTRACT WITH KNOX
COMPANY FOR A SECURITY SAFE AND SYSTEM FOR THE FIRE
DEPARTMENT**

WHEREAS, the City of Brigantine is in need of a specialized security safe for the Fire Department and;

WHEREAS, Knox Company is a single source vendor that can provide the safe with the specifications needed for the Fire Department in the amount of \$13,641.00

NOW, THEREFORE BE IT RESOLVED by the City Council of the City of Brigantine, County of Atlantic and State of New Jersey on this 4th day of March 2026, authorizing a contract with Knox Company 1601 W Deer Valley Road for a Security Safe and System in the amount of \$13,641.00

BE IT FURTHER RESOLVED that Albert Stanley, Chief Financial Officer of the City of Brigantine, does hereby certify that there are adequate funds available Account # C-04-25-022-301

Certified to be a true copy of a Resolution adopted by the Municipal Council of the City of Brigantine, County of Atlantic and State of New Jersey, on the 4th day of March, 2026.

CITY OF BRIGANTINE


Christine Murray
City Clerk


Albert Stanley
Chief Financial Officer

RECORD VOTE OF COUNCIL ON FINAL PASSAGE

COUNCIL MEMBERS	Y	N	NV	AB
SERA	✓			
RIORDAN	✓			
KANE	✓			
BEW	✓			
LETTIERI	✓			
HANEY	✓			
VIRGILIO	x			

X-INDICATES VOTE NV=NOT VOTING AB=ABSENT

**CITY OF BRIGANTINE
RESOLUTION 2026- 80**

AUTHORIZING THE TAX COLLECTOR TO ISSUE REFUNDS

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

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 4th day of March, 2026.

CITY OF BRIGANTINE


Christine Murray, RMC
City Clerk

RECORD VOTE OF COUNCIL ON FINAL PASSAGE				
COUNCIL MEMBERS	Y	N	NV	AB
SERA	✓			
RIORDAN	✓			
KANE	XX	✓		
BEW	✓			
LETTIERI	✓			
HANEY	✓			
VIRGILIO	✓			

X-INDICATES VOTE NV=NOT VOTING AB=ABSENT

CITY OF BRIGANTINE
OVERPAYMENT REFUNDS

February 26, 2026

BLOCK	LOT	QUAL	NAME	YEAR-QRT	AMOUNT
7304	7		Schmidt, Joeseeph Corelogic – 100% Dis. Veteran	2026-1	2354.02
6902	41		Keats, Halsey & Jennifer Corelogic – 100% Dis. Veteran	2026-1	1289.63
7702	11		Thompson, Michael Corelogic – 100% Dis. Veteran	2026-1	916.80

**CITY OF BRIGANTINE
RESOLUTION 2026-81**

**A RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT
TO FRED M. SCHIAVONE CONSTRUCTION, INC. FOR
CHECK VALVE INSTALLATION AT 6 STORMWATER OUTFALL
PIPES NOT TO EXCEED \$79,350.00**

WHEREAS, The City is in need to install check valves in 6 stormwater outfall pipes and;

WHEREAS, the City solicited bids to be opened February 26, 2026 and;

WHEREAS, the City received two bids for the project with Fred M. Schiavone Construction, Inc. being the lowest responsible bidder in the amount of \$79,350.00 and;

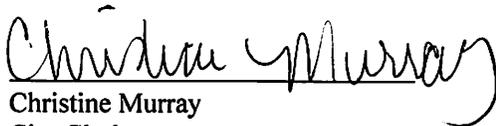
NOW, THEREFORE, BE IT RESOLVED by the Municipal Council of the City of Brigantine, County of Atlantic and State of New Jersey, to award a contract to Fred M. Schiavone, Inc. PO Box 416, Malaga, NJ 08328 in the amount not to exceed of \$79,350.00.

BE IT FURTHER RESOLVED that Albert Stanley, Chief Financial Officer of the City of Brigantine, does hereby certify that there are adequate funds available in

- Account# C-04-14-013-107: \$23,000.00
- Account# C-04-23-016-402: \$56,350.00

Certified to be a true copy of a Resolution adopted by the Municipal Council of the City of Brigantine, County of Atlantic and State of New Jersey, on the 4th day of March, 2026

CITY OF BRIGANTINE


Christine Murray
City Clerk


Albert Stanley
Chief Financial Officer

RECORD VOTE OF COUNCIL ON FINAL PASSAGE				
COUNCIL MEMBERS	Y	N	NV	AB
SERA	✓			
RIORDAN	✓			
KANE	✓			
BEW	✓			
LETTIERI	✓			
HANEY	✓			
VIRGILIO	✓			

X-INDICATES VOTE NV=NOT VOTING AB=ABSENT

**CITY OF BRIGANTINE
RESOLUTION 2026-82**

**A RESOLUTION AUTHORIZING THE AWARD OF A
CONTRACT TO LEXA CONCRETE, LLC. FOR
CDBG PEDESTRIAN IMPROVEMENTS TO WEST BEACH AVENUE AND
ROOSEVELT BLVD. NOT TO EXCEED \$197,525.00**

WHEREAS, The City has a need for Pedestrian Improvements to West Beach Avenue and Roosevelt Boulevard and;

WHEREAS, the City solicited bids to be opened February 26, 2026 and;

WHEREAS, the City received five bids for the project with Lexa Concrete LLC being the lowest responsible bidder in the amount of \$197,525.00 and;

NOW, THEREFORE, BE IT RESOLVED by the Municipal Council of the City of Brigantine, County of Atlantic and State of New Jersey, to award a contract to Lexa Concrete LLC, 11 Commerce Way, Hammonton, NJ 08037 in the amount not to exceed of \$197,525.00.

BE IT FURTHER RESOLVED that Albert Stanley, Chief Financial Officer of the City of Brigantine, does hereby certify that there are adequate funds available in

- Account# C-04-24-012-402: \$197,525.00

Certified to be a true copy of a Resolution adopted by the Municipal Council of the City of Brigantine, County of Atlantic and State of New Jersey, on the 4th day of March, 2026

CITY OF BRIGANTINE



Christine Murray
City Clerk


Albert Stanley
Chief Financial Officer

RECORD VOTE OF COUNCIL ON FINAL PASSAGE

COUNCIL MEMBERS	Y	N	NV	AB
SERA	✓			
RIORDAN	✓			
KANE	✓			
BEW	✓			
LETTIERI	✓			
HANEY	✓			
VIRGILIO	✓			

X-INDICATES VOTE NV=NOT VOTING AB=ABSENT

**CITY OF BRIGANTINE
RESOLUTION 2026-83**

A RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT TO FRED M. SCHIAVONE CONSTRUCTION, INC. FOR PARKING LOT REPAIRS AND LINE STRIPING AT VARIOUS LOCATIONS NOT TO EXCEED \$54,950.00

WHEREAS, The City has a need for Parking Lot Repairs and Line striping at Various Locations and;

WHEREAS, the City solicited bids to be opened February 26, 2026 and;

WHEREAS, the City received two bids for the project with Fred M. Schiavone Construction, Inc. being the lowest responsible bidder in the amount of \$54,950.00 and;

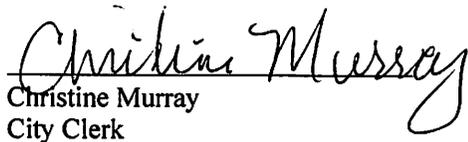
NOW, THEREFORE, BE IT RESOLVED by the Municipal Council of the City of Brigantine, County of Atlantic and State of New Jersey, to award a contract to Fred M. Schiavone, Inc. PO Box 416, Malaga, NJ 08328 in the amount not to exceed of \$54,950.00.

BE IT FURTHER RESOLVED that Albert Stanley, Chief Financial Officer of the City of Brigantine, does hereby certify that there are adequate funds available in

- Account# C-04-19-012-102: \$54,950.00

Certified to be a true copy of a Resolution adopted by the Municipal Council of the City of Brigantine, County of Atlantic and State of New Jersey, on the 4th day of March, 2026

CITY OF BRIGANTINE


Christine Murray
City Clerk


Albert Stanley
Chief Financial Officer

RECORD VOTE OF COUNCIL ON FINAL PASSAGE

COUNCIL MEMBERS	Y	N	NV	AB
SERA	✓			
RIORDAN	✓			
KANE	✓			
BEW	✓			
LETTIERI	✓			
HANEY	✓			
VIRGILIO	✓			

X-INDICATES VOTE NV=NOT VOTING AB=ABSENT

**CITY OF BRIGANTINE
RESOLUTION NO. 2026 - 84**

**A RESOLUTION SUPPORTING SENATE RESOLUTION NO. 106 (SCUTARI D-22)
TO DETERMINE THAT THE
NJDEP'S PROPOSED COASTAL REGULATION ARE INCONSISTENT WITH
LEGISLATIVE INTENT**

WHEREAS, In the January 20, 2026 New Jersey Register, 58 N.J.R. 13 247(a), the Department of Environmental Protection (DEP) adopted a set of rules and regulations, known as "New Jersey Protecting Against Climate Change – Resilient Environment and Landscapes" (NJPACT – REAL), which make sweeping changes to various DEP rules and programs in response to climate change, including drastically increasing the size of the Flood Hazard Area under the "Flood Hazard Area Control Act," P.L.1962, c.19 (C.58:16A-50 et 20 seq.), in addition to making changes to the State's stormwater management, wetlands conservation, and coastal area protection rules; and

WHEREAS, the rules and regulations will have substantial effects on ordinary New Jerseyans, by limiting development rights for countless homeowners and property owners, devaluing property, and having a significant impact on property tax assessments; and

WHEREAS, the rules and regulations will increase the cost of housing in New Jersey, by greatly restricting development in large areas of the State and increasing regulatory costs; and

WHEREAS, the rules and regulations apply the Flood Hazard Area rules to "substantial improvements," meaning, improvements that are valued at 50 percent or more of a property's value, which occur in the expanded "Coastal Adjusted Flood Hazard Area," creating disincentives to renovation, redevelopment, and imposing significant economic burdens on lower-valued properties in large areas of the State; and

WHEREAS, the rule adoption contains economic, housing, and jobs impact statements that are severely inadequate and include little evidence, and the impacts of rules and regulations of this magnitude should be carefully studied prior to implementation; and

WHEREAS, under the State Constitution, the duties and powers of the Executive Branch are limited to executing those laws that are enacted by the Legislature and the Governor; and

WHEREAS, the Legislature recognizes this principle by including, within its laws, an explicit authorization for an Executive Department to adopt rules and regulations to implement the law; and

WHEREAS, however, in this case, the Legislature did not merely neglect to include such an authorization, it enacted no law; and

WHEREAS, instead, the DEP proposed the NJPACT – REAL rules and regulations, which constitute a major climate change law, unilaterally, likely with the well-intended aim of

combating the negative effects of climate change, but forgetting that the DEP does not represent the people of New Jersey and thus that it oversteps its constitutional authority by proposing entirely new laws, and ignoring the fact that inaction can also be an expression of the Legislature's will; and

WHEREAS, the DEP claims, in its rule proposal, that approximately 50 existing laws provide it with the statutory authority to advance the NJPACT – REAL rules and regulations; and

WHEREAS, however, there are several issues with this claim as many of the laws, including P.L.1951, c.80 (C.58:10-35.1 et seq.) and the "Radiation Protection Act," P.L.1958, c.116 (C.26:2D-1) et seq., have not been amended for at least 40 years, meaning that the Legislature could not possibly have intended them to authorize the DEP to combat the effects of climate change, since the issue of climate change was not salient at that time; and

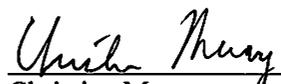
WHEREAS, in addition, the DEP fails to cite the one significant statute that has been enacted specifically in response to climate change, the "Global Warming Response Act," P.L.2007, c.112 (C.26:2C-37 et seq.), perhaps in tacit recognition of the fact that that law explicitly provides the DEP with the authority to establish a greenhouse gas monitoring and reporting program only, and that the Legislature specifically removed a provision that would have authorized the DEP to adopt rules and regulations to implement the other provisions of the law, including the greenhouse gas emissions reduction goals, during the passage of the law; and

WHEREAS, it is therefore clear that the DEP has overstepped its authority in proposing the NJPACT – REAL rules and regulations, and the Legislature urges the DEP to follow the principles of the Constitution and await future Legislative enactments regarding how best to protect New Jerseyans lives and property from the negative effects of climate change.

NOW THEREFORE, BE IT RESOLVED, that The City of Brigantine hereby formally supports SCR No. 106, which would determine that the NJPACT REAL Rules are inconsistent with legislative intent.

BE IT FURTHER RESOLVED, that certified copies of this Resolution shall be sent to the offices of Governor Mikie Sherrill, Senate President Nicholas Scutari, General Assembly Speaker Craig Coughlin, and State Legislators.

CITY OF BRIGANTINE


Christine Murray
City Clerk

Recorded Vote:	MOTIONS	AYE	NAY	ABSTAIN	ABSENT
Sera		✓			
Riordan	<i>xy</i>	✓			
Kane	<i>x</i>	✓			
Bew		✓			
Lettieri		✓			
Haney		✓			
Virgilio		✓			