

RESOLUTION 2021-
RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT
RENEWING MEMBERSHIP IN THE
ATLANTIC COUNTY MUNICIPAL JOINT INSURANCE FUND

WHEREAS, the City of Brigantine (hereinafter the "MUNICIPALITY") is a member of the Atlantic County Municipal Joint Insurance Fund (hereinafter the "FUND"); and

WHEREAS, the MUNICIPALITY'S membership terminates as of January 1, 2022 unless earlier renewed by a Contract between the MUNICIPALITY and the FUND; and

WHEREAS, N.J.S.A. 40A:11-5 (1) (m) provides that a Contract which exceeds the bid threshold may be negotiated and awarded by the governing body without public advertising for bids and bidding therefor, if the subject matter is for the purchase of insurance coverage and consultant services, provided that the award is in accordance with the requirements for extraordinary unspecifiable services; and

WHEREAS, N.J.S.A. 40A:11-6.1(b) provides that the MUNICIPALITY shall make a documented effort to secure competitive quotations; however, a Contract may be awarded upon a determination, in writing, that the solicitation of competitive quotations is impracticable; and

WHEREAS, in accordance with N.J.A.C. 5:34-2.3, a designated official of the MUNICIPALITY, has filed a certification with the governing body describing in detail, as set forth below in this Resolution, why this Contract meets the provisions of the statutes and the regulations and why the solicitation of competitive quotations is impracticable; and

WHEREAS, it has been determined that the purchase of insurance coverage and insurance consultant services by the MUNICIPALITY requires a unique knowledge and understanding of the municipal exposures and risks associated with the operation of a municipal entity, and many insurance professionals are not qualified to assess these risks and exposures based upon their inherent complexity; and

WHEREAS, insurance coverage for municipal entities can vary greatly in the type, limits, and exceptions to coverage, and therefore particularized expertise in determining and obtaining the appropriate coverage is required to protect the MUNICIPALITY; and

WHEREAS, it is the goal of the MUNICIPALITY to obtain a single integrated program to provide all types of insurance coverage with a plan to limit the MUNICIPALITIES exposure; and

WHEREAS, the FUND has provided comprehensive insurance coverage to member municipalities since 1987; and

WHEREAS, since 1987, the Fund has continually refined all of the types of coverage that it provides to its members so that it offers comprehensive insurance coverage and limits to all members that is unique and cannot be purchased from a single entity in the commercial insurance market; and

WHEREAS, the FUND has also developed and made available to its members Safety, Risk Management and Litigation Management programs that address the specific exposures and risks associated with municipal entities; and

WHEREAS, the FUND provides the MUNICIPALITY with Fund Administration, Claims Review, Claims Processing, Claims Administration, Actuarial and Legal services; and

WHEREAS, the FUND is one of the most financially sound Municipal Joint Insurance Funds in New Jersey, and the FUND operates with strong fiscal controls, member oversight, and meets all of the requirements promulgated by the New Jersey Department of Community Affairs and the Department of Banking and Insurance; and

WHEREAS, as an existing member of the FUND, the MUNICIPALITY would be renewing its membership in an organization with experienced and dedicated FUND Professionals who provide specialized services to the members; and

WHEREAS, the membership of the FUND includes many neighboring municipalities that have uniquely similar exposures to the MUNICIPALITY, and with whom the MUNICIPALITY has existing inter-local arrangements; and

WHEREAS, all of the aforementioned factors categorize the award of this Contract as an "extraordinary, unspecifiable service" that cannot be duplicated, accounted for, accurately detailed, or described in a manner that truly depicts the value of the MUNICIPALITY'S membership in the FUND; and

WHEREAS, for all of the aforementioned reasons, it is impracticable for the MUNICIPALITY to seek competitive quotations for a Contract to provide the procurement of insurance coverage and consultant services; and

WHEREAS, the FUND has been organized pursuant to N.J.S.A. 40A:10-36 et seq., and as such is an agency of the municipalities that created it; and

WHEREAS, N.J.S.A. 40A:11-5(2) also provides that a Contract which exceeds the bid threshold may be negotiated and awarded by the governing body without public advertising for bids and bidding therefor, if the Contract is entered into with a municipality or any board, body, officer, agency or authority thereof; and

WHEREAS, the FUND meets the definition of an agency as set forth in N.J.S.A. 40A:11-5(2); and

WHEREAS, for all of the aforementioned reasons, the MUNICIPALITY desires to enter into a Contract to renew its membership with the FUND for a period of three (3) years, for insurance coverage and consultant services, as an exception to the public bidding requirements of the Local Public Contracts Law.

NOW THEREFORE, be it resolved by the governing body of the MUNICIPALITY as follows:

1. The MUNICIPALITY agrees to renew its membership in the FUND and to be subject to the Bylaws, Rules and Regulations, coverages, and operating procedures thereof as presently existing or as modified from time to time by lawful act of the FUND.
2. The Mayor and Clerk of the MUNICIPALITY shall be and hereby are authorized to execute the "Contract to Renew Membership" annexed hereto and made a part hereof and to deliver same to the FUND evidencing the MUNICIPALITY'S renewal of its membership.
3. In accordance with N.J.A.C. 5:34-2.3, the certificate of a designated official of the MUNICIPALITY, which details why the solicitation of competitive quotations is impracticable, is attached hereto and made a part of this Resolution.

4. The Clerk of the MUNICIPALITY is authorized and directed to place a notice of the adoption of this Resolution and the award of this Contract in the official newspaper of the MUNICIPALITY.


This Resolution agreed to this 4th day of August, 2021, by a vote of:

_____ Affirmative _____ Negative _____ Abstentions

(Municipal Official)

CERTIFICATION

I hereby certify that the foregoing is a true copy of Resolution 2021- adopted by the City Council of the City of Brigantine in the County of Atlantic, at a regular meeting thereof held on August 4, 2021.



Lynn Sweeney, RMC

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

X-INDICATES VOTE NV=NOT VOTING AB=ABSENT

CITY OF BRIGANTINE

ORDINANCE 17-2021

**AN ORDINANCE OF THE CITY COUNCIL
OF THE CITY OF BRIGANTINE AMENDING CHAPTER 105-6 OF
THE CODE OF THE CITY OF BRIGANTINE REGULATING THE
CITY'S MUNICIPAL BEACHES AND RECREATIONAL AREAS**

WHEREAS, the City of Brigantine (the "City") is a municipal entity organized and existing under the laws of the State of New Jersey and located in Atlantic County; and

WHEREAS, N.J.S.A. 40:48-1 authorizes the City to make and enforce ordinances regulating or prohibiting swimming or bathing in the waters of, in, or bounding the City and to establish, maintain, regulate and control a lifeguard upon any beach within or bordering on the municipality; and

WHEREAS, N.J.S.A. 40:61-22.20 provides City Council with the exclusive control, government and care of any lands or bathing and recreational facilities bordering on the Atlantic Ocean and tidal water bays and authorizes the enforcement of rules and regulations for the government and policing of such lands and bathing facilities; and

WHEREAS, the City Council desires to amend and supplement Chapter 105 of the Code of the City of Brigantine, which provides for the regulation of City municipal beaches and recreational areas.

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. §105-4(B), Automobile Permits, is hereby amended and supplemented as follows:

- (1) Four-Wheel Drive Permit. No person shall operate a motor vehicle upon or within the municipal beaches and recreational areas without first obtaining a permit in accordance with this Chapter. Permits shall only be issued for trucks, sport-utility vehicles ("SUV") and crossover utility vehicles ("CUV") with four-wheel drive capability, which have passed inspection by the Motor Vehicle Commission of the State of New Jersey for the current year or by the equivalent department or agency of the state in which the vehicle is permitted. No permit shall be issued for all-terrain vehicles ("ATV"), utility task vehicles ("UTV") or motorcycles, and operation of such within the municipal beaches and recreational areas is prohibited.

Section 2. §105-6, Violations and Penalties, is hereby amended and supplemented as follows:

- A. First Offense: Any person has been cited for violation of this Chapter, may plead guilty by affidavit through the City of Brigantine Municipal Court. The fine for a first time

offense is two hundred and nine (\$209.00) dollars. The offending party may also appear in Municipal Court and plead not guilty to the citation, and be heard before the Court.

- B. Second and/or Subsequent Offenses: Any subsequent violations or failures to comply with any of the provisions of this Chapter shall upon conviction thereof, be punishable by a fine of not more than one thousand dollars (\$1,000.00), by imprisonment for a term not to exceed ninety (90) days or by community service of not more than ninety (90) days, or any combination of fine, imprisonment or community service as determined in the discretion of the Municipal Court Judge.

Any person found guilty of a Second and/or Subsequent Offense may be prohibited from accessing Municipal Beaches or Recreational Areas for a one-year period commencing on the date of conviction.

- C. Any Beach Tag, Four Wheel Drive Permit, Catamaran Permit or Special Event Permit hereafter issued may, in addition to the imposition of any penalties provided hereunder against the responsible individual or vehicle or catamaran owner, be revoked temporarily by any police officer, lifeguard or other agent of the City for the refusal or failure of such person to display such tag or permit or to comply with any rule or regulation governing the use of the Municipal Beaches or Recreational Areas, to obey the reasonable directions of the officer or employee charged with the maintenance of good order thereon, for engaging in any noxious or offensive conduct or language or for other good cause.

Section 3. Any and all Ordinances inconsistent with the terms of this Ordinance are hereby repealed to the extent of any such inconsistencies.

Section 4. 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 5. This Ordinance shall take effect after final adoption and publication in accordance with law.

ATTEST:

CITY OF BRIGANTINE

Lynn A. Sweeney, Clerk

Vince Sera, Mayor

I, _____, Clerk of the City of Brigantine, do hereby certify that the foregoing is a true copy of an ordinance duly adopted by the City Council of the City of Brigantine on _____, 2021.

Lynn A. Sweeney, Clerk

CITY OF BRIGANTINE

ORDINANCE NO. 18 OF 2021

**AN ORDINANCE OF THE CITY OF BRIGANTINE ADOPTING A
REDEVELOPMENT PLAN FOR BLOCK 5702, LOTS 7, 7.01, 7.02, 8 AND 9, LOCATED
AT 4401 ATLANTIC-BRIGANTINE BOULEVARD**

WHEREAS, previously, the City Council of the City of Brigantine directed the Brigantine Planning Board to study Block 5702, Lots 7, 7.01, 7.02, 8 and 9, located at 4401 Atlantic-Brigantine Boulevard, (hereinafter referred to as the “Property”), to determine whether the area is in need of redevelopment pursuant the New Jersey Local Housing and Redevelopment Law (N.J.S.A. 40A:12A-1 *et. seq.*) and

WHEREAS, the Brigantine Planning Board undertook the required study and conducted a public hearing on June 22, 2021, resulting in a finding that the Property meets the criteria for redevelopment; and

WHEREAS, the Brigantine Planning Board notified the City Council of its recommendation that the City declare the Property, now referred to as “The Bayside Marina Redevelopment Area” an Area in Need of Redevelopment, which recommendation is memorialized in a Decision and Resolution of the Planning Board dated July 28, 2021; and

WHEREAS, on July 14, 2021, pursuant to Resolution No. 2021-141, the City Council of the City of Brigantine declared the Property, referred to as The Bayside Marina Redevelopment Area” to be in an area in need of redevelopment; and

WHEREAS, as a result of such designation, property within the area so designated is eligible to adopt a Plan designed to rehabilitate, redevelop and revitalize the site; and

WHEREAS, the City Council of the City of Brigantine authorized the preparation of a Redevelopment Plan, which Plan was prepared by L.B. Landgraf & Associates, LLC, and is dated July 13, 2021, attached hereto (hereinafter “the Plan”); and

WHEREAS, the Brigantine Planning Board reviewed the Plan and made a finding that the Plan is consistent with the City’s Master Plan, and recommends that the City adopt the Plan; and

WHEREAS, the City Council has reviewed and accepts the recommendations of the Brigantine Planning Board and finds that the adoption of the Bayside Marina Redevelopment Plan will be in the best interests of the City of Brigantine and will facilitate appropriate rehabilitation, redevelopment and revitalization of the Bayside Marina Redevelopment Area.

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

Section 1. The Redevelopment Plan for the Bayside Marina Redevelopment Area, is hereby adopted as a Redevelopment Plan in Accordance with N.J.S.A. 40A:12A-1 *et seq.* The City Council declares and determines that said Redevelopment Plan meets the criteria, guidelines and conditions set forth in N.J.S.A. 40A:12A-7, provides realistic opportunities for the planning development and rehabilitation within the City and specifically the Redevelopment Area, and is otherwise in conformance with N.J.S.A 12A-1, *et seq.*;

Section 2. The City Council hereby accepts the recommendations of the Brigantine Planning Board and adopts the attached Redevelopment Plan entitled “Bayside Marina Redevelopment Plan” prepared by L.B. Landgraf, LLC and is dated July 13, 2021, for the City of Brigantine and specifically the Redevelopment Area.

Section 3. The Bayside Marina Redevelopment Plan shall supersede and replace the zoning and development regulations of the City Land Use Ordinance.

Section 4. All Ordinances and provisions thereof inconsistent with the provisions of this Ordinance shall be and are hereby repealed to the extent of such inconsistency.

Section 5. If any section, paragraph, subdivision, clause or provision of this ordinance shall be adjudged, invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision and the remainder of this ordinance shall be deemed valid and effective.

Section 6. This ordinance shall take effect upon final adoption and publication in accordance with the law.

ATTEST

CITY OF BRIGANTINE

LYNN SWEENEY, CITY CLERK

VINCE SERA, MAYOR

First Reading: _____
Publication: _____
Second Reading: _____

**CITY OF BRIGANTINE
RESOLUTION NO. 2021-**

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget, and

WHEREAS, said Director may also approve the insertion of an item of appropriation for an equal amount, and

WHEREAS, the City of Brigantine has received an award of \$2,400.00 from Atlantic County Office of Highway Safety (sub-grantee) for Drive Sober or Get Pulled Over Labor Day Enforcement 2021 and wishes to amend its 2021 Budget to include this amount as revenue.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Brigantine, in the County of Atlantic, State of New Jersey, hereby requests that Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2021 in the sum of\$2,400.00

Which now is available as revenue from:

Miscellaneous Revenues:

Special Items of General Revenue Anticipated
with Prior Written Consent of the Director of the
Division of Local Government Services:
State and Federal Revenues Off-set with
Appropriations:

BE IT FURTHER RESOLVED that the like sum of\$2,400.00
be and the same is hereby appropriated under the caption of:

General Appropriations:

Operations Excluded from CAPS
Drive Sober or Get Pulled Over Labor Day Enforcement 2021

BE IT FURTHER RESOLVED, that the City Clerk will forward a certified copy electronically to the Chief Financial Officer who will file request electronically with the Division of Local Government Services for approval.

RESOLUTION NO. 2021-

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget, and

WHEREAS, said Director may also approve the insertion of an item of appropriation for an equal amount, and

WHEREAS, the City of Brigantine has received notice of an award of \$4,503.39 with a Cash Match of \$1,125.85 for the fiscal year 2022 and the period of July 1, 2021 through June 30, 2022 from the County of Atlantic, State of New Jersey and wishes to amend its 2021 Budget to include this amount as revenue.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Brigantine, in the County of Atlantic, State of New Jersey, hereby requests that Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2021 in the sum of\$4,503.39

Which now is available as revenue from:

Miscellaneous Revenues:

Special Items of General Revenue Anticipated
With Prior Written Consent of the Director of the
Division of Local Government Services:
State and Federal Revenues Off-set with
Appropriations:
Municipal Alliance
(July 1, 2021-June 30, 2022)

BE IT FURTHER RESOLVED that the like sum of	\$ 4,503.39
Cash Match from Matching Funds for Grants.....	<u>1,125.85</u>
Total	\$ 5,629.24

Be and the same is hereby appropriated under the caption of:

General Appropriations:

Operations Excluded from CAPS
Municipal Alliance
(July 1, 2021-June 30, 2022)

BE IT FURTHER RESOLVED, that the City Clerk will forward a certified copy electronically to the Chief Financial Officer who will file request electronically with the Division of Local Government Services for approval.

RESOLUTION 2021-

WHEREAS, NJS 40A: 4-85 provides that the Director of the Division of Local Government Services may, at the request of, or with the consent of, the governing body of any county or municipality, make such correction of the title, text, or amount of any appropriation appearing in the budget as may be necessary to make said item of appropriation available for the purpose or purposes required for the needs of any county or municipality,

NOW, THEREFORE, BE IT RESOLVED, that in accordance with the provisions of NJS 40A:4-85, City Council of the City of Brigantine hereby requests the Director of the Division of Local Government Services to make the following correction in the 2021 budget:

Operations -Excluded from CAPS:

Public and Private Programs Offset by Revenues, Provision for Matching Funds

For Grants be reduced by the sum of \$1,125.85 and

An appropriation in the like amount of \$1,125.85 is added to the budget entitled:

Operations -Excluded from CAPS:

Public and Private Programs Offset by Revenues

2021 Municipal Alliance Grant

BE IT FURTHER RESOLVED that the foregoing correction is, in the opinion of the governing body, warranted and authorized by the statute referred to above, and is necessary for the orderly operation of the City of Brigantine for the reasons set forth:

The City provided for the possibility of receiving grants after the adoption of the 2021 budget that would possibly require a match in funds and provided for such in the line item called "Matching Funds for Grants". In order to accept the 2021 Municipal Alliance Grant, legal provision for the required match must be made. The above will provide for the said legal provision.

AND, BE IT FURTHER RESOLVED that the City Clerk submit two copies of this resolution to the Director of the Division of Local Government Services for approval.

This is to certify 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 August 18, 2021.

Lynn Sweeney, RMC, City Clerk

RESOLUTION

THE COUNCIL OF THE CITY OF BRIGANTINE RESOLVES THAT:

WHEREAS, the City of Brigantine has, pursuant to various ordinances, a set fee schedule for the collection of rental inspections fees; and

WHEREAS, it appears from the record that *William Kelly, PO Box 403, Coopersburg, PA 18036*, owner of the property located at *321 6th Street South Unit #6, (Block 703, Lot 1.06C0006)*, has overpaid for rental registration in the amount of *\$150.00 (One Hundred Fifty Dollars)*, resulting in an overpayment.

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

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

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

Lynn Sweeney, RMC, City Clerk