

RESOLUTION NO. 2009-303A

**RESOLUTION OF THE TOWNSHIP OF BARNEGAT,
COUNTY OF OCEAN, STATE OF NEW JERSEY,
AUTHORIZING PAYMENT TO THE PEBBLE BEACH
HOMEOWNERS ASSOCIATION, INC. TO OFFSET SOME
OF THE CONSTRUCTION COSTS IN DREDGING THE
HUDSON LAGOON IN PEBBLE BEACH, BARNEGAT
TOWNSHIP, NEW JERSEY**

WHEREAS, the Pebble Beach Homeowners Association, Inc. ("Pebble Beach") has discussed with representatives of the Township Committee of the Township of Barnegat, County of Ocean, State of New Jersey (hereinafter referred to as the "Township") the potential assistance in offsetting costs associated with the proposed dredging of the Hudson Lagoon, north of Clifton Road, in portions of Barnegat and Ocean Townships, Ocean County, New Jersey (the "project"); and

WHEREAS, Pebble Beach has obtained all necessary permit approvals from NJDEP so as to allow for the dredging of a portion of Hudson Lagoon; and

WHEREAS, Pebble Beach has retained the services of an independent consulting firm, CMX, to assist in the permitting and inspection process; and

WHEREAS, the Pebble Beach section of Ocean and Barnegat Townships has approximately 700 waterfront homes, approximately 300 of which are located in Barnegat Township, and the Hudson Lagoon is physically located in both Ocean and Barnegat Township; and

WHEREAS, the project entails the dredging of a portion of Hudson Lagoon and the depositing of the dredged spoils on a peninsula located in Ocean Township which has previously been bulkheaded by Ocean Township and designated as a dredged spoil location facility; and

WHEREAS, Ocean Township has previously paid for engineering and associated costs in conjunction with the designation of the peninsula as a dredged spoil location facility, which has been approved by NJDEP for that purpose; and

WHEREAS, Ocean Township has expended approximately \$70,000.00 to undertake the aforementioned bulkhead and permitting work affecting the peninsula area which is of benefit to and will be utilized as part of the project; and

WHEREAS, Pebble Beach and the Township have discussed a methodology of financial assistance to be provided by the Township which, the Township believes, will assist many Township residents and taxpayers who own waterfront property in Pebble Beach, as well as assist in keeping clean and clear the boatways in Ocean and Barnegat Townships:

NOW, THEREFORE, BE IT RESOLVED, this 4th day of May, 2009 by the Township Committee of the Township of Barnegat, County of Ocean, State of New Jersey, as follows:

1. The Township authorizes an expenditure of up to but not exceeding \$35,000.00 to be paid to the Pebble Beach Homeowners Association, Inc. and to assist in completing the dredging project referenced hereinabove.

2. Payment shall be made by the Township to the Pebble Beach Homeowners Association, Inc. only after receiving appropriate certifications from the Consulting Engineer for Pebble Beach indicating that work has been completed by the independent contractor on the project to the extent that a portion of the aforementioned monies should be paid to the contractor by Pebble Beach.

3. Before providing any financial assistance to Pebble Beach, the Township shall be in receipt of a certificate of liability insurance both from Pebble Beach and from its contractor, as well as appropriate documentation confirming that Pebble Beach is a duly incorporated not for profit corporation in the State of New Jersey and is authorized to do business in New Jersey.

4. The Township authorizes and directs the Mayor, Township Clerk, and Township Administrator to execute any and all necessary documents in order to implement the intent of this resolution.

5. A certified copy of this resolution shall be forwarded by the Township Clerk to the following:

- (a) Honorable Jeffrey Melchiondo, Mayor;
- (b) David Breeden, Administrator;
- (c) Kathleen Janeski, CFO;
- (d) Jerry J. Dasti, Esq.;
- (e) Honorable Robert Kraft, Mayor, Ocean Township;
- (f) Lawrence Frank on behalf of Pebble Beach Homeowners Association, Inc.

CERTIFICATION

I certify that the foregoing Resolution was duly adopted by the Township of Barnegat at a meeting held on May 4, 2009, a quorum being present and voting in the majority.

**Kathleen T. West, RMC
Municipal Clerk**

Prepared by:
DASTI, MURPHY, McGUCKIN, ULAKY,
CHERKOS & CONNORS

CERTIFICATION OF AVAILABILITY OF FUNDS

I, KATHLEEN JANESKI, Chief Financial Officer for the Township of Barnegat, do hereby certify that adequate funds are available for payment to the Pebble Beach Homeowners Association, Inc. for the proposed dredging of the Hudson Lagoon, north of Clifton Road, in portions of Barnegat and Ocean Townships Project, in the amount of \$35,000.00.

The funds which are available for this contract are found in the following line item appropriations or ordinances: _____

KATHLEEN JANESKI, CFO

JJD:caf[Barnegat - Resolutions 2009 – GL#17982]
[Pebble Beach Homeowners Association – GL#18246]

**STI, MURPHY
UCKIN, ULAKY,
KOS & CONNORS**

SELLORS AT LAW
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D RIVER, N.J. 08731