

RESOLUTION 2009-732

RESOLUTION OF THE TOWNSHIP OF BARNEGAT, COUNTY OF OCEAN, STATE OF NEW JERSEY, APPROVING THE CONSENT ORDER AND THEREBY RESOLVING PENDING LITIGATION INITIATED BY PINWOOD ESTATES ASSOCIATES, LLC

WHEREAS, the Township of Barnegat, County of Ocean, State of New Jersey (hereinafter referred to as the "Township"), has been named as a defendant in litigation initiated by Pinewood Estates Associates, LLC ("Pinewood"), which litigation is venued in the Superior Court of New Jersey, Law Division, Ocean County, Docket No.: OCN-L-1352-09; and

WHEREAS, the litigation involves the denial by the Township Committee of the rental increase granted by the Barnegat Township Rent Leveling Board to Pinewood, which resulted in a retroactive rental increase of \$21.47 per month for each of the 321 unit owners in Pinewood; and

WHEREAS, the proposed Consent Order provides that the litigation will be finalized and as a result the rental increase for each of the unit owners will be substantially minimized, and the Consent Order will result in no new rental increases through 2010 being requested by Pinewood of the Rent Leveling Board; and

WHEREAS, the Township has reviewed this Consent Order with a representative of the residents of Pinewood Estates; and

WHEREAS, the proposed Consent Order has been negotiated by the Township Solicitor with assistance from the Honorable Vincent Grasso, A.J.S.C.; and

**DASTI, MURPHY
McGUCKIN, ULAKY,
CHERKOS & CONNORS**

COUNSELLORS AT LAW

620 WEST LACEY ROAD
P.O. BOX 1057
FORKED RIVER, N.J. 08731

WHEREAS, the Township Committee finds that the execution of the Consent Order is in the long-term best interests of the residents of Pinewood and the taxpayers of Barnegat, and will not unduly impact upon the Township budgetary scheme:

NOW, THEREFORE, BE IT RESOLVED, this 7th day of December, 2009 by the Township Committee of the Township of Barnegat, County of Ocean, State of New Jersey, as follows:

1. The Township accepts the recommendations of the Township Solicitor and the Township Administrator and hereby approves the Consent Order resolving the pending litigation. A copy of the Consent Order is on file at the office of the Township Clerk and can be reviewed by the public during normal business hours.

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

3. 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) Jerry J. Dasti, Esquire;

(d) Christopher Hanlon, Esq., Attorney for Pinewood Estates Associates, LLC;

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- (e) Barnegat Township Rent Leveling Board;
- (f) Diane Grockenberger, Resident; and
- (g) Pinewood Estates Homeowners Association

CERTIFICATION

I certify that the foregoing Resolution was duly adopted by the Township of Barnegat at a meeting held on December 7, 2009, a quorum being present and voting in the majority.

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McGUCKIN, ULAKY,
CHERKOS & CONNORS**

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

Prepared by:

**DASTI, MURPHY, McGUCKIN, ULAKY,
CHERKOS & CONNORS**
Forked River, New Jersey 08731

JJD:caf[Barnegat Resolutions 2009-GL#17982]
[Barnegat – Pinewood Estates Rent Level Appeal-GL#17887]