

RESOLUTION NO. 2010-220

RESOLUTION OF THE TOWNSHIP OF BARNEGAT, COUNTY OF OCEAN, STATE OF NEW JERSEY, APPROVING AMENDMENT AND SUPPLEMENTING AGREEMENT DATED MAY 1, 2009 BY AND BETWEEN THE TOWNSHIP OF BARNEGAT AND THE MENK CORPORATION CONCERNING REPAIR OF CRAWLSPACES IN MIRAGE

WHEREAS, the Township Committee of the Township of Barnegat, Ocean of County, State of New Jersey (hereinafter referred to as the "Township") has been involved in inspections of numerous crawlspaces and cellars in the homes located in the Mirage Development of Barnegat Township, New Jersey; and

WHEREAS, the homes which have been inspected by representatives of the Township were constructed by the Menk Corporation ("Menk"); and

WHEREAS, the Township has previously entered into an Agreement, as amended, with Menk concerning Menk's responsibility to repair the crawlspaces and cellars in order to resolve water infiltration and standing water issues; and

WHEREAS, after inspection of numerous additional crawlspaces and cellars an agreement has been proposed by Menk dated March 26, 2010, thereby amending the prior Agreement dated May 1, 2009 so as to authorize and permit Menk to undertake repairs of certain crawlspaces and cellars, the addresses and details of which are set forth in the Agreement, a true copy of which is on file at the office of the Township Clerk and can be reviewed by the public during normal business hours; and

WHEREAS, execution of this Agreement has been recommended by the Township

Solicitor:

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

COUNSELLORS AT LAW

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

NOW, THEREFORE, BE IT RESOLVED, this 3rd day of May, 2010, by the Township Committee of the Township of Barnegat, County of Ocean, State of New Jersey, as follows:

1. The Township accepts and approves the March 26, 2010 Amendment to the previously authorized and approved Agreement dated May 1, 2009.
2. 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.
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, Esq.;
 - (d) Chad Warnken, attorney for the Menk Corporation;
 - (e) Louis Fischer, Building Department.

CERTIFICATION

I certify that the foregoing Resolution was duly adopted by the Township of Barnegat at a meeting held on the 3rd day of May, 2010, a quorum being present and voting in the majority.

KATHLEEN T. WEST, Township Clerk

Prepared by:

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

J3D/gj/Barnegat Resolutions 2010[GL-18725]
Mirage/Menk UCC Violations[GL-15194]

DASTI, MURPHY
McGUCHIN, WARY,
CHERKOS as CONNORS

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