

RESOLUTION 2010 - 471

RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF BARNEGAT, COUNTY OF OCEAN, STATE OF NEW JERSEY, AGREEING TO CONDUCT A MEDIATION OF THE DISPUTE WHICH EXISTS BETWEEN THE TOWNSHIP OF BARNEGAT AND MARK MADISON, LLC

WHEREAS, the Township of Barnegat is currently in litigation with Mark Madison, LLC in the Superior Court of New Jersey, Law Division, Ocean County, Docket No. L1962-10 P.W.; and

WHEREAS, in order to preserve costs and lessen expenses to the taxpayers of Barnegat Township, the Township has agreed to conduct a mediation of the dispute which exists between the parties with a Court approved mediator; and

WHEREAS, the parties have agreed to retain the services of Eugene D. Serpentelli, a retired Judge of the Superior Court to serve as mediator in this matter; and

WHEREAS, it is necessary for the Township of Barnegat to authorize the execution of an agreement for professional services with Benchmark Resolution Services, LLC, the company for which Mr. Serpentelli is employed; and

WHEREAS, the cost of mediation are split between the parties on an equal basis and therefore the Township of Barnegat will be responsible for only 50% of the overall cost of mediation.

NOW, THEREFORE, BE IT RESOLVED, this 15th day of November, 2010 by the Township Committee of the Township of Barnegat, County of Ocean, State of New Jersey as follows:

- a. Benchmark Resolution Services, LLC, be and hereby is appointed to serve as mediator in the dispute entitled Mark Madison, LLC, etal vs. Township of Barnegat, etal with the Township's share of all costs and fees to be limited to 50% of the costs and per hour fee of said mediator or \$225.00 per hours (representing 50% of said hourly fee).

BE IT FURTHER RESOLVED that a copy of this Resolution be forwarded to the following:

1. David Breeden, Administrator
2. Kathleen Janeski, CFO
3. Gregory P. McGuckin, Counsel
4. Benchmark Resolution Services, LLC

CERTIFICATION

I certify that the foregoing Resolution was duly adopted by the Township of Barnegat at a regular meeting held on November 15, 2010, a quorum being present and voting in the majority.

**DASTI, MURPHY
McGUCKIN, ULAKY,
CHERKOS & CONNORS**
COUNSELLORS AT LAW
620 WEST LACEY ROAD
P.O. BOX 1057
FORKED RIVER, N.J. 08731

Kathleen T. West, RMC
Municipal Clerk

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