

**RESOLUTION 2011 - 386**

**RESOLUTION OF THE TOWNSHIP OF BARNEGAT,  
COUNTY OF OCEAN, STATE OF NEW JERSEY,  
APPOINTING EDMOND SPEITEL, SR. OF SPEITEL &  
SPEITEL, INC. AS SPECIAL ENGINEERING  
CONSULTANT IN CONJUNCTION WITH PENDING  
LITIGATION ON BEHALF OF THE TOWNSHIP OF  
BARNEGAT**

**WHEREAS**, the Township Committee of the Township of Barnegat, County of Ocean, State of New Jersey (hereinafter referred to as "Barnegat") is in need of appointing a Special Engineering Consultant to assist the Township in pending litigation initiated by Heritage Point, L.P. against the Township and the Menk Corporation, which litigation is venued in the Superior Court of New Jersey, Law Division, Ocean County, Docket Number OCN-L-1767-09 (hereinafter referred to as the "Litigation"); and

**WHEREAS**, the appointment of a Special Engineering Consultant is an appointment of a profession licensed by law and therefore exempt from the formal bidding requirements set forth in the provisions of the New Jersey Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq; and

**WHEREAS**, Edmond Speitel, Sr. of Speitel & Speitel, Inc. is a Licensed Professional Engineer in the State of New Jersey and has expertise in a particular area involving the litigation which will be of assistance to the Township; and

**WHEREAS**, the Township has reviewed the proposed Contract for Professional Engineering Services prepared by the Township Solicitor and finds it to be acceptable as to form and content; and

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

COUNSELLORS AT LAW

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

**WHEREAS**, this is a Professional Appointment made not in accordance with the fair and open process; and

**WHEREAS**, the Chief Financial Officer of the Township has certified that funds are available for said purpose.

**NOW, THEREFORE, BE IT RESOLVED**, this     day of August, 2011 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 appoints Edmond Speitel, Sr. of Speitel & Speitel, Inc., to serve as Special Engineering Consultant for the Township in conjunction with the aforementioned pending litigation.

2. This is a formal appointment and therefore exempt from the formal bidding requirements from the New Jersey Local Contracts Law. This appointment is made not in accordance with the fair and open process.

3. A copy of this Resolution and the accompanying Professional Services Contract shall be placed on file and be available for public inspection at the office of the Clerk of the Township of Barnegat.

**BE IF FURTHER RESOLVED**, that notification of this favorable Resolution be published in the Times Beacon by the Township Clerk as required by law within ten (10) days of its passing.

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

**DASTI, MURPHY  
McGUCKIN, ULAKY,  
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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, Township Administrator;
- (c) Jerry J. Dasti, Esquire, Township Solicitor;
- (d) Edmond Speitel, Sr., P.E.;

**CERTIFICATION**

I certify that the foregoing Resolution was duly adopted by the Township of Barnegat at a meeting held on August 1, 2011, a quorum being present and voting in the majority.

**SHARON AUER, ACTING TOWNSHIP CLERK**

Prepared by:

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

JJD:faw/Barnegat Resolutions 2011-GL#19466] [Barnegat ads. Heritage Point, L.P. & Menk - GL#18281]

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**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 a Contract for Professional Engineering Services with Edward Speitel of Speitel & Speitel, Inc. to assist the Township in pending litigation initiated by Heritage Point, L.P. against the Township and the Menk Corporation.

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

\_\_\_\_\_  
**KATHLEEN JANESKI, CFO**

JJD:faw[Barnegat - Resolutions 2011 – GL#19466] [Barnegat ads. Heritage Point, L.P. & Menk – GL#18281]

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