

**RESOLUTION NO. 2012-587**

**RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE  
TOWNSHIP OF BARNEGAT, COUNTY OF OCEAN, STATE OF  
NEW JERSEY, SETTLING THE PENDING LITIGATION WITH  
THE MENK CORPORATION.**

**WHEREAS**, the Township of Barnegat, County of Ocean, State of New Jersey (hereinafter referred to as the "Township"), has instituted suit against the County of Ocean and the Menk Corporation, which litigation is pending in the Superior Court of New Jersey, Law Division, Ocean County; and

**WHEREAS**, the Township has settled and resolved all outstanding issues in litigation with the County of Ocean; and

**WHEREAS**, the Township has been approached by the Menk Corporation with an offer of settlement which offer has been favorably recommended by the presiding Judge of the Civil Part of the Superior Court of New Jersey, The Honorable E. David Millard, J.S.C.; and

**WHEREAS**, the Township believes it appropriate to resolve the outstanding litigation with the Menk Corporation in order to assist the Township with its budgetary issues and to stop the expense of litigation and attorney's fees.

**NOW, THEREFORE, BE IT RESOLVED**, this 3rd day of December, 2012, by the Township Committee of the Township of Barnegat, County of Ocean, State New Jersey, as follows:

1. The Township accepts the offer of settlement from the Menk Corporation upon payment of \$125,000.00. Said payment shall be received by the Township no later than December 27, 2012.

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

COUNSELLORS AT LAW

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

2. This settlement is in addition to the building permit fees which have been previously paid by the Menk Corporation to the Township in conjunction with the inspections for the homes which form the basis of the litigation.

3. This settlement is in addition to the settlement previously accepted by the Township from the County of Ocean, which was in the amount of \$250,000.00.

4. The Township authorizes and directs the Mayor, Township Clerk, Township Administrator and Township Attorney to execute any and all necessary documents in order to implement the intent of this Resolution, including but not limited to appropriate Releases and Stipulations of Dismissal, with prejudice.

**BE IT FURTHER RESOLVED** that a copy of this Resolution shall be forwarded by the Township Clerk to the following:

- a. The Honorable Alfonse Cirulli, Mayor;
- b. David Breeden, Township Administrator
- c. Mark Roselli, Esquire; and
- d. Jerry J. Dasti, Esquire

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CHERKOS & CONNORS**

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**CERTIFICATION**

I certify that the foregoing Resolution was duly adopted by the Township Committee of the Township of Barnegat at a regular meeting held on the 3<sup>rd</sup> day of December, 2012, a quorum being present and voting in the majority.

  
\_\_\_\_\_  
**SHARON AUER**, Township Clerk (Acting)

Prepared by:

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

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# DASTI, MURPHY, McGUICKIN, ULAKY, CHERKOS & CONNORS

GEORGE F. MURPHY, JR. † B  
JERRY J. DASTI  
GREGORY P. McGUICKIN  
ROBERT E. ULAKY ‡ >  
RUSSELL P. CHERKOS  
CHRISTOPHER J. CONNORS  
CHRISTOPHER K. KOUTSOURIS T  
CHRISTOPHER J. DASTI

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† CERTIFIED CIVIL TRIAL ATTY  
‡ MEMBER, NATIONAL ACADEMY OF  
ELDER LAW ATTORNEYS, INC  
B MEMBER NJ AND FLA BAR  
> MEMBER NJ AND PA BAR  
T MEMBER NJ AND NY BAR

A Professional Corporation  
COUNSELLORS AT LAW  
THE CLOCK TOWER BUILDING  
620 WEST LACEY ROAD  
POST OFFICE BOX 1057  
FORKED RIVER, NEW JERSEY 08731

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WRITER'S E-MAIL: [jdasti@dmmlawfirm.com](mailto:jdasti@dmmlawfirm.com)

November 21, 2012

Fed I.D. #22-3450668

## TELEPHONE NUMBERS

(609) 971-1010  
(609) 693-4100  
(732) 349-2446  
(732) 295-3000  
(609) 918-1292

## FACSIMILE NUMBERS

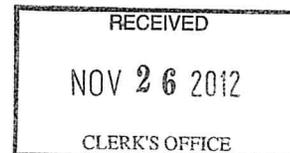
(609) 971-7093  
(732) 349-1590  
Real Estate: (609) 971-6176

PLEASE REFER TO:

Barneget ads. Heritage Point  
& Menk  
\*GL-18281

*Via Email and Regular Mail*

Sharon Auer, Acting Clerk  
Township of Barnegat  
900 West Bay Avenue  
Barnegat, New Jersey 08005



RE: Heritage Point, LP v. Township of Barnegat and Menk Corp.  
Docket No. OCN-L-1767-09

Dear Ms. Auer:

We enclose a Resolution for consideration by the Township Committee at its next regularly scheduled meeting. This Resolution will authorize the offer of settlement by the Menk Corporation with regard to the captioned matter. Please be certain to return to my office one (1) copy of the Resolution after it has been adopted.

In the event that you have any further questions, or we can be of additional assistance, please do not hesitate to contact our office.

Very truly yours,

  
JERRY J. DASTI

JJD/lh

Enclosure

Cc: David Breeden, Township Administrator (w/encl.) *via email*  
Mark Roselli, Esquire (w/encl.)

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**SHARON AUER, Township Clerk (Acting)**

Prepared by:

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CHERKOS & CONNORS  
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