

RESOLUTION 2016-97

RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF BARNEGAT, COUNTY OF OCEAN, STATE OF NEW JERSEY, RETAINING ECONSULT SOLUTIONS AS ITS EXPERT WITNESS IN PENDING AFFORDABLE HOUSING LITIGATION

WHEREAS, the Township Committee of the Township of Barnegat, County of Ocean, State of New Jersey (the "Township") is involved in litigation concerning its affordable housing responsibilities (the "litigation"); and

WHEREAS, the litigation is currently venued in the Superior Court of New Jersey, Law Division, Ocean County, Docket No. OCN-L-1856-15; and

WHEREAS, the Township, through the Municipal Consortium totaling approximately 350 municipalities throughout New Jersey, has previously retained an expert, Econsult Solutions, to prepare an exhaustive expert report detailing the Township's responsibility for meeting its affordable housing obligation ; and

WHEREAS, the litigation is proceeding the trial and the Township needs to retain Econsult Solutions as its expert witness to testify in support of the Township and in support of its expert report; and

WHEREAS, the Township has received a supplemental professional contract for services rendered detailing the expected fees to be charged by Econsult Solutions, which fees will be equally divided between all municipalities in Ocean County who retain its services as an expert witness (currently 13 municipalities in Ocean County are involved in the litigation); and

WHEREAS, the proposed Contract has been prepared by the Township Solicitor and the Township finds that it is acceptable as to form and content; and

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

COUNSELLORS AT LAW

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

WHEREAS, Econsult Solutions has not ever made any political contributions to the members of the governing body of the Township and therefore this award is not pursuant to the "Fair and Open Process".

NOW, THEREFORE, BE IT RESOLVED, this 9th day of February, 2016 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 proposed Contract for professional expert services with Econsult Solutions. A copy of the Contract is on file with the Office of the Township Clerk and can be reviewed during normal business hours.

2. This appointment is not made pursuant to the Open and Fair Process. However, the Township has received a Certification from Econsult Solutions confirming that it has not made any political contributions to any elected officials or any persons in the Township who run for Township Committee Office.

3. Notification of this professional appointment shall be advertised in a Township official newspaper by the Township Clerk within ten (10) days of its passage.

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

5 A certified copy of this Resolution shall be forwarded by the Township Clerk to the following:

- (a) Honorable John J. Novak, Mayor;
- (b) Martin Lisella, Township Administrator;
- (c) Jerry J. Dasti, Esquire;
- (d) Jennifer Beahm, P.P, AICP;

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- (e) Tom Lombarski, CFO; and
- (f) Erik Nolan, Esquire.

CERTIFICATION

I certify that the foregoing Resolution was duly adopted by the Township of Barnegat at a regular meeting held on February 9, 2016, a quorum being present and voting in the majority.

MICHELE RIVERS, RMC, Township Clerk

CERTIFICATION OF AVAILABILITY OF FUNDS

I, **TOM LOMBARSKI**, Chief Financial Officer for the Township of Barnegat, do hereby certify that no amount shall be chargeable or certified until such time as goods and/or services are ordered and/or rendered. Prior to incurring the liability by placing the order and/or receiving the services, the certification of available funds shall be issued and attached to the file copy of the purchase order or other such document.

TOM LOMBARSKI
Chief Financial Officer, Barnegat Township

Appropriations Charged: _____

Date: _____

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Prepared by:

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