

RESOLUTION NO. 2023-287

**RESOLUTION OF THE TOWNSHIP OF
BARNEGAT, COUNTY OF OCEAN, STATE OF
NEW JERSEY, AUTHORIZING SETTLEMENT
AGREEMENT OF LITIGATION**

WHEREAS, the Township Committee of the Township of Barnegat, County of Ocean, State of New Jersey, (the “Township”) instituted litigation captioned Barnegat Township v. Well Fargo Bank, N.A., et al. in the Superior Court of New Jersey, Law Division, Civil Part, Docket No. OCN-L-1211-22; and

WHEREAS, the litigation involved the illegal resale of an affordable housing unit for more than the affordable housing resale price; and

WHEREAS, the parties engaged a mediator to mediate and resolve the matter; and

WHEREAS, the matter has been resolved subject to approval by the Township Committee in that a number of defendants will contribute to a total settlement amount paid to the Township in the amount of \$205,475.30. The settlement amount is inclusive of reimbursement of the Township for all legal fees and costs; and

WHEREAS, as a result of the payment of the settlement monies, the Township will dismiss the litigation and release the affordable housing controls on the property known as 51 Lamp Post Drive, Barnegat, New Jersey also known as Block 114.36, Lot 32.01 on the Tax Map of the Township of Barnegat; and

WHEREAS, the Township accepts the recommendation of its professional staff and finds it necessary and appropriate to authorize the settlement; and

NOW THEREFORE BE IT RESOLVED on this 1st day of August, 2023, by the Mayor and Township Committee of the Township of Barnegat, County of Ocean, State of New Jersey as follows:

1. The Township accepts the recommendation of its professional staff and hereby authorizes the settlement of the litigation upon payment by the Defendants in the amount of \$205,475.36 to the Township. Upon receipt of same, the Township will execute the appropriate documents releasing the affordable housing controls for the property.

2. The Township authorizes the Township Attorney, the Mayor, the Township Clerk, the Township Administrator, and any other appropriate Township official to execute any and all documents to effectuate the settlement as contemplated herein.

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

- (a) Pasquale Papi, Mayor;
- (b) Martin J. Lisella, Township Administrator;
- (c) Christopher Dochney, PP, CME;
- (d) Kurt Otto, PE, Township Engineer;
- (e) Patricia Gallaher, CME, Affordable Housing Agent;
- (f) Thomas Lombarski, CFO; and
- (g) Christopher J. Dasti, Esq., Township Attorney.

CERTIFICATION

I certify that the forgoing Resolution was duly adopted by the Township of Barnegat at a meeting held on August 1, 2023, a quorum being present and voting in the majority.

Donna M. Manno, RMC
Municipal Clerk

DASTI & STAIGER
ATTORNEYS AT LAW

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