

RESOLUTION NO. 2020-214

**RESOLUTION OF THE BOROUGH COUNCIL OF THE BOROUGH OF
BELMAR, COUNTY OF MONMOUTH, STATE OF NEW JERSEY,
APPROVING AND AUTHORIZING A SETTLEMENT AGREEMENT
MASER CONSULTING INC.**

WHEREAS, the Mayor and Council of the Borough of Belmar, County of Monmouth, State of New Jersey (hereinafter referred to as “Belmar”) has previously entered into Contracts for Professional Engineering Services with Maser Consulting, Inc. (hereinafter referred to as “Maser”); and

WHEREAS, the Agreements entered into by and between Belmar and Maser were entered into pre-January 1, 2019, which it involved engineering services provided by Maser to Belmar both pre-January 1, 2019 and to the present day; and

WHEREAS, Belmar and Maser have differences as to whether monies and responsibilities are due to Belmar from Maser, or in the alternative whether monies and responsibilities are due to Maser from Belmar; and

WHEREAS, the damages and costs allegedly incurred by each of the parties from the other in excesses of Five Hundred Thousand (\$500,000.00) Dollars, from each side; and

WHEREAS, the parties have considered litigation, and the costs of same, and after substantial discussions and negotiations have arrived at a tentative settlement to resolve the outstanding issues between them; and

NOW, THEREFORE, BE IT RESOLVED this 1st day of December, 2020, by the Mayor and Council of the Borough of Belmar, County of Monmouth, State of New Jersey, as follows:

1. Belmar agrees to the Settlement Agreement referenced hereinabove, a true copy of which is on file with the office of the Borough Clerk and can be reviewed during normal business hours.

2. Belmar believes that it has a legitimate cause of action for damages sustained as a result of actions and failure to take actions on behalf of Maser. Likewise, Maser asserts that Belmar owes to Maser substantial funds for services rendered in accordance with the Professional Services Contracts entered into pre-January 1, 2019. Belmar however believes that it is, in the long term, and in the best interest of its taxpayers and citizens to resolve the matter by execution of the Settlement Agreement, and thereby avoid extensive costs of litigation, and possible adverse decisions being rendered against Belmar in favor of Maser.

3. The Mayor, Borough Clerk, Borough Administrator, and Borough Solicitor are hereby authorized to execute any and all necessary documents in order to implement the intent of this Resolution.

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

- (a) Honorable Mark Walsifer, Mayor;
- (b) Edward D. Kirschenbaum, Sr., Administrator;
- (c) Christine Manolio, CFO; and
- (d) Jerry J. Dasti, Esquire.

offered the above resolution and moved its adoption.

Seconded by and adopted by the following vote on roll call:

Council members: AYES NAYS ABSTAIN ABSENT

Mayor Walsifer
Mr. Carvelli
Mr. McCracken
Ms. Wann
Mr. Brennan

Adopted:

CERTIFICATION

I certify that the foregoing Resolution was duly adopted by the Borough Council of the Borough of Belmar at a regular meeting held on the ____ day of November, 2020, a quorum being present and voting in the majority.

APRIL CLAUDIO, Municipal Clerk