

RESOLUTION NO. 24-

**TOWNSHIP OF MIDDLETOWN
COUNTY OF MONMOUTH**

**RESOLUTION AUTHORIZING EMERGENCY APPROPRIATION FOR
LEGAL AND EXPERT FEES FOR VARIOUS LITIGATION MATTERS
INVOLVING PLANNING AND OPEN SPACE ACQUISITONS**

WHEREAS, pursuant to N.J.S.A. 40A:4-46, the Township of Middletown (the "**Township**") needs to make an emergency appropriation, after the adoption of its 2024 budget, for a purpose which is not foreseen at the time of the adoption thereof, or for which adequate provision was not made therein; and

WHEREAS, due to protracted litigation involving planning and open space acquisition matters, \$230,000 of additional funds are required to be appropriated through the end of 2024 to cover anticipated legal and expert fees; and

WHEREAS, the total amount of the emergency appropriations created, including that appropriation to be created by this resolution is \$230,000.00 and three (3) percent of the total operating appropriations in the budget for 2024 is \$2,585,928.39; and

WHEREAS, this additional emergency appropriation does not exceed 3% of the total of current operating appropriations funded in the adopted budget for 2024, nor are any notes or bonds required to cover this appropriation; and

WHEREAS, this emergency appropriation shall be provided for in full in the 2025 budget, and is requested to be excluded from CAPS, pursuant to N.J.S.A. 40A:4-53.3c(1).

NOW, THEREFORE, BE IT RESOLVED by not less than two-thirds of the Township Committee of the Township of Middletown in the County of Monmouth, State of New Jersey that:

1. An emergency appropriation be and the same is hereby made to the current fund for other expenses of \$230,000 to cover litigation expenses consisting of legal and expert fees associated with various matters for the remainder of 2024.
2. Said emergency appropriation shall be provided in full in the 2025 budget and is requested to be excluded from CAPS pursuant to N.J.S.A. 40A:4-53.3c(1).

3. Two certified copies of this resolution shall be filed with the Director of the Division of Local Government Services.
4. This Resolution shall become effective immediately upon adoption.