



**TOWNSHIP OF DOWNE
CUMBERLAND COUNTY, NEW JERSEY**

	YES	NO	ABSTAIN	ABSENT
Bart, E.	X			
Byrne, S.	X			
Jordan, L.	X			
Rothman, M.	X			
Campbell, R.	X			

Resolution Number: R-55-2017
Dated: April 25, 2017
Offered By: JORDAN
Seconded By: ROTHMAN

**RESOLUTION AUTHORIZING THE HOLDING OF A MEETING
ON AN EMERGENT BASIS PURSUANT TO N.J.S.A. 10:4-9B
ON THE 25TH DAY OF APRIL 2017**

WHEREAS, the law of the State of New Jersey calls for Township Committee meetings to be held on notice to the public including publication in two newspapers as well as posting; and,

WHEREAS, the Downe Township Committee did seek to hold a special meeting and sought to publish in two newspapers and post the intention to hold a special meeting at 3:00 pm on April 25, 2017; and,

WHEREAS, on the afternoon of April 25, 2017 the Downe Township Committee did determine that publication 48 hours in advance of the meeting, pursuant to law, in advance of the meeting did not occur and therefore a violation of the Open Public Meetings Act would occur absent extreme circumstances; and,

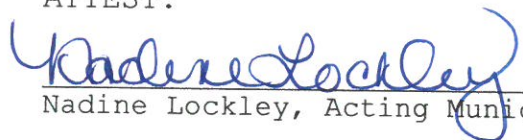
WHEREAS, after an explanation of N.J.S.A. 10:4-9b regarding the vote of $\frac{3}{4}$ of the members present to hold a meeting notwithstanding the failure to provide adequate notice based upon a determination that a meeting is necessary on a matter of such urgency and important that a delay for purposes of providing adequate notice would be likely to result in substantial harm to the public interest, and the Committee

having determined to undertake such a meeting based upon that reasoning and limiting its discussion of and acting with respect only to the matter of urgency and importance, namely in this case being a Change Order on the Union Street reconstruction project, which project has begun and in the excavation was determined to require substantially more underground pipe work and related gutter and curb renovation than was foreseen or foreseeable, and, on report of the Township Engineer Thomas J. Tedesco, Jr., PE of April 20, 2017 was determined by the Township Committee to be a matter of urgency and importance which could result in a substantial harm to the public interest;

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Downe, County of Cumberland and State of New Jersey that an emergent meeting pursuant to the terms of N.J.S.A. 10:4-9 is to be held on April 25, 2017 based upon the designation of the Union Street Change Order consideration as an emergency meeting based on the foreseeability of the degradation of the underground corrugated pipe on the basis of a need to undertake consideration of the road repair Change Order without remobilizing contractors and re-excavating the area pursuant to N.J.S.A. 40A-4-9 and N.J.A.C. 5:30-11.9, and the Township Clerk is directed to advertise the emergency meeting and action taken in accordance with applicable law including, by way of example and not limitation, N.J.S.A. 10:4-9 (3) and N.J.A.C. 5:30-11.9.

THIS RESOLUTION was adopted by the Township Committee of the Township of Downe on April 25, 2017.

ATTEST:



Nadine Lockley, Acting Municipal Clerk



Robert G. Campbell, Mayor

C E R T I F I C A T I O N

The undersigned, Clerk of the Township of Downe, does hereby certify that the foregoing is a true copy of a Resolution adopted by the Downe Township Committee at its Special Meeting held April 25, 2017.

Date

Nadine Lockley, Acting Municipal Clerk