

**RESOLUTION AUTHORIZING A NON-FAIR AND OPEN AWARD OF A
CONTRACT FOR SPECIAL COUNSEL SERVICES FOR PURSUIT OF
CLAIMS REGARDING GROUNDWATER CONTAMINATION CLAIMS IN
MDL LITIGATION IN USDC OF SOUTH CAROLINA**

WHEREAS, the MERCHANTVILLE-PENNSAUKEN WATER COMMISSION has a need to acquire special trial counsel experienced with this specific litigation as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A- 20.5; and,

WHEREAS the QPA of the MPWC has determined and certified in writing that the value of the acquisition will exceed \$17,500 and the anticipated term of this contract is at least 3-4 year(s) and may be extended as many times as approved by this governing body; and

WHEREAS Kevin Madonna, Esq. on behalf of and representative of the Five firms listed therein has submitted a proposal to Represent the MPWC on a contingent fee basis so their fee is based only on what they recover for the Commission as contained in the attached proposed Agreement; and the law firm has completed and submitted a Business Entity Disclosure Certification which certifies that the firms have not made any reportable contributions to a political or candidate committee in either of the appointing parent/ host communities of the MPWC ever and that the contract will prohibit any of them from making any reportable contributions through the term of the contract, and

WHEREAS The Director of Finance & QPA will certify the availability of funds required annually pursuant to the applicable requirements of N.J.A.C. 5:30-5.4.

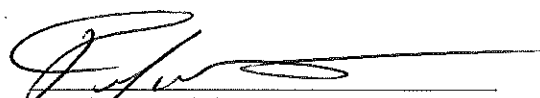
NOW THEREFORE, BE IT RESOLVED that the Commission authorizes the President and Secretary to enter into a contingent fee agreement with Kevin Madonna, Esq. and his Associated and Affiliated Law firms as described herein on the attached contract for the purpose of the PFNA litigation; and also Authorizes John Killion, Sr. C.O.O. to execute documents in furtherance of accomplishing that contract and that litigation on behalf of the MPWC; and

ALSO BE IT RESOLVED that the Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution; and

BE IT FURTHER RESOLVED that the proper officers of the MPWC are authorized to execute such documents or other instruments, and to make appropriate payments to effectuate this resolution of the Commissioners.

I hereby certify that this is a true and accurate recitation of the resolution adopted by the Merchantville-Pennsauken Water Commission on the 8th of June 2023.

Merchantville-Pennsauken Water Commission


Frank Warwick, Commissioner and
Secretary to the Commission