

RESOLUTION NO. 78-14

THE BRICK TOWNSHIP MUNICIPAL UTILITIES AUTHORITY

July 28, 2014

**Resolution Settling Litigation with
Kentwood Construction Co., Inc., et als.**

WHEREAS, the Brick Township Municipal Utilities Authority (hereinafter referred to as the "Authority") has been involved in litigation for the past several years with Plaintiffs, Kentwood Construction Co., Inc., Rocky Mountain Development Corp., Brick Gardens Realty, LLC and Water Side Gardens at Brick, LLC (hereinafter referred to as the "Kentwood Plaintiffs"); and

WHEREAS, the litigation is venued in the Superior Court of New Jersey, Law Division, Civil Part, Ocean County under Docket Nos. OCN-L-1725-11 P.W. and OCN-L-1284-13 P.W.; and

WHEREAS, the litigation involves the water and sewer rates set by the Authority for apartment complexes; and

WHEREAS, the Authority's counsel in this matter, Dasti, Murphy, McGuckin, Ulaky, Koutsouris and Connors, P.C. advised the Authority of the settlement proposal in Closed Session on July 28, 2014; and

WHEREAS, the Authority has considered the recommendations of its Chief Financial Officer, Solicitor and other professionals representing the Authority in this litigation; and

WHEREAS, the Authority has concluded after reviewing all of the facts that it is in the best interests of the Authority to enter into a settlement agreement with the Kentwood Plaintiffs.

NOW, THEREFORE, BE IT RESOLVED this 28th day of July, 2014 by the Brick Township Municipal Utilities Authority as follows:

1. The Authority accepts the recommendations of its Chief Financial Officer, Solicitor and other professionals with regard to the Kentwood litigation.
2. The Authority hereby authorizes its Solicitor to execute any and all documents necessary to effectuate the settlement with the Kentwood Plaintiffs subject to the terms of the settlement which were discussed in Closed Session on July 28, 2014.

3. The Authority authorizes and directs the Chairman, Executive Director, and Secretary to execute any and all necessary documents in order to implement the intent of this Resolution.

4. A copy of this Resolution shall be forwarded by the Administrative Secretary of the Authority to the following:

- (a) George Cevasco, Chairman;
- (b) James F. Lacey, Executive Director;
- (c) Frank Planko, Chief Financial Officer; and
- (d) Christopher J. Dasti, Esquire.

CERTIFICATION

I certify that the foregoing Resolution was duly adopted by the Brick Township Municipal Utilities Authority at a meeting held on the 25th day of July, 2014, a quorum being present and voting in the majority.



JAMES C. BAYARD, Secretary

Prepared by:

**DASTI, MURPHY, McGUCKIN, ULAKY,
KOUTSOURIS & CONNORS**
Forked River, New Jersey 08731

Z:\CLIENT MATTERS - GL\Brick MUA\GL-19787 KENTWOOD, ads\Resolution - Settlement July 2014\Resolution - Settlement.doc

**DASTI, MURPHY
McGUCKIN, ULAKY,
KOUTSOURIS & CONNORS**

COUNSELLORS AT LAW

620 WEST LACEY ROAD
P.O. BOX 1057
FORKED RIVER, N.J. 08731