

RESOLUTION NO. 75- 15

BRICK TOWNSHIP MUNICIPAL UTILITIES AUTHORITY

August 24, 2015

A Resolution Authorizing Change Order No. 1 to the Reimbursement Agreement with Associates in Foot & Ankle Surgery LLC Regarding Block 1026, Lots 10, 11 and 12 (Brick Utilities Developer Application No. 2120; 2159 Route 88) Capital Project No. 713007

WHEREAS, the Brick Township Municipal Utilities Authority (hereinafter referred to as the "Authority") and the Associates in Foot & Ankle Surgery, LLC (hereinafter referred to as the "Developer") entered into a Reimbursement Agreement dated August 26, 2013 for the Authority reimbursing the Developer the amount of \$15,000.00 representing its fair share contribution for the difference in material cost for upsizing the new water main which was to be installed along the south shoulder area of Route 88 along the front of the Property known and designated as Block 1026, Lots 10, 11 and 12, 2159 Route 88, Brick Township, New Jersey (hereinafter referred to as the "Property") to a twelve inch diameter water main as well as extending a new eight inch diameter water main from the existing eight inch diameter water main which is located at the southeast corner of the Property to a new connection to the new twelve inch diameter water main on the east side of the Property and to provide the connection to the proposed doctor's office building in conjunction with the Major Site Plan for the Associates in Foot & Ankle Surgery Doctor's Office Building application, Brick Utilities Developer Application No. 2120 (hereinafter referred to as the "Project"); and

WHEREAS, as part of the Project for connecting the new twelve inch diameter water main to the existing twelve inch diameter water valve located along the south shoulder area of Route 88 in front of the Property, it was found that the existing water valve was defective so an additional twelve inch diameter water valve was installed so that the newly installed water mains would be able to pass the hydrostatic pressure testing; and

WHEREAS, the Developer has requested that the Authority provide reimbursement for the material cost for the additional twelve inch diameter water valve; and

WHEREAS, at the time that the agreement was originally prepared, it was unforeseen that the existing twelve inch diameter water valve was defective; and

WHEREAS, said change is shown on the document entitled Change Order No. 1 dated July 6, 2015; and

WHEREAS, said change provides for an increase of \$2,937.28 based upon the invoice of supply company provided by the Developer resulting in a new total amount of \$17,937.28 which is to be reimbursed by the Authority as its fair share contribution for the Project to the Developer; and

WHEREAS, the Developer and the Authority have agreed to said changes; and

WHEREAS, said increased amount is fair and reasonable and could not have been foreseen when the Reimbursement Agreement was prepared; and

WHEREAS, the Authority's Deputy Executive Director & Director of Engineering/Operations, Stephen T. Specht, has reviewed this change order and is recommending that it be approved;

WHEREAS, the Authority's Director of Finance, Frank Planko, has advised the Authority that sufficient funds for the payment of \$2,937.28 exists in and is included in Project No. 713007.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMISSIONERS OF BRICK UTILITIES as follows:


1. The Reimbursement Agreement between the Authority and the Developer is amended and the change order entitled Change Order No. 1 dated July 6, 2015 may be executed by the officers and employees of the Authority upon execution of such change order by the appropriate officials of the Associates in Foot & Ankle Surgery, LLC; and

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

- (a) Chairman George Cervasco;
- (b) Secretary, James C. Bayard;
- (c) James F. Lacey, C.P.W.M., Executive Director;
- (c) Stephen T. Specht, P.E., Deputy Executive Director & Director of Eng./Ops.;
- (d) Frank Planko, C.F.O.;
- (e) Nicholas Montenegro, Esq., Montenegro, Thompson, Montenegro & Genz; and
- (f) Dr. Atheras, D.P.M., F.A.C.F.A.S., Associates in Foot & Ankle Surgery, LLC

CERTIFICATION

I certify that the foregoing Resolution was duly adopted at the Regular Meeting of Brick Utilities, Township of Brick, County of Ocean, State of New Jersey, held on Monday, August 24, 2015.


James C. Bayard, Secretary