

RESOLUTION NO. 48-17

THE BRICK TOWNSHIP MUNICIPAL UTILITIES AUTHORITY

May 25, 2017

A RESOLUTION SETTling LITIGATION – OCN-L-1424-15

WHEREAS, the Brick Township Municipal Utilities Authority (hereinafter referred to as the “Authority”) has been involved in litigation with AM Liner East, Inc.; American Pipe and Plastics, Inc. and Atkore International Group, Inc. in connection with public construction project entitled Sanitary Sewer Rehabilitation – Phase V – Contract No. 897087-H; and

WHEREAS, the litigation is venued in the Superior Court of New Jersey, Law Division, Civil Part, Ocean County under Docket No. OCN-L-1424-15; and

WHEREAS, the Authority’s litigation counsel (“Solicitor”) in this matter, Montenegro, Thompson, Montenegro & Genz, P.C. advised the Authority of a settlement proposal reached in mediation and the Authority has reviewed the proposed General Release of Claims and Settlement Agreement; and

WHEREAS, the Authority has considered the recommendations of its 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 the settlement agreement with AM Liner East, Inc.; American Pipe and Plastics, Inc. and Atkore International Group, Inc.

NOW, THEREFORE, BE IT RESOLVED this 25th day of May, 2017, by the Brick Township Municipal Utilities Authority as follows:

1. The Authority accepts the recommendations of its Solicitor and other professionals with regard to the litigation.
2. The Authority hereby authorizes its Solicitor to execute any and all documents necessary to effectuate the settlement subject to the terms of the General Release of Claims and Settlement Agreement drafted by the Authority’s Solicitor.
3. The Authority authorizes and directs the Chairman, Executive Director, Chief Financial Officer 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) Gregory M. Flynn, Chairman;
- (b) Chris A. Theodos, Executive Director;
- (c) John Clifford, Chief Financial Officer; and
- (d) Nicholas C. Montenegro, 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 May, 2017, a quorum being present and voting in the majority.



Thomas C. Curtis, Authority Secretary

Prepared by:
**MONTENEGRO, THOMPSON,
MONTENEGRO & GENZ, P.C.**
Brick, NJ 08723