

**RESOLUTION NO. 2-21**

**THE BRICK TOWNSHIP MUNICIPAL UTILITIES AUTHORITY**

**January 28, 2021**

**A RESOLUTION AUTHORIZING THE EXECUTIVE DIRECTOR TO  
AMEND THE AUTHORITY'S AGREEMENT WITH TOMAR DATED  
MARCH 28, 2019 REGARDING THE GAC AND/OR DIRECTING THE  
ATTORNEY OF THE AUTHORITY TO PROCEED TO ENFORCE  
THE CONTRACT WITH TOMAR**

**WHEREAS**, the Brick Township Municipal Utilities Authority (hereinafter referred to as the "Authority") has entered into a contract with Tomar dated March 28, 2019 regarding the GAC and the providing of carbon related thereto; and

**WHEREAS**, the contractual terms and conditions have not been met by Tomar and the Authority desires to have the contract with Tomar completed pursuant to its terms and conditions; and

**WHEREAS**, the Executive Director, in consultation with the Authority's Engineering and Administrative staff and its Consulting Engineer, H2M, are in the process of trying to employ Tomar to complete the contract in a satisfactory fashion.

**NOW, THEREFORE, BE IT RESOLVED THIS 28<sup>TH</sup> DAY OF JANUARY, 2021, BY THE COMMISSIONERS OF THE BRICK TOWNSHIP MUNICIPAL UTILITIES AUTHORITY** as follows:

1. The Authority hereby authorizes the Executive Director to take all necessary action as a result of an emergency regarding the GAC and a contract with Tomar.
2. The Authority hereby allows and permits the Executive Director the discretion based upon information supplied to him by H2M Engineering and the Authority's internal engineering and administrative staff to amend the agreement with Tomar regarding the GAC and/or allowing and permitting the Executive Director to authorize the Authority's Attorney to enforce all of the Authority's rights with regard to the Tomar contract including litigation in the event that the matter cannot be amicably resolved.
3. A certified copy of this Resolution shall be forwarded by the Administrative Secretary of the Authority to the following:
  - A. Thomas C. Curtis, Chairman
  - B. Michael Blandina, Secretary
  - C. Chris A. Theodos, P.E., P.P., C.M.E., C.P.W.M., C.F.M., Executive Director
  - D. Stephen T. Specht, P.E., Deputy Executive Director
  - E. Joseph Maggio, P.E., Director of Water Quality
  - F. Nicholas C. Montenegro, Esquire

**CERTIFICATION**

I hereby certify that the foregoing Resolution was duly adopted at a Regular Meeting of the Brick Township Municipal Utilities Authority, County of Ocean, State of New Jersey, held on Thursday, January 28, 2021 a quorum being present and voting in the majority.

  
Michael A. Blandina, Authority Secretary