

**TOMS RIVER MUNICIPAL UTILITIES AUTHORITY**

**RESOLUTION AUTHORIZING A SHARED SERVICES AGREEMENT  
BETWEEN THE TOMS RIVER MUNICIPAL UTILITIES AUTHORITY  
AND THE TOMS RIVER FIRE TOWNSHIP BOARD OF FIRE  
COMMISSIONERS, DISTRICT #1**

**WHEREAS**, The Toms River Municipal Utilities Authority (“TRMUA”) and the Toms River Fire District #1 (“TRFD1”) are both Municipal Entities (collectively the “Entities”) serving the residents and taxpayers of their respective communities; and

**WHEREAS**, the TRMUA may possess specialized equipment, resources, and expertise of that can be utilized by the TRFD1 to supplement its operations; and

**WHEREAS**, it is deemed in the best interest of the Public for these Agencies to share such equipment, resources, and expertise in order to perform tasks in the most cost effective way possible for the taxpayers; and

**WHEREAS**, the Uniform Shared Services and Consolidation Agreement Act, N.J.S.A. 40A:65-1 permits municipalities to enter into agreements for shared services;

**NOW, THEREFORE BE IT RESOLVED**, by the Toms River Municipal Utilities Authority, County of Ocean, State of New Jersey as follows:

The Executive Director is hereby authorized to execute and the Assistant Secretary to attest to a Shared Services Agreement, which shall be attached hereto and made a part hereof, between the Toms River Municipal Utilities Authority and the Toms River Fire District #1.

**BE IT FURTHER RESOLVED**, that a certified copy of this resolution be forwarded to the following:

1. Toms River Municipal Utilities Authority Commissioners
2. Fire District #1 Board of Commissioners
3. Bernard Rutkowski, TRMUA Executive Director
4. Steven Zabarsky, TRMUA Authority Attorney

**CERTIFICATION**

I, Christina Diamante, Assistant Secretary of the Toms River Municipal Utilities Authority, County of Ocean, State of New Jersey, hereby certify that the foregoing resolution is a true and correct copy of a resolution adopted at a Public Meeting held on June 27, 2023.



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Christina Diamante, Assistant Secretary

TOMS RIVER MUNICIPAL UTILITIES AUTHORITY

6-27-23

RESOLUTION TO ENTER EXECUTIVE SESSION

**WHEREAS**, the Open Public Meetings Act provides that the TRMUA may go into Executive Session to discuss matters that may be confidential or listed pursuant to NJSA 10:4-12; and

**WHEREAS**, it is recommended by the General Counsel that the TRMUA Commissioners go into Executive Session on June 27, 2023 to discuss matters set forth hereinafter which are permissible to discuss in Executive Session.

**NOW THEREFORE BE IT RESOLVED** that the Commissioners of the TRMUA shall go into Executive Session to discuss the following items:

**LIST**

**Personnel Matters**

**Litigation/Potential Litigation**

**Contractual Matters**

I, Christina Diamante, Assistant Secretary of the Toms River Municipal Utilities Authority, County of Ocean, State of New Jersey, do hereby certify the foregoing to be a true and correct copy of a resolution adopted by the Board of Commissions on June 27, 2023.

**IN WITNESS, WHEREOF**, I have hereunto set my hand and seal of this Authority this 27<sup>th</sup> day of June 2023.

  
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Christina Diamante, Assistant Secretary

**RESOLUTION TERMINATING CONTRACT SRDR-02-20**  
**WITH T&T COMMONWEALTH CONSTRUCTION CO., INC.**  
**ROUTE 37 & FOSTER ROAD JACK/BORE REHABILITATION PROJECT**

**WHEREAS**, the Toms River Municipal Utilities Authority (hereinafter "TRMUA"), County of Ocean, State of New Jersey awarded Contract SRDR-02-20 for the Rt 37 Sanitary Sewer Pipe Crossing at Foster Road Project on January 24, 2023 to T&T Commonwealth Construction Co., Inc. (hereinafter "Contractor") to be performed in accordance with plans and specifications prepared by PS&S; and

**WHEREAS**, due to unforeseen circumstances, at no fault of the TRMUA or Contractor, it is necessary to terminate the present contract with the Contractor in accordance with project specification Section 00700, Article 14.4, entitled Termination for Convenience of the Owner;

**NOW, THEREFORE, BE IT RESOLVED**, by the TRMUA Commissioners, County of Ocean, State of New Jersey, that Contract SRDR-02-20 is hereby terminated with T&T Commonwealth Construction Co., Inc., 460 Faraday Avenue, Jackson, NJ 08527, effective July 14, 2023; and

**BE IT FURTHER RESOLVED**, that no further work shall be performed on this Contract by Contractor, and TRMUA shall have full power and authority to take possession of the work and assume any agreements and/or sub-agreements with subcontractors and suppliers; and

**BE IT FURTHER RESOLVED**, that the TRMUA Attorney is directed to provide written notice of this termination to the Contractor, and its Surety, Travelers Casualty & Surety Company of America, in accordance with the Contract Documents; and

**BE IT FURTHER RESOLVED**, that the Contractor shall be paid for any work completed in accordance with the Contract Documents, performed before receipt of the notice of termination and reasonable termination settlement costs for commitments that had become firm before the termination; and

**BE IT FURTHER RESOLVED**, that a certified copy of the Resolution shall be forwarded to the following:

1. Chairman and Commissioners;
2. Bernard Rutkowski, Executive Director;
3. Steven Zabarsky, Esq.;
4. T&T Commonwealth Construction Co., Inc.;
5. Travelers Casualty & Surety Company of America;
6. PS&S; and
7. All other parties in interest.

I, Christina Diamante, Assistant Secretary of the Toms River Municipal Utilities Authority, County of Ocean, State of New Jersey, hereby certify that the foregoing Resolution is a true and correct copy of a Resolution adopted at a Public Meeting held on June 27, 2023.



Christina Diamante, Assistant Secretary