

Resolution 21-085

**RESOLUTION WAIVING CONDITION PRECEDENT REQUIRING NJDEP APPROVAL AS CONTAINED IN RESOLUTION 21-071, AUTHORIZING EXECUTION OF SETTLEMENT AGREEMENT BY AND BETWEEN KULPEKSA LAND IMPROVEMENT CORP. AND THE ROCKAWAY VALLEY REGIONAL SEWERAGE AUTHORITY REGARDING CONTRACT NO. 35 REBID II – RVRSA ROCKAWAY RIVER REGIONAL INTERCEPTOR BOONTON SECTION REPLACEMENT PROJECT**

**NOW, THEREFORE, BE IT RESOLVED** by the Rockaway Valley Regional Sewerage Authority as follows:

1. RVRSA hereby waives the condition precedent set forth in Resolution 21-071 requiring NJDEP approval of Change Orders 2a and 2b and Payment Application No. 5 in advance of disbursement of the Settlement Amount of \$365,000.00.
2. The Executive Director, staff and consultants of RVRSA are hereby authorized to take all other actions necessary or desirable to cause payment in the amount of \$365,000.00 to be paid over to the escrow account of Greg Trif, Esq., Trif & Modugno, and shall prepare such documentation as is necessary for submission to NJDEP to support the approval of Change Orders 2a and 2b and Payment Application No. 5, and to effectuate the terms and conditions of this Resolution.
3. Funds are available in the 2021 budget line 01-EIT-035 and 01-853-009.

**CERTIFICATION**

I do hereby certify that this Resolution was adopted at a regular meeting of the Rockaway Valley Regional Sewerage Authority held on July 8, 2021.

on motion of: Commissioner Corbett

second by: Commissioner Guadagno


ROLL CALL VOTE:

YEAS: (9) Andes, Cegelka, Corbett, Farrell, Guadagno, Howarth, Isselin, Recchia, Zuppa

NAYS: (0)

ABSTAIN: (1) Schorno

ABSENT: (0)

  
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Michael Guadagno  
Board Secretary