

7/12/17

**RESOLUTION OF THE BOARD OF FIRE COMMISSIONERS FIRE DISTRICT NO.1 MONROE TOWNSHIP AUTHORIZING AND APPROVING EXECUTON OF A SETTLEMENT AGREEMENT BETWEEN SANTORINI CONSTRUCTION AND THE BOARD OF FIRE COMMISSIONERS REGARDING THE FIREHOUSE CONSTRUCTION CONTRACT DATED 9/25/14**

**WHEREAS;** The Board of Fire Commissioners of Fire District No.1 Monroe Township heretofore entered into a contract for the construction of a new firehouse with Santorini Construction; and

**WHEREAS;** A dispute arose over various contractual terms and modifications during the course of construction; and

**WHEREAS;** Santorini and the Board negotiated a comprehensive settlement of all outstanding claims, both parties having independent legal representation; and

**WHEREAS;** The terms negotiated and agreed to by both parties are specified in the "Settlement Agreement" which is annexed hereto and incorporated herein by reference as if fully set forth at length; and

**WHEREAS;** It is the considered opinion of the Board of Fire Commissioners of Fire District No.1 Monroe Township that amicable settlement of all claims between the parties is necessary, proper and in the public interest.

**NOW, THEREFORE, IT IS HEREBY RESOLVED** by the Board of Fire Commissioners of Fire District No.1 Monroe Township that the annexed "Settlement Agreement" is approved.


**BE IT FURTHER RESOLVED** that the Chairman and Clerk of the Board of Fire Commissioners are hereby authorized to execute the annexed agreement.

Moved by: *Comm. Perry*                      Seconded by: *Comm. DiLieta*

Roll Call Vote:

Ayes: *5*                      Nays:                      Absent:                      Abstain:

Certified to be a true copy of a Resolution adopted by the Board of Fire Commissioners Fire District No.1 Monroe Township on the 12<sup>th</sup> day of July 2017.

*Mark A. Agulie*  Clerk

## **SETTLEMENT AGREEMENT**

**WHEREAS;** On or about September 25, 2014 the Board of Fire Commissioners of Monroe Township Fire District No.1, having offices at 24 Harrison Avenue Monroe Township, N.J. 08831 (hereinafter the "Board") entered into a contract for the construction of a new firehouse with Santorini Construction having offices at 1 S. Riverside Dr. Neptune, N.J. 07753 (hereinafter the "Contractor"); and

**WHEREAS;** The project has been substantially completed by the Contractor and a Conditional Certificate of Occupancy has been issued by the Construction Code Department of the Township of Monroe; and

**WHEREAS;** A final Certificate for payment to the Contractor has been issued by the project architect subject to the releases below; and

**WHEREAS;** The parties have engaged in good faith negotiations to resolve their remaining outstanding issues regarding the project, final payment and acceptance of the work.

**NOW, THEREFORE, IT IS HEREBY AGREED BY THE Board and the Contractor as follows:**

1. Final Payment in the amount of **ONE HUNDRED THIRTY THOUSAND DOLLARS (\$130,000.00)** shall be paid by the Board to the Contractor.
2. Said sum shall be paid in two (2) equal installments in the amount of **SIXTY FIVE THOUSAND DOLLARS (\$65,000)**.
3. The first payment shall be made by July 15, 2017 and the second and final payment shall be made by September 30, 2017.

**IT IS FURTHER AGREED** and stipulated that acceptance of the above specified payments shall constitute a release of any and all outstanding claims of any nature whatsoever for additional payment or compensation by the Contractor against the Board.

**IT IS FURTHER AGREED** and stipulated that Board releases and relinquishes any and all current and further obligations of the Contractor pursuant to the contract document and the work performed thereunder.

Agreed to by the duly authorized representatives of the Board and the Contractor:

  
Santorini Construction, Inc.

  
Witness

Dated: 6-26-17

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Charles Dipierro, Chairman  
Board of Fire Commissioners  
Fire District No.1 Monroe  
Township

\_\_\_\_\_  
Clerk, F.D. No.1 Monroe Twp.

Dated: