

RESOLUTION 80-2017

RESOLUTION OF THE BOROUGH OF WOODBURY HEIGHTS ESTABLISHING THE  
MAINTENANCE GUARANTEE AND BOND FOR THE ROUTE 45 PUMPING STATION  
IMPROVEMENTS PROJECT

**WHEREAS**, the Borough of Woodbury Heights heretofore awarded the Route 45 Pumping Station Improvements Project bid to G. Helmer Construction Company, Inc. memorialized by Resolution 68-2016; and

**WHEREAS**, the Borough Engineer has inspected the work completed to date and has further recommended that the contractor furnish a Maintenance Bond in the amount of \$449,285.00 for a period of one (1) year to expire on June 23, 2018; and

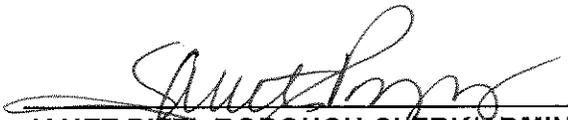
**WHEREAS**, the Borough Solicitor has reviewed and approved the aforementioned Maintenance Bond provided by the contractor that was issued by First Indemnity of America Insurance Company dated July 25, 2017.

**NOW, THEREFORE, BE IT RESOLVED**, by the Borough Council of the Borough of Woodbury Heights, with the Mayor concurring, that the Maintenance Bond No. RU100784 posted by G. Helmer Construction Company, Inc. for the Route 45 Pumping Station Improvements Project is hereby established and accepted in the amount of \$449,285.00 for a period of one (1) year to expire on July 23, 2018.

**BOROUGH OF WOODBURY HEIGHTS**

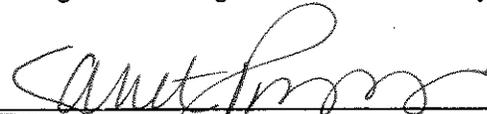
By:   
RICHARD GAMBALE, COUNCIL PRESIDENT

**ATTEST:**

  
JANET PIZZI, BOROUGH CLERK/ADMINISTRATOR

**CERTIFICATION**

I hereby certify the above to be a true copy of the Resolution adopted by the Borough Council of the Borough of Woodbury Heights at the regular meeting held on the 16<sup>th</sup> day of August, 2017.

  
JANET PIZZI, BOROUGH CLERK/ADMINISTRATOR

August 3, 2017

Borough of Woodbury Heights  
500 Elm Avenue  
Woodbury Heights, New Jersey 08097

Attention: Janet Pizzi, Borough Clerk/Administrator (Via Email & Standard Mail)

**Reference: Maintenance Bond**  
**Route 45 Pumping Station Improvements**  
**Borough of Woodbury Heights, Gloucester County, New Jersey**  
**Contractor: G. Helmer Construction Company, Inc.**  
**S&A File No. WH-174**

Dear Ms. Pizzi:

This letter shall serve as notification for the commencement of the Maintenance Bond with regards to the above referenced project.

Our office has reviewed the status of the project and has determined that the Contractor has completed, corrected and/or repaired the work under this Contract. Based on our records and the Borough's pending approval of the final payment, we have established a completion date of June 23, 2017. As such, the maintenance period shall commence on the aforementioned date and continue for a one (1) year period as per the Contract Documents. The Maintenance Bond will expire on June 23, 2018.

We have attached a copy of the Maintenance Bond that was submitted by G. Helmer Construction Company, Inc. in the amount of \$449,285.00. By copy of this letter, we would request that the necessary resolution be prepared to establish the Maintenance Bond period for consideration at the next available Mayor and Council meeting.

If you have any questions regarding the above matter, please contact this office.

Very truly yours,

**SICKELS & ASSOCIATES, INC.**



Mark R. Brunermer, PE, CME  
Borough of Woodbury Heights Engineer

MRB/ddr

Original Enclosure

Copy To: Mayor and Council Members, w/enclosure (Via Standard Mail)  
Vikki Holmstrom, Chief Financial Officer, w/enclosure (Via Email Only)  
Paul Pheasant, Public Works Superintendent, w/enclosure (Via Email Only)  
Brian Lozuke, Esquire, Borough Solicitor, w/enclosure (Via Email Only)  
George Helmer, Jr., G. Helmer Construction Company, Inc., w/enclosure (Via Email Only)  
David Roché, Sickels & Associates, Inc., w/enclosure

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**FIRST INDEMNITY OF AMERICA INSURANCE COMPANY**

119 Littleton Road  
Parsippany, New Jersey 07054  
(973) 402-1200 Fax (973) 402-0770

**MAINTENANCE BOND NO. RU100784**

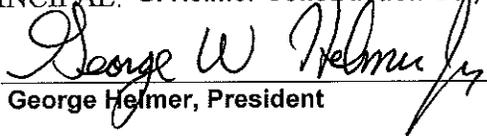
The undersigned declare that we, **G. Helmer Construction Co., Inc.** as Principal, and **FIRST INDEMNITY OF AMERICA INSURANCE COMPANY**, as Surety, are held and firmly bound unto **Borough of Woodbury Heights** as Owner, in the sum of **four hundred forty-nine thousand two hundred eighty-five and no/100** Dollars (\$ **449,285.00** ) to be paid to the said Obligee only, to which payment well and truly to be made, we bind ourselves, our heirs, executors, administrators and successors.

The condition of this obligation is such that, Whereas, the Principal did on the 1 day of **July**, 20**16** enter into a Contract with the Owner for the construction of **Route 45 Pumping Station Improvements** which said contract, is made a part of the bond as though set forth herein; and the same contract was completed and accepted on **6/23/2017**

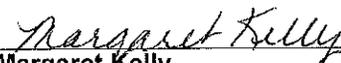
Now, if the said Principal shall remedy without cost to the Owner any defects which may develop during a period of **one** ( **1** ) year(s) from the date of completion and acceptance of the work performed under the contract, provided such defects, according to reasonable construction and engineering standards, are the result of defective or inferior materials or workmanship, then this obligation shall be void, otherwise, it shall be and remain in full force and effect. The Surety hereby stipulates and agrees that no modifications, deletions or additions in or to the terms of said contract, drawings or specifications therefore shall in no way affect its obligation on this bond.

IN WITNESS WHEREOF, the Principal and Surety have duly executed this bond under seal this **25th** day of **July**, 20**17**

ATTEST:  


PRINCIPAL: **G. Helmer Construction Co., Inc.**  
By:   
**George Helmer, President**

ATTEST:  


FIRST INDEMNITY OF AMERICA  
INSURANCE COMPANY  
  
**Margaret Kelly**, Attorney-in-Fact

**FIRST INDEMNITY OF AMERICA  
INSURANCE COMPANY**  
2740 Route 10 West, Suite 205, Morris Plains, N.J. 07950  
Telephone: (973) 402-1200

**POWER OF ATTORNEY FOR BONDS AND UNDERTAKINGS**

Know All Men By These Presents: That First Indemnity of America Insurance Company, a Corporation of the State of New Jersey does hereby appoint: Elizabeth A. Allen, Carmen J. Cavaliere, Margaret Kelly, Shirley E. Oravsky, Linda A. Staggs, Michelle Zelena, its true and lawful Attorneys-in-Fact: to make, execute, sign, acknowledge, affix the Company Seal to, deliver any and all surety bonds, undertakings, recognizances, and other contracts of indemnity and writings obligatory in the nature of a bond, for and on behalf of said Company and as an act and deed of said Company, NOT TO EXCEED SEVEN HUNDRED FIFTY THOUSAND DOLLARS FOR ANY BOND OR CONTRACT PRICE.

IN WITNESS WHEREOF, First Indemnity of America Insurance Company of the State of New Jersey has executed these presents this 20th day of March, 2012.



*Patrick J. Lynch*

Patrick J. Lynch, President

STATE OF NEW JERSEY )  
COUNTY OF MORRIS ) ss:

On this 20th day of March, 2012, before me came the above named officer of First Indemnity of America Insurance Company of New Jersey, to me personally known to be the individual and officer described herein, and acknowledge that he executed the foregoing instrument and affixed the seal of said corporation thereto by authority of this office.



*Frances A. Frazzano*

Frances A. Frazzano  
Notary Public, State of New Jersey  
My term expires on May 10, 2017

**CERTIFICATE**

Excerpts of Resolutions (Article V, Paragraph 5, of the By-Laws of said Company) adopted by the Board of Directors of the First Indemnity of America Insurance Company of the State of New Jersey, March 20, 2012.

RESOLVED, that the President, or any one of the Vice Presidents specially authorized to do so by the Board of Directors, or by the Executive Committee, shall have power, by and with the concurrence of the Secretary or any one of the Assistant Secretaries, to appoint Attorneys-in-Fact as the business of the company may require, or to authorize any person or persons to execute on behalf of the Company any bonds, undertakings, recognizances, stipulations, policies, contracts, agreements, deeds, and release and assignment of judgments, decrees, mortgages and instruments in the nature of mortgages, and also all other instruments and documents which the business of the Company may require and to affix the Seal of the Company thereto.

RESOLVED, that the signatures and attestations of such officers and the seal of the Company may be affixed to any such Power of Attorney or to any certificate relating to the Power of Attorney by facsimile and any such Power of Attorney or certificate bearing such facsimile signatures or facsimile seal shall be valid and binding upon the Company with respect to any bond, undertaking, recognizances or other contract of indemnity of writing obligatory in the nature thereof.

I, Jane E. Lynch, Secretary of First Indemnity of America Insurance Company of New Jersey, do hereby certify that the foregoing excerpts of the Resolution adopted by the Board of Directors of the Corporation and the Powers of Attorney issued pursuant thereto, are true and correct and that both the Resolution and the Powers of Attorney are in full force and effect.

IN WITNESS WHEREOF, I have herewith set my hand and affixed the seal of said Corporation this 25<sup>th</sup> day of JULY, 2017.



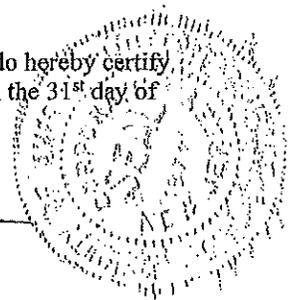
*Jane E. Lynch*  
Jane E. Lynch, Secretary

**FIRST INDEMNITY OF AMERICA INSURANCE COMPANY**  
**2740 Route 10 West, Suite 205, Morris Plains, N.J. 07950**  
**STATEMENT OF FINANCIAL CONDITION AS OF DECEMBER 31, 2016**

<b>Assets:</b>	
Bonds	\$ 5,733,093
Preferred & Common Stocks	2,403,849
Real Estate	856,608
Cash and Short Term Investments	99,498
Investment Income Due and Accrued	62,901
Premiums In the Course of Collection (under 90 days)	453,958
Reinsurance Recoverable on Loss and LAE Payments	64,229
Deferred Tax Asset	284,813
Other Assets	<u>5,000</u>
<b>Total Admitted Assets</b>	<b>\$ <u>9,963,949</u></b>
 <b>Liabilities and Surplus:</b>	
Reserve for Loss and Loss Adjustment Expenses	1,594,070
Other Expenses	233,555
Taxes Licenses and Fees	77,728
Unearned Premium	1,902,265
Funds Held Under Reinsurance Treaties	-
Amounts Withheld or Retained for Others	104,836
Ceded Reinsurance Balances Payable	237,332
Liability for Unauthorized Reinsurers	<u>-</u>
<b>Total Liabilities</b>	<b>4,149,786</b>
 <b>Capital &amp; Surplus:</b>	
Common Stock, Paid Up	3,500,000
Paid in and Contributed Surplus	480,945
Unassignd Surplus	<u>1,833,218</u>
<b>Surplus as Regards to Policyholders</b>	<b><u>5,814,163</u></b>
<b>Total Liabilities and Surplus</b>	<b>\$ <u>9,963,949</u></b>

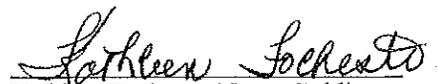
I, Glenn A. Runne, Chief Financial Officer of First Indemnity of America Insurance Company, do hereby certify that the foregoing statement is a correct exhibit of the assets and surplus of the said company, on the 31<sup>st</sup> day of December, 2016, according to the best information, knowledge, and belief.

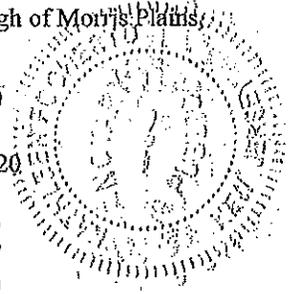
  
 \_\_\_\_\_  
 Glenn A. Runne  
 Chief Financial Officer



State of New Jersey)  
 County of Morris) SS:

Subscribed and sworn to, before me, a Notary Public of the State of New Jersey in the Borough of Morris Plains, this 31st day of December, 2016.

  
 \_\_\_\_\_  
 Kathleen Fochesto, Notary Public  
 My Commission Expires March 16, 2020



KATHLEEN FOCHESTO  
 NOTARY PUBLIC OF NEW JERSEY  
 My Commission Expires 3/16/2020