

~~AMENDATORY AGREEMENT NO. 6~~

THIS AMENDATORY AGREEMENT, made and entered into by and between the **CITY OF ATLANTIC CITY**, a municipal corporation of the State of New Jersey, with its principal offices located at 1301 Bacharach Boulevard, Atlantic City, New Jersey 08401, hereinafter referred to as **CITY** and **WEATHERBY CONSTRUCTION & RENOVATION CORPORATION** with offices located at 147 North Iowa Avenue, Atlantic City, New Jersey 08401, hereinafter referred to as "**CONTRACTOR**" pursuant to Resolution No. 35 adopted by the Council of the **CITY** on January 21, 2026, a copy of which is attached hereto and made a part hereof, and

WHEREAS, by Resolution No. 195 adopted February 21, 2024, the **CITY** entered into an Agreement with **CONTRACTOR** for **CITY HALL PLAZA ENHANCEMENTS** in the amount of **FOUR MILLION EIGHT HUNDRED EIGHTY-FIVE THOUSAND DOLLARS (\$4,885,000.00)**; and

WHEREAS, by Resolution No. 743 of October 23, 2024, it was necessary **TO CHANGE THE SCOPE OR SERVICES TO INCLUDE LANDSCAPING AND PLANTINGS FOR THE CITY HALL PLAZA IMPROVEMENTS** in the amount **THREE HUNDRED SEVENTY-FIVE THOUSAND SIX HUNDRED SIXTY-FIVE DOLLARS AND FIFTY-FOUR CENTS (\$375,665.54)** to be known as **AMENDATORY AGREEMENT NO. 1**; and

WHEREAS, by Resolution No. 344 of May 21, 2025, it was again necessary to expand the scope of services to include **FURNISHING AND INSTALLATION OF PARKING EQUIPMENT FOR THE CITY HALL PLAZA IMPROVEMENTS** in the amount of **NINETY-ONE THOUSAND NINE HUNDRED TWENTY-FOUR DOLLARS (\$91,924.00)** to be known as **AMENDATORY AGREEMENT NO. 2**; and

WHEREAS, by Resolution No. 461 of June 18, 2025, it was again necessary to expand the scope of services to include **FURNISHING AND INSTALLATION OF THE CITY HALL PLAZA POLICE & FIRE MEMORIAL FOR CITY HALL PLAZA IMPROVEMENTS** in the amount of **SEVENTEEN**

~~THOUSAND SEVEN HUNDRED TWENTY-NINE DOLLARS AND FIFTY-TWO CENTS~~
(\$17,729.52) to be known as AMENDATORY AGREEMENT NO. 3; and

WHEREAS, by Resolution No. 591 of August 20, 2025 it was again necessary to provide additional services for **THE CITY HALL PLAZA IMPROVEMENTS TO PROVIDE ADDITIONAL PAVING AND BOLLARDS** at an additional cost of **FORTY-ONE THOUSAND FOUR HUNDRED EIGHTEEN DOLLARS (\$41,418.00)** to be known as AMENDATORY AGREEMENT NO. 4; and

WHEREAS, by Resolution No. 724 of October 22, 2025 it was again necessary to provide additional services **FOR THE CITY HALL PLAZA ENHANCEMENTS TO PROVIDE ADDITIONAL HARDWARE WIRING FOR BUILDING ACCESS CONTROL** at an additional cost of **TWENTY-FOUR THOUSAND SIX HUNDRED EIGHTY-SIX DOLLARS (\$24,686.00)** to be known as AMENDATORY AGREEMENT No. 5; and

WHEREAS, it is again necessary to provide **ADDITIONAL CITY HALL PLAZA ENHANCEMENTS** at an additional cost of **FOUR THOUSAND ONE DOLLARS (\$4,001.00)** to be known as AMENDATORY AGREEMENT No. 6; and

WHEREAS, with the exception of the modifications contained herein, all other terms, conditions and provisions of the Agreement between the parties shall remain in full force and effect.

NOW, THEREFORE, BE IT RESOLVED in consideration of the mutual covenants contained herein, the parties agree that the Agreement authorized by Resolution No. 195 adopted by the Council of the City on February 21, 2024 is hereby amended to include the above referenced additional City Hall Plaza enhancements in the amount of **FOUR THOUSAND ONE DOLLARS (\$4,001.00)** for a new total amount not to exceed **FIVE MILLION FOUR HUNDRED FORTY THOUSAND FOUR HUNDRED TWENTY-FOUR DOLLARS AND SIX CENTS (\$5,440,424.06)** to be known as AMENDATORY AGREEMENT NO. 6.

~~CONTRACTOR~~ represents that it is in compliance with all laws of the State of New Jersey, all Ordinances of the City of Atlantic City, including Ordinance No. 24 of 1993, and Executive Order No. 1 of 1993, and will remain so for the term of this Agreement and Amendatory Agreement No. 6, and failure to continue in compliance shall be deemed a breach of the Agreement and this Amendatory Agreement No. 6;

CONTRACTOR cannot assign its rights of obligations under the Agreement without the prior written consent of the CITY.

IN WITNESS WHEREOF, the CITY and CONTRACTOR have caused this Amendatory Agreement No. 6 to be executed on or as of the day and year first below written.

ATTEST:

CITY OF ATLANTIC CITY

By: Paula Geletei
Paula Geletei, City Clerk

By: [Signature]
~~Marty Small, Sr., Mayor~~ DALE FUNK
Acting Mayor

Date: 2/8/2026

WEATHERBY CONSTRUCTION & RENOVATION CORPORATION

By: [Signature]

By: Marlyn Weatherby
President

Date: 2/17/26

The Amendatory Agreement No. 6 is approved as to form and execution.

Date: 2/18/26

By: [Signature]
Peter T. Sallata, Esq.
Assistant City Solicitor

STATE OF New Jersey)
) ss.
COUNTY OF Atlantic)

I CERTIFY that on February 17, 2026,
Michael Weatherby, the Secretary or Assistant Secretary of the
Corporation, personally came before me, and this person acknowledged under
oath, to my satisfaction, that:

- (a) this person is the secretary or assistant secretary of
Weatherby Construction & Renovation Corp.
(the corporation named in this document);
- (b) this person is the attesting witness to the signing of this document by
the proper corporate officer of the corporation;
- (c) this document was signed and delivered by the corporation as its
voluntary act duly authorized by a proper resolution of its Board of
Directors and;
- (d) this person signed this proof to attest to the truth of these facts.

Signed and sworn to before me on

Michael Weatherby
Secretary or Asst. Secretary

February 17, 2026

WALTER M. MINOCH,
Notary Public, State of New Jersey
My Commission Expires
April 21, 2027

Resolution of the City of Atlantic City

No. 35

Approved as to Form and Legality on Basis of Facts Set Forth

Factual contents certified to by

Assistant City Solicitor /s/ Karl Timbers

City Engineer/s/ Uzoma Ahiarakwe

Prepared by City Solicitor's Office

Council Members MARSHALL, RANDOLPH, SHABAZZ & KURTZ present the following Resolution:

**RESOLUTION AWARDING AN AMENDATORY AGREEMENT #5 TO WEATHERBY
CONSTRUCTION & RENOVATION CORPORATION FOR CITY HALL PLAZA
ENHANCEMENTS IN THE AMOUNT OF
FOUR THOUSAND ONE DOLLAR (\$4,001.00)**

WHEREAS, by Resolution No. 195 of February 21, 2024, the City of Atlantic City entered into an Agreement with WEATHERBY CONSTRUCTION & RENOVATION CORPORATION for CITY HALL PLAZA ENHANCEMENTS for a total delivered sum of FOUR MILLION EIGHT HUNDRED EIGHTY-FIVE THOUSAND DOLLARS (\$4,885,000.00); and

WHEREAS, it was necessary to add LANDSCAPING AND PLANTINGS FOR THE CITY HALL COURTYARD PLAZA at an additional cost of THREE HUNDRED SEVENTY-FIVE THOUSAND SIX HUNDRED SIXTY-FIVE DOLLARS AND FIFTY-FOUR CENTS (\$375,665.54) to be known as AMENDATORY AGREEMENT No. 1; and

WHEREAS, it was again necessary to do additional work for CITY HALL PLAZA IMPROVEMENTS to FURNISH & INSTALL PARKING EQUIPMENT at an additional cost of NINETY-ONE THOUSAND NINE HUNDRED TWENTY-FOUR DOLLARS (\$91,924.00) to be known as AMENDATORY AGREEMENT No. 2; and

WHEREAS, it was again necessary to provide additional services FOR THE CITY HALL PLAZA POLICE & FIRE MEMORIAL at an additional cost of SEVENTEEN THOUSAND SEVEN HUNDRED TWENTY-NINE DOLLARS AND FIFTY-TWO CENTS (\$17,729.52) to be known as AMENDATORY AGREEMENT No. 3; and

WHEREAS, it was again necessary to provide additional services FOR THE CITY HALL PLAZA ENHANCEMENTS to PROVIDE ADDITIONAL PAVING AND BILLBOARDS at an additional cost of FORTY-ONE THOUSAND FOUR HUNDRED EIGHTEEN DOLLARS (\$41,418.00) to be known as AMENDATORY AGREEMENT No. 4; and

WHEREAS, it is again necessary to provide additional services FOR THE CITY HALL PLAZA ENHANCEMENTS to PROVIDE ADDITIONAL HARDWARE WIRING FOR BUILDING ACCESS CONTROL at an additional cost of TWENTY-FOUR THOUSAND SIX HUNDRED EIGHTY-SIX DOLLARS (\$24,686.00) to be known as AMENDATORY AGREEMENT No. 5.

WHEREAS, it is again necessary to provide additional services FOR THE CITY HALL PLAZA ENHANCEMENTS to provide additional Atlantic City Hall Plaza Improvements at an additional cost of FOUR THOUSAND ONE DOLLARS (\$4,001.00) to be known as AMENDATORY AGREEMENT No. 6.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Atlantic City that the Mayor is hereby authorized to execute and the City Clerk to attest to an AMENDATORY AGREEMENT with WEATHERBY CONSTRUCTION & RENOVATION CORPORATION at an additional cost of FOUR THOUSAND ONE DOLLAR (\$4,001.00) for a new total amount not to exceed FIVE MILLION FOUR HUNDRED FORTY THOUSAND FOUR HUNDRED TWENTY-FOUR DOLLARS AND SIX CENTS (\$5,440,424.06) for the aforementioned change of scope of work to be known as AMENDATORY AGREEMENT No. 6.

BE IT FURTHER RESOLVED that a Certificate of Funds from the Chief Financial Officer is attached to this Resolution, showing the availability of funds from Account No. 5-01-20-165-400-280 and specifying the line-item appropriation from the 2026 Budget to satisfy the aforesaid award of this Amendatory Agreement and pursuant to State approval.

February 2, 2026 2:43 PM

DO NOT USE SPACE BELOW THIS LINE													
RECORD OF COUNCIL VOTE ON FINAL PASSAGE													
COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	MOT.	SEC.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	MOT.	SEC.
AHMED	X						KURTZ	X					
BAILEY	X						LACCA	X					
CROUCH	X					X	MARSHALL	X					
DUNSTON				X			SHABAZZ	X				X	
							RANDOLPH, PRESIDENT	X					
X-Indicates Vote NV-Not Voting AB-Absent MOT-Motion SEC-Second													

This is a Certified True copy of the Original Resolution on file in the City Clerk's Office.

DATE OF ADOPTION: JANUARY 21, 2026

Paula Geletei

/s/ Paula Geletei, City Clerk