

**RESOLUTION 73 - 2011  
RESOLUTION AUTHORIZING SETTLEMENT  
OF LITIGATION**

**WHEREAS**, A.C. Schultes, Inc. was awarded a Contract for the reconstruction of Well #1 Project; and

**WHEREAS**, a dispute arose regarding the completion date and, thereby, penalties and costs asserted against Schultes at the conclusion of the project work;

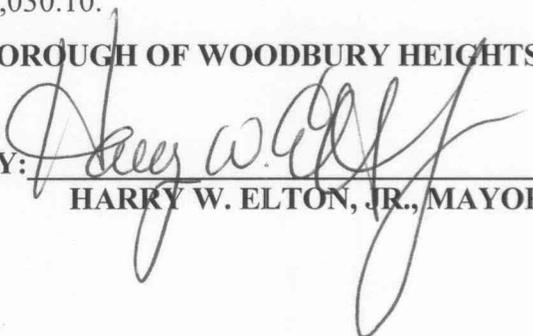
**WHEREAS**, Schultes instituted a lawsuit entitled **A.C. Schultes, Inc. v. The Borough of Woodbury Heights**, Docket No. DC-11295-10; and

**WHEREAS**, as a result of negotiations between the parties, a settlement was recommended by the Borough Solicitor for a total remaining payment of \$7,030.10, which sum includes a retainage percentage which was not in dispute; and

**WHEREAS**, the Borough deems it prudent and economical to settle this litigation in lieu of expending considerable additional funds in the defense thereof, which additional funds may well exceed the sum in dispute between the parties;

**NOW, THEREFORE, BE IT RESOLVED** by the Borough Council of the Borough of Woodbury Heights, with the Mayor concurring, that the Solicitor is hereby authorized to perform all acts necessary to settle the above litigation for a total and final payment to Schultes in the aforesaid sum of \$7,030.10.

**BOROUGH OF WOODBURY HEIGHTS**

BY: 

**HARRY W. ELTON, JR., MAYOR**

**ATTEST:**

  
**JOLYN GREGORIA, DEPUTY BOROUGH CLERK**

The foregoing Resolution was duly adopted by the Borough Council of the Borough of Woodbury Heights at the Meeting held on the 18th day of May, 2011.

  
**JOLYN GREGORIA, DEPUTY BOROUGH CLERK**