

**R18-21**

**RESOLUTION OF THE BOROUGH OF  
MERCHANTVILLE ACCEPTING OF THE  
SETTLEMENT OFFER FROM GOLD MEDAL  
ENVIRONMENTAL OF NEW JERSEY, INC., A NEW  
JERSEY CORPORATION AND AUTHORIZING THE  
MAYOR, SOLICITOR AND/OR BOROUGH CLERK TO  
EXECUTE DOCUMENTS IN FURTHERANCE OF THE  
SETTLEMENT**

**WHEREAS**, the Borough Council of the Borough of Merchantville authorized the commencement of a lawsuit against Gold Medal Environmental of New Jersey, Inc., a New Jersey corporation (“Gold Medal”), relative to the demand for liquidated damages for allegations of certain infractions occurring during the course of the performance of Gold Medal’s contractual obligations as per the solid waste and recycling contract entered into by the parties on December 14, 2015; and

**WHEREAS**, the Borough of Merchantville has filed an action in the Superior Court of New Jersey, Law Division, Camden County, in the matter of Borough of Merchantville v. Gold Medal Environmental of NJ, Inc., under Docket No: CAM-L-004806-17 (hereinafter referred to as the "Litigation"), to redress these issues; and

**WHEREAS**, Gold Medal has offered the sum of Thirty Thousand Dollars (\$30,000.00), plus other good and valuable consideration, in full and final settlement of any and all claims as specified in this lawsuit, payable to the Borough of Merchantville; and

**WHEREAS**, the Borough Council of the Borough of Merchantville deems it in the best interest of the Borough of Merchantville to accept this settlement offer and conclude this lawsuit;

**NOW, THEREFORE, BE IT HEREBY RESOLVED**, by the Borough Council of the Borough of Merchantville, that the offer tendered in this matter by Gold Medal Environmental of New Jersey, Inc., a New Jersey corporation, in the amount of Thirty Thousand Dollars (\$30,000.00), plus other good and valuable consideration, in full and final settlement of any and all claims and in full and final settlement of the above-mentioned lawsuit be and hereby is accepted; and

**BE IT FURTHER RESOLVED** by the Borough Council of the Borough of Merchantville that Edward F. Brennan, the Mayor of the Borough of Merchantville, Timothy J. Higgins, Esquire, Borough Solicitor of the Borough of Merchantville and/or Denise Brouse, Borough Clerk, be and are hereby authorized to execute any and all documents necessary to effect the terms and conditions of this settlement.

**BE IT FURTHER RESOLVED** by the Borough Council of the Borough of Merchantville that payment of the agreed-to settlement amount of Thirty Thousand Dollars (\$30,000.00) shall be made from funds presently in escrow with the Borough, representing the monthly payments due to Gold Medal under the Contract for the months of September, October, November and December of 2017, in an amount totaling Sixty-Seven Thousand, Five Hundred, Ninety-Three Dollars and Thirty-Two Cents (\$67,593.32), with the balance of the escrowed funds totaling Thirty-Seven Thousand, Five Hundred, Ninety-Three Dollars and Thirty-Two Cents (\$37,593.32) being paid to Gold Medal in satisfaction of work performed and payments due to Gold Medal under the Contract for the months of September, October, November and December of 2017.

**THE BOROUGH OF MERCHANTVILLE**

**BY:** \_\_\_\_\_  
**EDWARD F. BRENNAN, MAYOR**

**ATTEST:**

\_\_\_\_\_  
**DENISE BROUSE, BOROUGH CLERK**

I, **DENISE BROUSE**, Borough Clerk of the Borough of Merchantville, do hereby certify the foregoing to be a true and correct copy of the Resolution adopted by Borough Council at a meeting of said Borough Council on January 8, 2018, and that said Resolution passed by a majority vote of the members of Borough Council.

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**DENISE BROUSE, BOROUGH CLERK**