

RESOLUTION NO. 78-2016

**RESOLUTION OF THE MAYOR AND COMMITTEE OF THE TOWNSHIP OF
HARRISON AUTHORIZING THE SETTLEMENT OF THE HARRISON TOWNSHIP
V. PAPANONE HOUSING CO., INC., ET ALS. LITIGATION BEARING DOCKET NO.
GLO-L-1557-14**

WHEREAS, the Township of Harrison ("Township") is currently involved in litigation filed with the Superior Court of New Jersey, Law Division, Gloucester County, identified as Harrison Township v. Papanone Housing Co., Inc., et als, bearing Docket No. GLO-L-1557-14; and

WHEREAS, the Township of Harrison alleges a breach of the terms and conditions of a certain Performance Surety Bond No. 5013788 in the reduced sum of \$458,634.94 related to site improvements in Phase I of the Brookside Farms subdivision; and

WHEREAS, the Township of Harrison alleges a breach of the terms and conditions of a certain Performance Surety Bond No. 5015543 in the reduced sum of \$354,291.53 related to site improvements in Phase III of the Brookside Farms subdivision; and

WHEREAS, the Township and Defendants have pursued discussions regarding the potential resolution of the aforementioned litigation; and

WHEREAS, the Defendants have offered to resolve and conclude the matter in a manner which is acceptable to the Township Committee pursuant to the terms and conditions of a certain Completion and Settlement Agreement attached hereto; and

WHEREAS, the Township Committee has determined that it is in the public's best interest to resolve the litigation pursuant to the proposed settlement.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Committee of the Township of Harrison, County of Gloucester and State of New Jersey that:

1. The Township agrees to settle the litigation bearing Docket No. GLO-L-1557-14 pursuant to the terms and conditions of a certain Completion and Settlement Agreement attached hereto;

2. The Township Solicitor is hereby authorized and directed to execute a Stipulation of Dismissal and Release, or such other and substantially similar document that has been approved as to form and substance by the Township Solicitor acting in consultation with the Mayor, that does not materially alter the Township's obligations hereunder.

3. The Mayor and Township Clerk, through its appropriate staff and officials, is hereby further authorized and directed to execute the Completion and Settlement Agreement, and undertake any and all such acts and execute any and all such other documents as may be necessary and appropriate to effectuate the terms hereof.

ADOPTED at a regular meeting of the Mayor and Township Committee of the Township of Harrison, County of Gloucester, State of New Jersey held on January 20, 2016.

TOWNSHIP OF HARRISON

BY: _____
LOUIS F. MANZO, MAYOR

ATTEST:

DIANE L. MALLOY, Municipal Clerk

ROLL CALL VOTE				
COMMITTEE MEMBER	AYES	NAYS	ABSTAIN	ABSENT
Manzo				
Clowney				
Diggons				
Heim				
Williams				

CERTIFICATION

I hereby certify that the above resolution is a true copy of a resolution adopted by the Township Committee of the Township of Harrison, County of Gloucester, State of New Jersey, at a meeting held by the same on January 20, 2016 in the Harrison Township Municipal Building, 114 Bridgeton Pike, Mullica Hill, New Jersey 08062.

DIANE L. MALLOY
Municipal Clerk