



# City of Newark

City Hall  
920 Broad Street  
Newark, New Jersey 07102

## Legislation Text

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File #: 12-0204, Version: 2

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**Dept/ Agency:** Law

**Action:** ( ) Ratifying (X) Authorizing ( ) Amending

**Purpose:** Settlement of Civil Litigation

**Docket No.:** Pre-Suit

**Claimant:** Tricon Enterprises, Inc.

**Claimant's Attorney:** None

**Attorney's Address:** 322 Beers Street, Keyport, NJ 07735

**Settlement Amount:** \$35,000.00

**Funding Source:** City of Newark/Office of the City Clerk/2011 Budget

**Additional Comments:**

Invitation: Corporation Counsel, [March 20, 2012](#) (date to be entered by Clerk's Office)

**WHEREAS**, the City of Newark, Department of Neighborhood & Recreational Services, Division of Demolition, was in need of demolition and related cleanup services and subsequently sought quotations in January 2011 from various vendors, including Tricon Enterprises, Inc., 322 Beers Street, Keyport, NJ 07735, for the demolition of the interior of the City of Newark Archives Building, located at 295 Halsey Street, Newark, NJ; and

**WHEREAS**, the Division of Demolition subsequently authorized Tricon Enterprises, Inc., which submitted the lowest quotation, to proceed with that work without a contract having been awarded by the Municipal Council as required by the procurement requirements of the Local Public Contracts Law pursuant to N.J.S.A. 40A:11-1 et seq.; and

**WHEREAS**, Tricon Enterprises, Inc. performed the work, and submitted application for payment in the amount of \$35,000.00; and

**WHEREAS**, the Director of the Department of Neighborhood and Recreational Services, recommends to Corporation Counsel that the Municipal Council should approve payment to Tricon Enterprises, Inc., in the amount of \$35,000.00, for work performed by the vendor at the request of the City of Newark; and

**WHEREAS**, Tricon Enterprises, Inc. has agreed to settle the demand for the payment of \$35,000.00 in one lump sum in exchange for the execution of a Settlement Agreement and General Release as a full and complete settlement of all of Tricon Enterprises, Inc.'s claims, including any claims for attorney's fees; and

**WHEREAS**, the within settlement and release does not admit nor should it be construed as an admission of liability or violation of any law, statute or regulation or a breach of any duty by the City of Newark, its agents, officers and/or employees whatsoever; and

**WHEREAS**, that given all of the facts and circumstances of the matter, Corporation Counsel recommends that it is in the best interest of the City to resolve the matter pursuant to the terms contained herein and to authorize Corporation Counsel to effectuate the settlement of this matter and authorize the disbursement of the money in accordance with the settlement.

**NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE CITY OF NEWARK, NEW JERSEY, THAT:**

1. **The** Corporation Counsel is hereby authorized on behalf of the City of Newark to negotiate a Settlement Agreement and Release and any other documents, sufficient in form and content and to take whatever actions are necessary to effectuate the terms of the within resolution and settlement of this matter pursuant to the terms contained in the within Resolution; and the Director of the Department of Neighborhood & Recreational Services is authorized to execute the Settlement Agreement and Release on behalf of the City of Newark.
2. The Municipal Council of the City of Newark hereby authorizes the payment to Tricon Enterprises, Inc., 322 Beers Street, Keyport, NJ 07735, in a lump sum, the total sum of \$35,000.00 (Thirty-Five Thousand Dollars) as consideration of and pursuant to the terms and conditions contained in the Settlement Agreement and Release annexed hereto.
3. In exchange for Tricon Enterprises, Inc.'s execution of the Settlement Agreement and Release, acceptable in form to Corporation Counsel and after passage of this resolution and upon receipt by Corporation Counsel and the Director of Finance of any and all other documents deemed necessary, the Director of Finance of the City of Newark is hereby authorized to issue a check made payable to Tricon Enterprises, Inc., 322 Beers Street, Keyport, NJ 07735.
4. The within settlement and resolution does not admit nor should it be construed as an admission of liability or violation of any law, statute or regulation or a breach of any duty by the City of Newark, its agents, officers and/or employees whatsoever and is entered into based upon recommendations of counsel and to eliminate all risks and future litigation costs.
5. Attached hereto is a certification of funds issued by the Director of Finance, City of Newark, which states that there are available sufficient, legally appropriated funds for \$35,000.00 (Thirty-Five Thousand Dollars) for the purposes set forth hereinabove. A copy of the certification of funds issued shall be filed in the Office of the City Clerk together with this Resolution by the Corporation Counsel.
  6. The funds for this settlement in the amount of \$35,000.00 are provided from the Budget of the City Clerk.
  7. A fully executed copy of the Settlement Agreement and Release shall be filed in the office of the City Clerk by Corporation Counsel.
  8. This Resolution shall be effective upon adoption in accordance with applicable State law.

**STATEMENT**

This resolution authorizes the settlement of a demand for payment from Tricon Enterprises, Inc., 322 Beers Street, Keyport, NJ 07735, for Demolition and Cleanup Services rendered, through the payment of the lump sum of \$35,000.00 in exchange for the execution of a Settlement Agreement and Release.