

RESOLUTION NO. 43-2011

RESOLUTION OF THE PLAINFIELD MUNICIPAL UTILITIES AUTHORITY
AUTHORIZING ADDITIONAL LEASE PAYMENT TO
RDK MUNICIPAL TRUCK CENTER, INC. FOR LEASE OF TRUCKS

WHEREAS, The Plainfield Municipal Utilities Authority (the "Authority") is a public body corporate and politic of the State of New Jersey and was created by the Plainfield City Council pursuant to Ordinance MC-1995-19 and in accordance with the Municipal and County Utilities Authorities Law, N.J.S.A. 40:14B-1 et seq., to implement and operate a municipal utilities authority which will provide certain solid waste and sewerage services to the inhabitants of the City of Plainfield (the "City"); and

WHEREAS, by Resolution No. 54-2008, the Authority authorized the execution of a lease agreement with RDK Municipal Truck Center, Inc. for the lease of five trucks for a period of 24 months; and

WHEREAS, there was a need for the Authority to continue use of the trucks beyond the 24 month period due to issues involving title, among others; and

WHEREAS, several maintenance/repair issues were raised by RDK upon RDK's subsequent inspection of the trucks prior to the scheduled pick-up of said trucks; and

WHEREAS, the parties were not in agreement as to what cited issues constituted normal "wear and tear" and are therefore not subject to compensation to RDK at the term of the lease agreement; and

WHEREAS, in an effort to avoid the potential for timely and costly litigation on these issues, the parties have negotiated a settlement which will fully resolve all claims of both parties in this matter. Such settlement will result in the immediate pick-up of the trucks by RDK; the payment of \$26,938.04 to RDK for (a) the Authority's additional use of the vehicles beyond the 24 month period and (b) compensation for some, not all costs for repairs to the trucks, in light of certain costs unnecessarily incurred by the Authority during the lease term; and

WHEREAS, as set forth in the attached Certification of the Authority's Chief Financial Officer, adequate funds are available for the costs of this settlement.

NOW, THEREFORE, BE IT RESOLVED by the Plainfield Municipal Utilities Authority as follows:

1. The aforementioned recitals are incorporated herein as though fully set forth at length.

2. The Authority hereby authorizes the payment of \$26,938.04 to RDK Municipal Truck Center, Inc. in full settlement of all claims between RDK and the Authority with respect to the lease by the Authority of five trucks from RDK under the lease agreement approved by Resolution No. 54-2008.

3. This Resolution shall take effect immediately.

RECORDED VOTE:

REGULAR MEMBERS	YES	NO	ABSTAIN	NOT PRESENT	ALTERNATE PRESENT NOT VOTING
Carol Ann Brokaw	X				
Rev. Tracey Brown	X				
Harold Mitchell	X				
Alex Toliver	X				
ALTERNATE MEMBERS					
Eugene Dudley (#2)				X	

The following Resolution is a true and complete copy of a Resolution of the Plainfield Municipal Utilities Authority adopted at the Regular Meeting thereof duly called and held on Tuesday, June 14, 2011.



CAROL ANN BROKAW, SECRETARY

CERTIFICATION OF FUNDS
BY
CHIEF FINANCIAL OFFICER

JAMES R. PERRY, of full age, hereby certifies as follows:

1. I am the Chief Financial Officer of the ~~Plainfield Municipal Utilities Authority (the "Authority")~~ and am charged with the responsibility of maintaining the financial records of the Authority.

2. I have determined that sufficient funds are available in the current Operating Account of the Authority for the settlement pending approval under Resolution No. 43-2011.

3. The settlement payment will be properly charged to the 2011 Budget Appropriations of the current Operating Account.

4. I hereby certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements are willfully false, I am subject to punishment.



JAMES R. PERRY

DATED: June 14, 2011