

CITY COUNCIL

The City of Orange Township, New Jersey

DATE December 20, 2022

NUMBER 502-2022

TITLE: RESOLUTION APPROVING A FINAL PAYMENT OF \$37,000.00 TO WILLIAMS SCOTSMAN INC. AND A SETTLEMENT AGREEMENT AND RELEASE BY AND BETWEEN THE CITY OF ORANGE TOWNSHIP AND WILLIAMS SCOTSMAN INC. IN ORDER TO SETTLE THE WILLIAMS SCOTSMAN INC. VENDOR ACCOUNT AND PROPHYLACTICALLY PREVENT COLLECTION ACTIVITY, LITIGATION AND POSSIBLE LEGAL EXPOSURE TO THE CITY OF ORANGE TOWNSHIP

WHEREAS, the City of Orange Township leased mobile office trailers from Williams Scotsman, Inc. ("Willscot") that were erected at various locations in the City during the height of the COVID-19 pandemic because of the ongoing public health emergency; and

WHEREAS, Willscot asserts that it is owed and outstanding balance of \$72,568.92 in outstanding rental payments for the mobile office trailers; and

WHEREAS, the City of Orange Township and Willscot have agreed to mutually settle the outstanding balance for \$37,000.00; and

WHEREAS, the City wishes to avoid potential litigation regarding the outstanding balance asserted by Willscot; and

WHEREAS, the Chief Financial Officer of the City of Orange Township has prepared the necessary Certificate of Availability of Funds, which is attached, certifying that funds are available for this purpose in the Law Department Settlement Account Nos.: 1-01-20-155-000-366 and 2-01-20-155-000-366.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF ORANGE TOWNSHIP as follows:

Section 1. A payment of \$37,000.00 to Williams Scotsman Inc. is hereby authorized.

Section 2. The Mayor be and is hereby authorized and directed to resolve the Willscot account in accordance with any terms and conditions as set forth thereto.

Section 3. The settlement as set forth by the foregoing, including the above recitals, be and hereby is approved.

Section 4. The City of Orange Township's Business Administrator be and is hereby authorized and directed to coordinate the City of Orange Township's performance pursuant to the terms of the Settlement Agreement, a copy of which will be submitted on or prior to the City Council meeting on December 20, 2022, to the Municipal Council upon receipt Willscot and without limitation, the payment totaling \$37,000.00 be made pursuant thereto to Willscot.

Section 4. This Resolution shall take effect immediately.


A. M. RASH

Adopted: December 20, 2022

Joyce L. Lanier
City Clerk

Tency Eason
Council President

CITY OF ORANGE
FINANCE DEPARTMENT

CERTIFICATION OF FUNDS
2021 & 2022 ADOPTED BUDGETS

I, Nile Clements, Chief Financial Officer for the City of Orange, do hereby certify to the best of my knowledge and belief that there are sufficient funds to Contract with:

Vendor Name: Williams Scotsman, Inc.
Address: 901 S. Bond Street
Suite 600
City: Blatimore
State: Maryland
Zip Code: 21231

Purpose: Settlement payment for rentals and leases

Vendor ID: Willi020

Fund: Current Fund
Account Name: LAW - Settlements

CY'21	>>	22,000.00	Account Numbers(s): 1-01-20-155-000-366
CY'22	>>	15,000.00	Account Numbers(s): 2-01-20-155-000-366

Amount not to exceed: \$ 37,000.00

Purchase Order #: 22-02031

Division Head

Date

Nile Clements

12/7/2022

Chief Financial Officer

Date

FULL COMPLETE RELEASE AND SETTLEMENT OF CLAIM

FILE NUMBER: 00006969

SAP Reference #: 10457741

Willscot Unit No.: PS-03380

MDS-642835

Contract No.: W1264861

W1265136

For the sole consideration of **THIRTY SEVEN THOUSAND DOLLARS AND ZERO CENTS (\$37,000)** the undersigned release(s) and forever discharge(s) THE CITY OF ORANGE TOWNSHIP, and their, or its agents, employees, servants, predecessors, successors, heirs, executors, administrators and all other persons, firms, corporations, associations or partnerships from the claims listed below and demands, rights and causes of actions of any kind, through and including the date this document was executed. The undersigned acknowledge(s) that this document shall act as a release of all attorney's fees, liens, unpaid invoices and claims for payment of any kind on the invoices listed below, and hereby covenant(s) to prophylactically indemnify and save harmless THE CITY OF ORANGE TOWNSHIP from all claims associated with the below invoices.

Lists of Claims being Released:

INV #	Unit #	Date	Amount
8653873	PS -03380	4/7/2021	\$2,514.82
8653872	MDS-642835	4/7/2021	\$3,279.45
9010736032	MDS-642835	6/7/2021	\$2,944.50
9010736033	PS -03380	6/7/2021	\$2,250.75
9010988425	PS -03380	7/7/2021	\$2,250.75
9011257502	MDS-642835	8/7/2021	\$2,944.50
9011257503	PS -03380	8/7/2021	\$2,250.75
9011517801	MDS-642835	9/7/2021	\$2,944.50
9011517802	PS -03380	9/7/2021	\$2,250.75
9011812325	MDS-642835	10/7/2021	\$2,944.50
9011812327	PS -03380	10/7/2021	\$2,250.75
9012118964	MDS-642835	11/7/2021	\$3,570.75
9012118965	PS -03380	11/7/2021	\$2,703.56
9012412593	MDS-642835	12/7/2021	\$3,570.75
9012412594	PS -03380	12/7/2021	\$2,703.56
9012719015	MDS-642835	1/7/2022	\$3,570.75
9012719017	PS -03380	1/7/2022	\$2,703.56
9013003983	MDS-642835	2/7/2022	\$3,570.75
9013003985	PS -03380	2/7/2022	\$2,703.56
9013166404	PS -03380	2/24/2022	\$1,669.09
9013177722	MDS-642835	2/25/2022	\$3,241.27
9013221283	MDS-642835	3/1/2022	\$672.89
Total Principal Owed:			\$59,506.51
Collection Fee Per Agreement:			\$13,062.40
Total Claim:			\$72,568.91

This Full Release expresses a full and complete **SETTLEMENT** of any liability claimed and denied on the above listed invoices, regardless of the adequacy of the above consideration, and the acceptance of this Full Release shall not operate as an admission of liability on the part of anyone nor as an estoppel, waiver or bar with respect to any claims the party or parties released may have against the undersigned.

The undersigned further declare(s) and represent(s) that no promise, inducement or agreement not herein expressed has been made to the undersigned, and that this Full Release contains the entire agreement between the parties hereto, there have been no additional oral engagements or exchanges, and that the terms of this release are contractual and not a mere recital.

Witness our hand and seal.

READ BEFORE SIGNING

ON BEHALF OF WILLSCOT INC.

AUTHORIZED REPRESENTATIVE (Date)
OF WILLSCOT INC.

NOTARY:

STATE OF NEW JERSEY COUNTY OF ESSEX On The __th day of _____, 2022, before me personally appeared _____ to me known to be the person(s) named herein and who executed the forgoing release and he/she/they acknowledged to me that he/she/they voluntarily executed the same.

My term expires _____, 20____.

Notary Public