

RESOLUTION NO. 18-50

**RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF WOODBURY
AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH
RIEHL'S TOWING AND MAINTENANCE, INC. AND BERNIE'S AUTO REPAIR, LLC**

WHEREAS, pursuant to Chapter 182 of the Code of the City of Woodbury, the City of Woodbury received applications for the appointment of approved towers for the City of Woodbury for the three year period commencing January 1, 2017 through December 31, 2019; and

WHEREAS, pursuant to Resolution #17-44, the City of Woodbury appointed Riehl's Towing and Maintenance, Inc. and Bernie's Auto Repair, LLC as approved towers for the City of Woodbury pursuant to Chapter 182 of the Code of the City of Woodbury for the 2017 through 2019 towing cycle; and

WHEREAS, the City of Woodbury receives no compensation for the towing of vehicles; and

WHEREAS, Riehl's and Bernie's have objected to each other's respective qualifications to serve as the City's appointed tower pursuant to Chapter 182 of the Code of the City of Woodbury and an action was filed in the Superior Court of New Jersey, Law Division Gloucester County, captioned *Bernie's Auto Repair, LLC v. City of Woodbury and Riehl's Towing and Maintenance, Inc., et al.*; and

WHEREAS, Riehl's Towing and Maintenance, Inc. and Bernie's Auto Repair, LLC have agreed to withdraw their objections as to each other's qualifications to serve as the appointed tower and continue on through the 2017 through 2019 towing cycle providing towing services on an alternating monthly basis; and

WHEREAS, the City of Woodbury has not received complaints with respect to any service issues against either tower to date for the 2017 through 2019 towing cycle; and

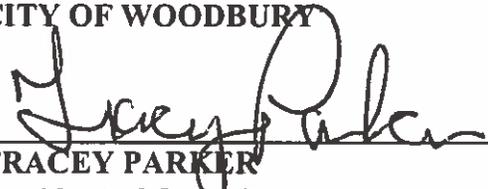
WHEREAS, the City of Woodbury reserves all rights to enforce Chapter 182 against either tower relative to their obligation to provide towing services in a quality, timely manner in accordance with the requirements of Chapter 182-1, et seq. of the Code of the City of Woodbury; and

WHEREAS, resolution of the above referenced litigation in accordance with the within Resolution will return the towing to the status quo as it existed at the time of the original approval of the towing contractors and will avoid the cost of litigation and expenditure of time of the employees and representatives of the City of Woodbury.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Woodbury that the Mayor and/or Acting Administrator are hereby authorized to execute a Settlement Agreement of the above-referenced litigation in accordance with the within Resolution in a form acceptable to the Acting Administrator and Solicitor.

CITY OF WOODBURY

By:



TRACEY PARKER
President of Council

ATTEST:



DANEEN FUSS, Clerk

Council Member	Ayes	Nays	Abstain	Absent
Councilwoman Carter	✓			
Councilman Fleming	✓			
Councilman Johnson				✓
Councilman McIlvaine	✓			
Councilwoman Miller	✓			
Councilwoman O'Connor	✓			
Councilman Swanson	✓			
Councilwoman Tierney	✓			
Council President Parker	✓			
Mayor Floyd				

CERTIFICATION

I, Daneen D. Fuss hereby certify that the foregoing Resolution was adopted by the City Council, of the City of Woodbury, in the County of Gloucester and State of New Jersey at a meeting held on **January 23, 2018** at the Municipal Building, 33 Delaware Street, Woodbury, New Jersey 08096.

Daneen D. Fuss
City Clerk