

April 27, 2016

Millburn Township Committee Special Meeting Minutes

Minutes of the Special Meeting of the Township Committee of the Township of Millburn, in Essex County, New Jersey, held in Town Hall starting at 8:30 AM on the above date.

Mayor Bourke opened the meeting and read the following statement:

In accordance with Section 5 of the Open Meetings Act, Chapter 231, Public Laws, 1975, be advised that notice of this meeting was made by posting on the Bulletin Board, Town Hall, and serving the officially designated newspapers, a notice stating that this meeting would take place at the Town Hall at 8:30 AM on April 27, 2016.

Upon roll call, the following Committee members were recorded present: W. Theodore Bourke, Cheryl H. Burstein, Ian Mount and Jodi L. Rosenberg (via speakerphone),

Absent: Robert J. Tillotson

Also present were Business Administrator Timothy Gordon, Township Attorney Christopher Falcon, and Township Clerk Christine Gatti.

Approval of Agenda

Mayor Bourke asked for a motion to approve the agenda, which was offered by Mr. Mount and seconded by Ms. Burstein; the approval was unanimous.

Resolution

Mr. Falcon reviewed the matter and result of case. Mr. Mount noted a clerical error in the resolution.

Mayor Bourke asked for a motion to approve Resolution 16-110. Ms. Burstein made a motion to approve the resolution, seconded by Mr. Mount. Township Clerk Gatti called for the vote:

Roll call vote: All Ayes

RESOLUTION 16-110

AUTHORIZING EXECUTION OF THE SETTLEMENT IN THE ACTION ENTITLED, SERGEANT KENNETH DUYM v. TOWNSHIP OF MILLBURN, ET AL DOCKET NO. A-5462-13T1

WHEREAS, certain claims were made against the Township of Millburn in a case entitled Sergeant Kenneth Duym v. Township of Millburn, et al. bearing Docket No. A-5462-13T1, (the "Litigation"); and

WHEREAS, the Plaintiff obtained a judgment against the Township in the trial of the Litigation, which judgment was appealed by the Township; and

WHEREAS, the parties have substantially settled the Litigation; and

WHEREAS, the terms of the settlement require the Township of Millburn to execute a Release; and

WHEREAS, the terms of the settlement require the Township of Millburn to pass a resolution authorizing the payment of \$455,000.00 to the Plaintiff along with pre-judgment interest of \$2,974.55 and \$175,000 for the Plaintiff's counsel fees as provided in the judgment obtained by the Plaintiff;

NOW, THEREFORE, BE IT RESOLVED by the Township of Millburn as follows:

1. The Township of Millburn Business Administrator is hereby authorized and directed to sign the signature page of a Release of the Litigation.
2. The Township of Millburn hereby authorizes the immediate payment of the \$455,000.00 to the Plaintiff and \$175,000.00 to the Toscano Law Firm, LLC, in settlement of the Litigation, the payments to the Plaintiff to be \$392,000 for non-economic damages, \$2,974.55 in pre-judgment interest, and a gross amount of \$63,000.00 from which will be taken standard payroll deductions.

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3. Notwithstanding the above authorizations, nothing contained within this resolution shall preclude or prevent the Township of Millburn from pursuing recovery and reimbursement for the whole or any portion of the Settlement Funds from any insurance carrier(s) identified now or in the future.

3. This resolution shall take effect immediately.

Public Discussion

Mayor Bourke asked if there were any comments or questions from the public.

Harry Trumbore, Editor of the Item of Millburn and Short Hills, questioned whether the township would be receiving recovery of the monies from our insurance carrier and Mr. Gordon stated that we are currently in mediation to obtain insurance coverage.

Adjournment

Mayor Bourke asked if there were any additional comments. Seeing none, and there being no further business at hand, a motion was made by Mr. Mount and seconded by Ms. Rosenberg by unanimous vote to adjourn the meeting at 8:40AM.

Christine A. Gatti, RMC
Township Clerk

Approved: July 19, 2016