



**2009
BOROUGH OF DUMONT
RESOLUTION**

MEMBERS	AYE	NAY	ABSTAIN	ABSENT
CASPARE			✓	
MANNA				✓
MCQUADE	✓			
RIQUELME	✓			
STYLIANOU	✓			
ZAMECHANSKY	✓			
MAYOR MCHALE				
TOTALS	4		1	1

Resolution No. 313
Date: December 21, 2009
Page: 1 of 2
Subject: Bland v. Borough of Dumont
Purpose: Authorization of Settlement
Account No. _____
Contract No. _____
Dollar Amount: _____
Prepared By: Gregg Paster, Esq.

Offered by: McQuade
Seconded by: Stylianou

Certified as a true copy of a Resolution adopted by the Borough of Dumont on above date at a Regular Meeting by:

Susan Connelly
**Susan Connelly, RMC, Borough Clerk
Borough of Dumont, Bergen County, New Jersey**

BLAND v. BOROUGH OF DUMONT SETTLEMENT

WHEREAS, the Borough of Dumont is and has been engaged in litigation known as Bland v. Borough of Dumont, et als., Docket #BER-L-8617-03, and;

WHEREAS, following a trial in February of 2009 and post-trial motions, a judgment was entered on July 7, 2009, against the Borough of Dumont et als., in favor of the Plaintiff, Patrick Bland, in the amount of Five Hundred Eighty Seven Thousand Three Hundred Fifteen and 07/100 (\$587,315.07) Dollars; and

WHEREAS, exposure to the Borough for punitive damages (\$100,000), back pay and other forms of economic compensatory damages (up to \$267,866) and attorney's fees and costs (approximately \$220,000), would have a devastating impact upon the fiscal well being of the Borough and its taxpayers; and

WHEREAS, cross-appeals have been filed by the parties contesting various rulings by the trial court; and

WHEREAS, negotiations have been conducted with the Plaintiff's attorney, and consultations have been conducted with the trial counsel for the Borough; and

WHEREAS, it appears that the risk of continuing pursuit of the appeal may be outweighed by the certainty of a reasonable settlement offer; and

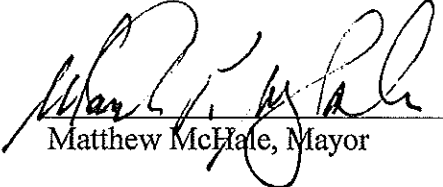
WHEREAS, arrangements have been satisfactorily negotiated with the Bergen Joint Insurance Fund/Municipal Excess Liability administration to pay all of the Borough's uninsured exposure, including punitive damages, self insured risk retention and all other obligations and responsibilities of the Borough in connection with the verdict and judgment, for a total payment of One Hundred Sixty Five Thousand (\$165,000) Dollars, over six years, beginning in 2010; and

WHEREAS, it appears that funds are available in the Borough budget for the purpose of resolving this claim, as appears by the Certification of Funds of the Chief Financial Officer;

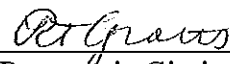
BE IT RESOLVED, by the Borough Council of the Borough of Dumont, that the sum of One Hundred Sixty Five Thousand (\$165,000) Dollars, be and is hereby appropriated as the Borough's contribution for uninsured risk, and the settlement negotiated in the amount of Five Hundred Thirty Thousand (\$530,000) Dollars, is hereby ratified and approved to be offered as full and final settlement, in exchange for a Warrant to Satisfy Judgment and Stipulation of Dismissal of all pending appeals and other proceedings; and

BE IT FURTHER RESOLVED, that the Borough's contribution as set forth in the prior paragraph shall be paid to the Bergen JIF/MEL as follows:
\$30,000 in 2010; \$27,000 in 2011; \$27,000 in 2012; \$27,000 in 2013; \$27,000 in 2014 and \$27,000 in 2015, upon duly presented voucher or purchase order executed by or on behalf of the Bergen JIF/MEL, or such other documentation as may be required by the Chief Financial Officer; and

BE IT FURTHER RESOLVED, that a certified copy of this resolution shall be served upon Thomas B. Hanrahan, Esq.; Kathy Tyler Schol of Scibal Associates, Somers Point, New Jersey, and Bergen JIF/MEL c/o PERMA, Inc. upon adoption hereof.


Matthew McHale, Mayor

I hereby certify that funds shall be provided from Litigation


Rosemarie Giotis—December 21, 2009



2009
BOROUGH OF DUMONT
RESOLUTION

MEMBERS	AYE	NAY	ABSTAIN	ABSENT
CASPARE	✓			
MANNA				✓
MCQUADE	✓			
RIQUELME	✓			
STYLLANOU	✓			
ZAMECHANSKY	✓			
MAYOR MCHALE				
TOTALS	5			1

Resolution No. _____

Date: December 21, 2009

Page: 1 of 2

Subject: Closed Session

Purpose: Resolution to Enter

Account No. _____

Contract No. _____

Dollar Amount: _____

Prepared By: Susan Connelly, RMC

Offered by: Styllanou

Seconded by: McQuade

Certified as a true copy of a Resolution adopted by the Borough of Dumont on above date at a Regular Meeting by: Susan Connelly

Susan Connelly, RMC, Borough Clerk
Borough of Dumont, Bergen County, New Jersey

CLOSED SESSION

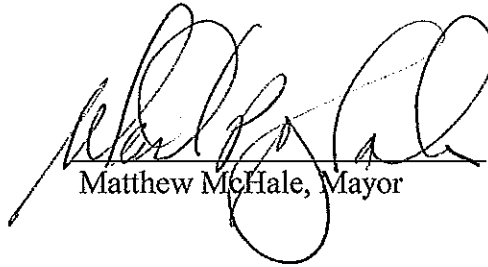
WHEREAS, the Open Public Meetings Act, P.L. 1975, Chapter 231 permits the exclusion of the public from a meeting in certain circumstances; and

WHEREAS, this public body is of the opinion that such circumstances presently exist; and

WHEREAS, the Governing Body wishes to discuss:
Collective Bargaining Negotiations
Litigation

WHEREAS, minutes will be kept and once the matter involving the confidentiality of the above no longer requires that confidentiality, then the minutes can be made public.

BE IT RESOLVED, that the public be excluded from this meeting.



Matthew McHale, Mayor