

**TOWNSHIP OF FRANKLIN
R-138-19**

RESOLUTION APPROVING SETTLEMENT OF LITIGATION

WHEREAS, Edward Seibert, Kevin Przybyszewski, Jeffrey Schaw, Jr., and John Conway (“Plaintiffs”) filed a lawsuit against, *inter alia*, the Township of Franklin (“Township”) in the matter captioned and docketed as Edward Seibert, et al v. Borough of Newfield, et al, Superior Court of New Jersey, Docket No. GLO-L-1453-18 (hereinafter “Litigation”); and

WHEREAS, the Township’s insurance carrier is defending the Township under a reservation of rights such that certain claims asserted in the Litigation are not covered by insurance and will be the responsibility of the Township in the event the Plaintiffs should prevail; and

WHEREAS, in an effort to avoid the uncertainty and expense of litigation, and after mediation before Retired Judge Eugene McCaffrey and participation in a settlement conference before the Honorable James R. Swift, a tentative settlement was reached whereby the Township would be required to pay the sum of \$50,000.00 to amicably resolve the Litigation in exchange for a general release and dismissal of all claims; and

WHEREAS, the Governing Body is of the opinion that the settlement is in the best interests of the Township;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Township Committee of the Township of Franklin, County of Gloucester, State of New Jersey for the reasons set forth above that the settlement of the Litigation pursuant to a written agreement and release subject to review and approval by Special Counsel be and hereby is approved; and

BE IT FURTHER RESOLVED that Mayor, David Deegan, is hereby authorized to implement this Resolution and execute any documents necessary in connection therewith.

Attest:

Township of Franklin

Barbara Freijomil, Clerk

David Deegan, Mayor

CERTIFICATION

I, Barbara Freijomil, Clerk of the Township of Franklin, do hereby certify that the foregoing Resolution was presented and duly adopted by the Township Committee at a meeting held on October 8, 2019.

Barbara Freijomil, Municipal Clerk