



Township Council
1 Municipal Plaza
Bloomfield, NJ 07003

Louise M. Palagano
Municipal Clerk

<http://www.bloomfieldtwpnj.com>

Meeting: 02/19/13 07:00 PM

2013 RESOLUTION APPROVAL

AUTHORIZING EXECUTION OF THE SUPPLEMENTAL CONSENT ORDER CONCERNING CERTAIN THIRD-PARTY DEFENDANT MUNICIPALITIES FOR THE SETTLEMENT WITH THE NOVARTIS DIRECT DEFENDANTS IN THE ACTION ENTITLED NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION V. NOVARTIS CORPORATION ET AL.

WHEREAS, certain claims have been asserted against the Township of Bloomfield (the "Township") in the action entitled New Jersey Department of Environmental Protection v. Novartis Corporation, et al., Docket No. MRS-L-1834-07 pending in the Superior Court of New Jersey, Morris County (the "Litigation") regarding alleged environmental contamination and damages to natural resources at the Sharkey Farms Landfill in Parsippany, New Jersey ("Site"); and

WHEREAS, in or around 2007, the New Jersey Department of Environmental Protection and the State of New Jersey Instituted the Litigation against various industrial and commercial entities ("Novartis Defendants") to recover costs for Natural Resource Damages ("NRD") incurred as a result of the alleged discharge of hazardous substances at or around the Site; and

WHEREAS, in or around March of 2009, the Novartis Defendants instituted third-party complaints against the Township seeking contribution for NRD incurred as a result of the alleged discharge of hazardous substances at or around the Site; and

WHEREAS, certain Third-Party Defendant municipalities including the Township of Bloomfield, are members of a group known as the Municipal Group in the Litigation; and

WHEREAS, on or around February 10, 2011, the Office of Natural Resources Restoration published a proposed Consent Judgment by and between New Jersey Department of Environment Protection and the Novartis Defendants; and

APPROVED AS TO FORM AND PROCEDURE
ON BASIS OF FACTS SET FORTH

Director of Law - Township Attorney

WHEREAS, the Municipal Group on behalf of its members engaged in settlement negotiations with the Novartis Direct Defendants PRP Group (“Novartis Defendants”); and

WHEREAS, the Municipal Group have substantially settled the Litigation with the Novartis Defendants, and have negotiated the supplement Consent Order Concerning Certain Third-Party Defendant Municipalities; and

WHEREAS, the terms of the settlement require the Township of Bloomfield to sign off on the supplemental Consent Order Concerning Certain Third-Party Defendant Municipalities prior to the Consent Order being lodged; and

WHEREAS, a copy of the Consent Judgment and the supplemental Consent Order Concerning Certain Third-Party Defendant Municipalities are in the Clerk’s office and are incorporated by reference hereto.

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

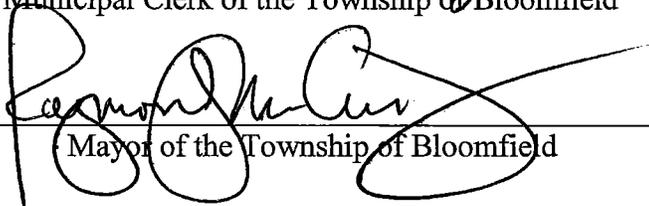
1. The Township is hereby authorized and direct to sign the signature pages of the supplemental Consent Order Concerning Certain Third-Party Defendant Municipalities, which will be adopted in substantially the form contained in the draft copy on file, and thereafter immediately transmit the said signature pages to Gregory J. Coffey, Esq. Joint Defense Counsel for the Municipal Group.
2. This resolution shall take effect immediately.

* ...* ...* ...*

I hereby certify that the above resolution was duly adopted by the Mayor and Council of the Township of Bloomfield at a meeting of said Township Council held on February 19, 2013.



 Municipal Clerk of the Township of Bloomfield



 Mayor of the Township of Bloomfield

| ✓ Vote Record - Resolution 2543 | | | | | |
|--|-----------------------|-------------------------------------|--------------------------|--------------------------|-------------------------------------|
| | | Yes/Aye | No/Nay | Abstain | Absent |
| <input checked="" type="checkbox"/> Adopted | | | | | |
| <input type="checkbox"/> Adopted as Amended | | | | | |
| <input type="checkbox"/> Defeated | | | | | |
| <input type="checkbox"/> Withdrawn | | | | | |
| <input type="checkbox"/> Tabled | | | | | |
| <input type="checkbox"/> Approved | | | | | |
| <input type="checkbox"/> Approved by Consensus | | | | | |
| <input type="checkbox"/> Not Discussed | | | | | |
| <input type="checkbox"/> Tabled with No Vote | | | | | |
| <input type="checkbox"/> Discussed | | | | | |
| <input type="checkbox"/> Veto by Mayor | | | | | |
| | Elias Chalet | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| | Nicholas Joanow | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| | Carlos Bernard | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| | Michael Venezia | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| | Peggy O'Boyle Dunigan | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| | Bernard Hamilton | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| | Raymond McCarthy | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |