



Township Council
1 Municipal Plaza
Bloomfield, NJ 07003

Louise M. Palagano
Municipal Clerk

<http://www.bloomfieldtwpnj.com>

Meeting: 03/18/13 07:00 PM

2013 RESOLUTION APPROVAL

AUTHORIZE SETTLEMENT OF LITIGATION ENTITLED THE NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION ET AL. V. OCCIDENTAL CHEMICAL CORPORATION ET AL., DOCKET NO ESX-L-9868-05 (PASR) SUBSTANTIALLY IN ACCORDANCE WITH THE TERMS OF A PROPOSED CONSENT JUDGMENT RELATED DOCUMENTS

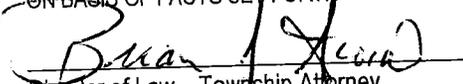
WHEREAS, the Township of Bloomfield is a third party defendant in litigation entitled the New Jersey Department of Environmental Protection, et al. v. Occidental Chemical Corporation et al., Docket No. ESX-L-9868-05 (PASR) (the Passaic River Litigation); an

WHEREAS, the New Jersey Department of Environmental Protection, the Commissioner of the New Jersey Department of Environmental Protection, and the Administrator of the New Jersey Spill Compensation Fund (collectively, "Plaintiffs"), have offered to settle directly with all Third Party Defendants including the Township of Bloomfield; and

WHEREAS, on behalf of the Township of Bloomfield, counsel executed a Confidentiality Agreement and Memorandum of Understanding with Plaintiffs which, among other things, allowed for settlement negotiations between the Township of Bloomfield and Plaintiffs and for the development of settlement documentation, provided that the negotiations and the documents generated during the course of those negotiations were to remain strictly confidential; and

WHEREAS, negotiations between Plaintiffs and Third Party Defendants, including the Township of Bloomfield, have resulted in the preparation of proposed Consent Judgment and related settlement documentation; and

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


Director of Law - Township Attorney

WHEREAS, the Mayor and Council of the Township of Bloomfield has reviewed with counsel the proposed Consent Judgment and related settlement documentation in Executive Session at the meeting of March 11, 2013; and

WHEREAS, the proposed Consent Judgment and related settlement documentation continue to remain strictly confidential in accordance with the Confidentiality Agreement and Memorandum of Understanding executed by counsel on behalf of the Township of Bloomfield until such time as they are published by Plaintiffs in accordance with the Consent Order on the Approval Process for the proposed consent Judgment entered by the Court on January 24, 2013 (“Consent Order”), a copy of which is annexed hereto as Exhibit “A”; and

WHEREAS, the proposed Consent Judgment and related settlement documentation may be subject to change depending on the outcome of the approval process outlined in the Consent Order; and

WHEREAS, the Mayor and Counsel of the Township of Bloomfield desires to approve the proposed settlement as reflected in the proposed Consent Judgment and related settlement documentation and allow for the approval process to move forward in accordance with the Consent Order

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

1. All of the foregoing “WHEREAS” clauses are incorporated by reference as if set forth at length herein.
2. The Township of Bloomfield hereby authorizes the settlement of the Passaic River Litigation substantially in accordance with the terms set forth in the proposed Consent Judgment and related settlement documentation reviewed by

the Mayor and Counsel of the Township of Bloomfield in Executive Session at the meeting of March 11, 2013.

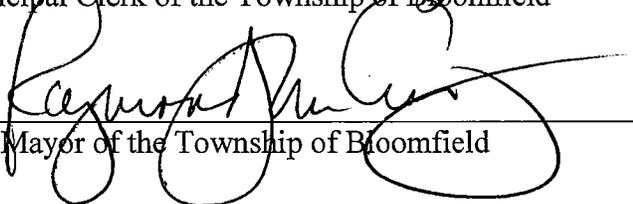
3. The Township of Bloomfield counsel and all other appropriate Township of Bloomfield officials and personnel are authorized to prepare any and all related documents and perform all tasks, which will effectuate the purposes of this Resolution.
4. The Township of Bloomfield approves the payment of 95,000 in settlement of this claim with the understanding that the Environment Joint Insurance Fund will indemnify 50,000 of said \$95,000 for the township of Bloomfield.
5. The appropriation of any and all additional settlement sums shall be the subject of a subsequent resolution to be adopted by the Mayor and Council of the Township of Bloomfield after the finalization of the approval process set forth in the Consent Order and in accordance with the proposed Consent Judgment.
6. This Resolution shall take effect immediately and/or as required by law.

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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 March 18, 2013.



 Municipal Clerk of the Township of Bloomfield



 Mayor of the Township of Bloomfield

✓ Vote Record - Resolution 2613						
		Yes/Aye	No/Nay	Abstain	Absent	
<input type="checkbox"/> Adopted	Elias Chalet	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/> Adopted as Amended	Nicholas Joanow	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/> Defeated	Carlos Bernard	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/> Withdrawn	Michael Venezia	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/> Tabled	Peggy O'Boyle Dunigan	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/> Approved	Bernard Hamilton	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
<input type="checkbox"/> Approved by Consensus	Raymond McCarthy	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/> Not Discussed						
<input type="checkbox"/> Tabled with No Vote						
<input type="checkbox"/> Discussed						
<input type="checkbox"/> Veto by Mayor						