

R: 2016-53

A RESOLUTION OF THE TOWN OF PHILLIPSBURG, COUNTY OF WARREN, STATE OF NEW JERSEY AUTHORIZING THE SETTLEMENT OF LITIGATION CAPTIONED “POLICEMENS BENEVOLENT ASSOCIATION PHILLIPSBURG LOCAL 56, INDIVIDUALLY AND ON BEHALF OF ITS MEMBERS, BRIAN BERRIGAN AND RICHARD HALLEY, PLAINTIFFS, v. TOWNSHIP [sic] OF PHILLIPSBURG, AND THE PHILLIPSBURG POLICE DEPARTMENT,” DOCKET NO. WRN-L-361-12

WHEREAS, the Policemens Benevolent Association Phillipsburg Local 56, et al (“Plaintiffs”) commenced an action naming the Town of Phillipsburg and the Phillipsburg Police Department as defendants in a case bearing Docket No. WRN-L-361-12 in the Superior Court of New Jersey in the County of Warren; and

WHEREAS, said action was litigated in the Superior Court of the State of New Jersey, Law Division; and

WHEREAS, an order was entered in the Superior Court of the State of New Jersey, Law Division, from which both Plaintiffs and Defendants appealed; and

WHEREAS, after argument before the Superior Court of New Jersey, Appellate Division, said matter was remanded to the Trial Court for further proceedings; and

WHEREAS, the parties have reached a settlement wherein the Mayor and Town Council and the professionals believe it is best to settle said litigation rather than continue to expend tax payer dollars and in order to avoid the uncertainty inherent in all litigation; and

WHEREAS, a proposed Consent Order has been drafted which would bring an end to the litigation but also protect the interests of the Town of Phillipsburg and the Phillipsburg Police Department; and

WHEREAS, pursuant to the Town Code, the Town Attorney is requesting authorization from the Town Council to settle said litigation.

NOW THEREFORE BE IT RESOLVED by the Town Council of the Town of Phillipsburg, County of Warren, State of New Jersey, that the Town Attorney is hereby authorized to execute any and all documents necessary in order to effectuate the settlement of the aforementioned litigation, which terms have been set forth in the Consent Order attached hereto.

CERTIFICATION

I, Victoria L. Kleiner, Municipal Clerk for the Town of Phillipsburg, do hereby certify that the foregoing is a true copy of a resolution duly adopted by the Town Council at their March 15, 2016 meeting.

Victoria L. Kleiner, Municipal Clerk