

RESOLUTION 2012- 042
RESOLUTION APPROVING SETTLEMENT

WHEREAS, The Bordentown Sewerage Authority was a party defendant in the matter of the Dublin Pub Group, LLC, Plaintiff, vs. The Bordentown Sewerage Authority, Defendant, filed in the Superior Court of New Jersey, Law Division, under Docket No. BUR-L-3528-10 (the "Litigation"); and

WHEREAS, the Plaintiff sought damages in the amount of \$147,812.00 from the Authority; and

WHEREAS, the Authority has expressly denied any liability for any claims raised by the Plaintiff in the Litigation; and

WHEREAS, the parties agreed to mediate the claims raised in the Litigation before Judge James D. Clyne, J.S.C. (retired); and

WHEREAS, mediation was conducted on May 2, 2012 with Judge Clyne; and

WHEREAS, as a result of the mediation, the Plaintiff drastically reduced its demands and offered to settle all claims against the Authority for a payment of Thirty One Thousand Two Hundred and Twelve (\$31,212.00) Dollars, plus a credit of Eight Thousand (\$8,000.00) Dollars against future sewer service charges; and

WHEREAS, the although the Authority continues to deny any and all liability to the Plaintiff, the Authority has determined that it is in the best financial interests of the Authority to terminate the Litigation as expeditiously and economically as possible, without resort to trial and the probability of lengthy and costly appeals.

NOW THEREFORE, BE IT RESOLVED by The Bordentown Sewerage Authority this 30th day of May, 2012, that the settlement of the Litigation with the Plaintiff be and the same is hereby approved for a payment of Thirty One Thousand Two Hundred and Twelve


(\$31,212.00) Dollars, plus a credit of Eight Thousand (\$8,000.00) Dollars against future sewer service charges.

BE IT FURTHER RESOLVED that settlement be and same is hereby made contingent upon the execution by Plaintiff of a General Release and Stipulation of Dismissal With Prejudice and Without Costs in a form satisfactory to General Counsel to the Authority.

BE IT FURTHER RESOLVED that General Counsel and the Executive Director be and the same are hereby authorized to perform such measures and execute such documents as are necessary to implement settlement, according to the terms of this Resolution.

BE IT FURTHER RESOLVED that this settlement is not to be construed as an admission of liability by the Authority, which liability the Authority has expressly denied and continues to deny. This settlement is made for the sole purpose of amicably and efficiently terminating the Litigation and is made on the express condition that it is not evidential in any forum as an admission of liability by the Authority.

THE BORDENTOWN SEWERAGE AUTHORITY

By: 
Ronald L. Marino, Chairman

Attest:


Nancy Liberman, Secretary