

**BOROUGH OF EAST NEWARK
COUNTY OF HUDSON, STATE OF NEW JERSEY**

**RESOLUTION RATIFYING SETTLEMENT AGREEMENT OF POTENTIAL
LITIGATION – BRIGITE GONCALVES V. BOROUGH OF EAST NEWARK, ET AL.**

WHEREAS, a dispute has arisen which may arise into potential litigation, wherein a Borough employee has brought a claim against the Borough of East Newark (“Borough”) for damages allegedly suffered as a result of the actions of the Borough, its officers, employees or agents; and

WHEREAS, the attorneys for the Borough have recommended to the Borough Attorney, Mayor and the Borough Administrator, settlement in the amount not to exceed One Hundred and Eighty Thousand Dollars (\$180,000.00) so as not to expose the Borough to greater liability as the result of protracted litigation and a trial; and

WHEREAS, with regard to the aforementioned settlement amount, the attorneys for the Borough recommend that a portion of the total sum shall come from insurance liability proceeds of a liability policy maintained by the Borough, and the remaining amount of thirty-three thousand dollars (\$33,000.00) shall come from Borough funds from an account to be determined by the Acting Chief Financial Officer. Said portion distribution shall be determined by the Mayor or her designee and the Borough Attorney or his designee; and

WHEREAS, Plaintiff’s Representatives and attorney have agreed and stated their willingness to accept said settlement funds on or before a date to be negotiated and determined by counsel and have endorsed the attached Settlement Agreement stating such; and

WHEREAS, the attorneys for the Borough of East Newark shall be provided with a Release executed by the Plaintiff’s Representatives excusing the Borough its officers, employees or agents from all future claims for liability and damages in exchange for the settlement of this matter; and

WHEREAS, the Mayor and Council for the Borough of East Newark desires to settle the matter and wish to ratify the endorsed Settlement Agreement; however, the settlement must be subject to the funds being budgeted and made available in the CY 2020 Municipal Budget and any insurance liability policies the Borough may be utilizing.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of East Newark, County of Hudson, State of New Jersey, that the attached Settlement Agreement be and is hereby ratified; and

BE IT FURTHER RESOLVED, that said settlement shall be the subject to the funds being budgeted and made available in the CY 2020 Municipal Budget and any insurance liability policies the Borough may be utilizing; and

BE IT FURTHER RESOLVED, that upon the certification of the Acting Chief Financial Officer of the funds being budgeted and available, and upon direction of the Borough Attorney or his designee; the Acting Chief Financial Officer or his designee is authorized to forward a sum not to exceed an amount of Thirty-Three Thousand Dollars (\$33,000.00), as the Borough’s portion of full settlement of his matter in the amount of One Hundred and Eighty Thousand Dollars (\$180,000.00); and

BE IT FURTHER RESOLVED, on release of the funds, the attorneys for the Borough of East Newark shall be simultaneously provided with a Release executed by the Plaintiff’s Representatives excusing

the Borough its officers, employees or agents from all future claims for liability and damages in exchange for the settlement of this matter; and

BE IT FURTHER RESOLVED, that the said settlement figure shall be paid with a portion of the total sum to come from insurance liability proceeds of a liability policy maintained by the Borough, and the remaining amount of Thirty-Three Thousand Dollars (\$33,000.00) to come from Borough funds from an account to be determined by the Acting Chief Financial Officer. Said portion distribution shall be determined by the Mayor or her designee and the Borough Attorney or his designee.

BE IT FURTHER RESOLVED that all matters pleaded that are not resolved at the time of the execution of the settlement agreement and the payment of the settlement proceeds shall be deemed abandoned.

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CERTIFICATION OF AVAILABLE FUNDS

As required by N.J.S.A. 40A:4-57, N.J.A.C. 5:34-5.1 et seq. and any other applicable requirement, I, _____, Chief Financial Officer of the Borough of East Newark, have ascertained that there are available sufficient uncommitted funds in the line item specified below to award the contract specified in the above resolution, in the amount specified below. I further certify that I will encumber these finds upon the passage of this resolution.

Line Item	Description	Amount
	, CFO	Date

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Trustee Member	Motion	Second	Ayes	Nays	Abstain	Absent
Diaz						
Evaristo						
Graham						
Lucas						
Tighe						
Zincavage						

CERTIFICATION

I, Kevin D. Harris, Borough Clerk of the Borough of East Newark, County of Hudson, State of New Jersey, do hereby certify that the foregoing is a true copy of a resolution adopted by the Mayor and Borough Council at their regular meeting held on October 14, 2020.

 Kevin D. Harris
 Borough Clerk