

RESOLUTION

**RESOLUTION AUTHORIZING ENTRY AND EXECUTION
OF THE MUNICIPAL JOINT DEFENSE GROUP
AGREEMENT AND DESIGNATION OF MUNICIPAL
LIAISON COUNSEL IN THE ACTION ENTITLED *NEW
JERSEY DEPARTMENT OF ENVIRONMENTAL
PROTECTION V. OCCIDENTAL CHEMICAL
CORPORATION, ET AL.***

WHEREAS, certain claims have been asserted against the Township of West Orange in the action entitled *New Jersey Department of Environmental Protection v. Occidental Chemical Corporation, et al.*, Docket No. ESX-L-9868-05. pending in the Superior Court of New Jersey, Law Division, Essex County (hereinafter referred to as the “Litigation”) regarding alleged discharges of hazardous substances into bodies of water defined as “the lower seventeen (17) miles of the Passaic River, Newark Bay, the lower reaches of the Hackensack River, the Arthur Kill, the Kill Van Kull and adjacent waters and sediments” (hereinafter collectively referred to as the “Newark Bay Complex”);

WHEREAS, without admitting any fact, responsibility, fault and/or liability in connection with the claims asserted against it in the Litigation, the Township of West Orange wishes to designate a municipal liaison counsel and enter into a Municipal Joint Defense Group Agreement for the purposes of devoting its resources to respond efficiently to the claims asserted against it in the Litigation, allocating among other third-party defendant municipalities and municipal entities common legal, technical, administrative and other costs incurred in the Litigation, and cooperating with other third-party defendant municipalities and municipal entities in this effort;

WHEREAS, neither the Notice of Designation of Municipal Liaison Counsel nor the Municipal Joint Defense Group Agreement affect or impact in any way the right of the Township to maintain and/or retain its own separate municipal counsel and/or counsel of record with respect to the Litigation, and the Municipal Joint Defense Group requires active participation by counsel of record;

WHEREAS, a copy of the Notice of Designation of Municipal Liaison Counsel and a copy of the Municipal Joint Defense Group Agreement are in the Clerk’s office and are incorporated by reference hereto;

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of West Orange as follows:

1. The Assistant Township Attorney is hereby authorized and directed to

execute on behalf of the Township the signature page of the Municipal Joint Defense Group Agreement, and thereafter transmit said signature page to Peter J. King, Esq., King and Petracca, Esqs., 51 Gibraltar Drive, Suite 1D, Morris Plains, NJ 07950-1254, pjk@kingpetracca.com.

2. The designation of Peter J. King, Esq., as municipal liaison counsel on behalf of the Township of West Orange is hereby ratified.

3. This resolution shall take effect immediately.

ATTEST:

TOWNSHIP OF WEST ORANGE

Karen Carnevale, Municipal Clerk

Sal Anderton, Council President

DATED:

I, Karen Carnevale, Municipal Clerk of the Township of West Orange, County of Essex, State of New Jersey, do hereby certify the foregoing to be a true and exact copy of a Resolution adopted by the Township of West Orange at a meeting held on January 18, 2011.

Karen Carnevale, Clerk