

RESOLUTION

WHEREAS, the Township of West Orange is a Defendant in an action entitled O'Donnell McCord, P.C. v. Township of West Orange in the Superior Court of New Jersey, Essex County, Docket Number ESX-L-3102-13 (the "Litigation"); and

WHEREAS, in the Litigation, O'Donnell McCord, P.C. ("Plaintiff") asserts claims against the Township totaling \$29,936 for outstanding bills for legal services Plaintiff performed for the Township as special tax counsel, and the Township asserts various counterclaims; and

WHEREAS, the Litigation was referred to mandatory mediation by the Superior Court of New Jersey in an attempt to resolve the dispute and contain litigation costs; and

WHEREAS, a mediation session was conducted on September 26, 2013 wherein a settlement was negotiated (the "Settlement") whereby, subject to Township Council approval, (1) the Township will pay Plaintiff \$20,000 no later than October 31, 2013; (2) Plaintiff will completely release and forever discharge any and all claims and rights Plaintiff may have against the Township relating to this Litigation or any other dispute, including those not yet asserted; and (3) the Township will completely release and forever discharge any and all claims and rights against Plaintiff as they relate to this Litigation; and

WHEREAS, the Township's Law Department recommends that the Township of West Orange enter into the Settlement to fully and finally resolve all claims at issue in the Litigation;

NOW, THEREFORE BE IT HEREBY RESOLVED, by the Township Council of the Township of West Orange that the Township Council hereby authorizes the settlement of the Litigation on the terms set forth in the annexed Settlement Agreement, that the Mayor be and hereby is authorized to execute any and all documents necessary to effectuate the settlement, and the Township Clerk shall be authorized to attest to his signature.

Karen J. Carnevale
Township Clerk

Susan McCartney
Council President

Adopted: October 1, 2013

I hereby certify funds are available from: _____
Account No.

JOHN O. GROSS, CFO