

RESOLUTION OF THE TOWNSHIP OF IRVINGTON, NJ

No. **TA 15-1229-43**

Date of Adoption **DECEMBER 29, 2015**

APPROVED AS TO FORM AND LEGALITY ON THE BASIS OF FACTS SET FORTH BY

[Signature]
Legislative Research Officer

PRESENTED BY COUNCIL MEMBER **COX** SECONDED BY **JONES**

APPROVE THE FINAL DISPOSITION OF
Melvin Shamberger and Frank Piwowarczyk v. Township of Irvington, et al.

WHEREAS, the matter of Melvin Shamberger and Frank Piwowarczyk v. Township of Irvington, et als., was filed in the Superior Court of New Jersey, Docket No. ESX-L-5823-14; and

WHEREAS, the Township of Irvington Administration and the Municipal Council deem it in the best interest to bring this matter to a resolution, thus saving the Township further expense in the defense thereof and curtailing any excessive liability that could result from this litigation which would include the awarding of attorneys fees in excess of this proposed settlement; and

WHEREAS, the Office of the Township Attorney has reviewed, monitored and consulted with counsel and all relevant municipal officials and pursuant thereto recommend that this matter be concluded:

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that it hereby agrees to a settlement of the above matter in the amount not to exceed Two Hundred Fifteen Thousand Dollars (\$215,000.00) Dollars to be disbursed in three checks; (1) check made payable to Melvin Shamberger in the amount of \$100,000 (2) check made payable to Frank Piwowarczyk in the amount of \$75,000 (3) check made payable to The Toscano Law Firm, LLC in the amount of \$40,000, subject to the execution of a Release and Settlement agreement, executed Stipulation of Dismissal with Prejudice; and

BE IT FURTHER RESOLVED that this matter is hereby concluded with absolutely no admission of liability on behalf of the Township of Irvington, its Police Department or any agents, officers or personnel; and

BE IT FURTHER RESOLVED that the settlement funds will be processed through D&H Alternative Risk Solutions, the Township's third party liability administrator.

RECORD OF COUNCIL VOTE

X = Indicates Vote N.V. = No Vote A.B. = Absent

COUNCIL MEMBER	YES	NO	N.V.	A.B.	COUNCIL MEMBER	YES	NO	N.V.	A.B.
BURGESS, 1ST VICE PRESIDENT	X				JONES, 2ND VICEPRESIDENT	X			
COX	X				LYONS	X			
HUDLEY	X				FREDERIC, PRESIDENT	X			
INMAN				X					

PRESIDENT OF COUNCIL *[Signature]* MUNICIPAL CLERK *[Signature]* DATE **DEC 29, 2015**

I hereby certify that the foregoing is a true copy of a Resolution duly adopted by the Municipal Council. In witness whereof I have hereunto set my hand and the Corporate Seal of the Township of Irvington.

MUNICIPAL CLERK *[Signature]* DATE **12/28/15**

ADMINISTRATOR ☐ ASSESSOR ☐ BLDG ☐ CFO ☐ COLLECTOR ☐ COURT ☐ ENGINEER ☐ FIRE ☐ CF ☐ HEALTH ☐ HOUSING ☐ INIC ☐ JUDGE ☐
LEGAL ☐ LIBR ☐ LICEN ☐ MAYOR ☐ OCDP ☐ PARKS ☐ PAYROLL ☐ POLICE ☐ CF ☐ PUBLIC SAFETY ☐ DIR ☐ PUBLIC WORKS ☐ PURCHASING ☐
SEC ☐ DR ☐ ZRA ☐ TRAFFIC ☐ ZONING ☐ OFF ☐ DUGS ☐ GNCD ☐ OTHER(S):