

**RESOLUTION NO. 2018-129**

**RESOLUTION OF THE TOWNSHIP OF LITTLE EGG HARBOR, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING THE EXECUTION OF A SETTLEMENT AGREEMENT WITH MICHAEL FROMOSKY IN A CASE BEARING DOCKET NUMBER OCN-L-723-17**

**WHEREAS**, Michael Fromosky filed a complaint against the Township of Little Egg Harbor, Garrett Loesch, Eugene Kobryn, Richard Buzby and David Schlick under the Conscientious Employee Protection Act (CEPA); and

**WHEREAS**, the Township's insurance carrier and Counsel assigned to the Township by its insurance carrier have determined that it is in the best interests of the Township to settle the pending litigation, in exchange for a release of all claims against the Township and its officers and employees by Mr. Fromosky; and

**WHEREAS**, the governing body hereby invokes the Doctrine of Necessity, as a quorum of the Township Committee are parties in the litigation and would ordinarily abstain from voting due to the existence of a conflict of interest, however it would not be possible to vote on the ratification of the Agreement without the participation of the otherwise conflicted members; and

**WHEREAS**, the Township's insurance carrier has authorized and recommended settlement of this matter and will be responsible for the balance of the monies payable under the Agreement except the deductible amount and other contractual obligation of the Township pursuant to its policy with the Ocean County Joint Insurance and

**WHEREAS**, the governing body wishes to authorize the Settlement Agreement.

**NOW, THEREFORE, BE IT RESOLVED**, by the governing body of the Township of Little Egg Harbor, County of Ocean, State of New Jersey, as follows:


1. That the Settlement of the Fromosky v. Township of Little Egg Harbor, et al, Superior Court, Law Division – Ocean County, Docket No. OCN-L-723-17 litigation, as embodied in the Settlement Agreement, attached hereto, is approved in substantially the form in which it appears as appended to this Resolution.

2. That the Mayor is hereby authorized and directed to execute the Settlement Agreement in order to effectuate the Settlement of litigation in accordance with the terms and conditions of the Consent Order.

3. That a certified copy of this resolution, together with a copy of the contract between the parties, shall be forwarded to the Chief Financial Officer and James Birchmeier, Esq..

**CERTIFICATION**

I, **DIANA K. MCCRACKEN, RMC**, Municipal Clerk of the Township of Little Egg Harbor, do hereby certify that the foregoing resolution was duly adopted by the Township of Little Egg Harbor Township Committee at a meeting held on the 10<sup>th</sup> day of **May, 2018**.

  
**DIANA K. MCCRACKEN, RMC**, Clerk  
Township of Little Egg Harbor