

**BOROUGH OF FANWOOD
MAYOR AND COUNCIL SPECIAL MEETING
FEBRUARY 6, 2014**

This Special Meeting of the Mayor and Council was held on February 6, 2014, at Patricia M. Kuran Cultural Arts Center, 75 North Martine Avenue, Fanwood, NJ at 5:00 pm.

Council President Huegel presided and stated; I hereby announce and request that such be included in the minutes of this meeting that notice of the time, place and date of the meeting has been prominently posted on the bulletin board at the Borough Hall, mailed to The Times, the Star Ledger, the Courier News, PATCH and Alternative Press, filed with the Borough Clerk and mailed to any person requesting the same in accordance with the requirements of the Open Public Meetings Act.

Present: Russell Huegel, Daniel Levine, Katherine Mitchell, Tom Kranz

Absent: Kevin Boris, Jack Molenaar, Mayor Colleen Mahr

Also Present: Eleanor McGovern

Council President Huegel stated that this meeting was being held to consider the adoption of a resolution authorizing the Mayor and Clerk to sign an agreement with two insurance companies relevant to Occidental Chemical Corp/Passaic River.

NEW BUSINESS

Resolution 14-02-36

Levine/Mitchell moved to adopt Resolution 14-02-36. Motion carried on the following roll call vote.

WHEREAS, the Borough of Fanwood (“Borough”) was sued as a Third-Party Defendant in litigation entitled New Jersey Department of Environmental Protection, et al. v. Occidental Chemical Corporation, et al., Docket No. ESX-L-9868-05 (“Passaic River Litigation”); and

WHEREAS, the New Jersey Department of Environmental Protection, the Commissioner of the New Jersey Department of Environmental Protection and the Administrator of the New Jersey Spill Compensation Fund agreed to a settlement with Third-Party Defendants, including the Borough of Fanwood with regard to the Passaic River Litigation; and

WHEREAS, a Consent Judgment memorializing the plaintiffs’ settlement with Third-Party Defendants was entered by the Court on December 12, 2013; and

WHEREAS, the Borough has determined to enter into an Agreement with two of its insurance carriers, Travelers Casualty and Surety Company formerly known as Aetna Casualty and Surety Company and Century Indemnity Company, successor to Insurance Company of North America (“Insurers”) with regard to the settlement of the Passaic River Litigation.

NOW, THEREFORE, BE IT RESOLVED that the Borough does hereby authorize entry into an Agreement with the Insurers with regard to the Passaic River Litigation; and

BE IT FURTHER RESOLVED that the Mayor and Borough Clerk are authorized on behalf of

the Borough to execute the Agreement in the form approved by the Borough Attorney.

For: Levine, Mitchell, Huegel, Kranz
Against: None
Absent: Boris, Molenaar
Abstained: None

MEETING OPEN TO THE PUBLIC

Mitchell/Kranz moved to open the meeting to the public. Motion carried.

Mike Lewis asked for a confirmation that the resolution would not cost the Borough any money. It was confirmed.

Mitchell/Kranz moved to close the meeting to the public. Motion carried.

Mitchell/ Kranz moved to adjourn at 5:05 pm. Motion carried.

Respectfully submitted,

Eleanor McGovern
Borough Clerk