

# **Township of West Milford**

Passaic County, New Jersey

## **~ Resolution 2023 – 291 ~**

### **RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, IN THE COUNTY OF PASSAIC AND STATE OF NEW JERSEY, TO ENTER INTO SETTLEMENT AGREEMENT**

**WHEREAS**, the Township initiated a legal action against a property owner (together, hereinafter “the Parties”) for claims related to and surrounding environmental contamination at and around 280 Marshall Hill Road, at Block 6002 on the Tax Map of the Township of West Milford (hereinafter, “the property”) on November 13, 2020 (Docket No.: PAS-C-00101-20) (hereinafter “the action” or “the complaint); and

**WHEREAS**, the Township sought to recover damages, penalties and other relief based on such claims; and

**WHEREAS**, counsel for the Parties engaged in settlement negotiations that will result in the property owner’s remediation of the environmental contamination at the subject property; which will be performed by a Licensed Site Remediation Professional and at the property owner’s expense; and

**WHEREAS**, contingent upon such remediation, the Township will also consider negotiating the sale of the property; and

**WHEREAS**, the Township wishes to enter into a Settlement Agreement, that results in dismissal of the complaint without prejudice upon the parties acting jointly for necessary approvals from the New Jersey Department of Environmental Protection (hereinafter “NJ DEP”) to effectuate such environmental remediation; and

**WHEREAS**, the Parties also wish to set forth with particularity the terms of such settlement, to include but not be limited to deadlines and benchmarks for certain actions to occur as to such remediation; and

**WHEREAS**, the Parties desire that any and all disputes as it relates to the released claims between them in connection with the complaint shall be immediately settled, finally compromised and terminated effective December 23, 2023, and that they be spared the time and expense of further litigation, but instead operate jointly so as to effectuate prompt remediation; and

**WHEREAS**, by entering this Settlement Agreement, neither party admits any fact, fault or liability, including any liability arising from the claims, transactions or occurrences at the property that the Township or any other party to the matter may have alleged, or could have alleged in their respective complaints, to include but not be limited to any and all cross-claims, counterclaims, or amendments related thereto; and

**WHEREAS**, the Parties agree that should the terms of this agreement not be followed or be breached, excluding any situation beyond the Parties’ control such as NJ DEP approvals, the Township reserves the right to revive the complaint by letter to the Court no later than December 22, 2023; and

**WHEREAS**, the Parties wish to dismiss the complaint without prejudice at this time, again so as to promptly effectuate the remediation effort; and

**NOW THEREFORE, BE IT RESOLVED** by the Mayor and Township Council of the Township of West Milford, in the County of Passaic and State of New Jersey, that Township Counsel be instructed to enter into the above-described settlement agreement as to Docket No.: PAS-C-00101-20, and take all necessary further actions, including but not limited to negotiating the sale of the property as contemplated within the settlement agreement.

Adopted: July 12, 2023

Adopted this 12<sup>th</sup> day of July, 2023  
and certified as a true copy of an original

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William Senande, Township Clerk