

October 7, 2025

BOROUGH OF BRADLEY BEACH, MONMOUTH COUNTY

RESOLUTION 2025-304

**RESOLUTION AUTHORIZING THE SETTLEMENT OF PENDING LITIGATION
BEFORE THE SUPERIOR COURT OF NEW JERSEY, MONMOUTH COUNTY
ENTITLED HUMPHREY v. BOROUGH OF BRADLEY BEACH, ET AL.,
DOCKET NO. MON-L-258-24**

_____ offered the following Resolution and moved its adoption:

WHEREAS, on or about January 22, 2024, a Complaint was filed against the Borough of Bradley Beach, County of Monmouth, State of New Jersey (the “Borough”) entitled *Humphrey v. Borough of Bradley Beach, et al.* – Docket No. MON-L-258-24 (the “Action”); and

WHEREAS, since its filing, the Borough has been ably defended in the Action by Timothy J. McNichols, Esq. of the law firm of Dasti, McGuckin, McNichols, Connors, Anthony, & Buckley and Catherine J. Flynn, Esq. of the law firm of the Flynn Legal Group Law (“JIF Counsel”) under the terms of the Borough’s membership in the Monmouth County Municipal Joint Insurance Fund (the “JIF”), which JIF has provided insurance coverage to the Borough for the Action and directed its defense; and

WHEREAS, the Borough filed an Answer in the Action denying all of the allegations and claims made therein by the former-employee plaintiff; and

WHEREAS, the Borough expressly denies all liability for all claims made in the Action and has fully and comprehensively provided JIF Counsel with all documents, information, and materials relevant to the Borough’s defenses to all such claims; and

WHEREAS, given the costs of defense inherent in civil litigation such as the Action, JIF Counsel has recommended that the JIF and the Borough settle the Action in return for payment of \$225,000 to the claimant, rather than continue to litigate and defend against the claims made; and

WHEREAS, despite the Borough’s position on its non-liability, the JIF is financially responsible for the Action, except for the Borough’s \$1,500 deductible; and

WHEREAS, as a part of the settlement, the former-employee plaintiff has agreed to dismiss all individual defendants and enter into a settlement with the Borough only; and

WHEREAS, the Borough’s refusal to settle the Action contrary to the recommendation and desire of the JIF could affect continuing coverage for the Borough in the Action; and

WHEREAS, despite the Borough’s continuing denial of any liability in the Action, it is in the best interests of the taxpayers of the Borough that the Action be fully and finally settled insofar the JIF is financially responsible therefor, the Borough previously tendered its deductible to the JIF, and the Borough cannot bear the costs of continuing litigation in the event of adverse effects upon its insurance coverage;

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the Borough of Bradley Beach, County of Monmouth, State of New Jersey as follows:

1. That the Governing Body authorizes the full and final settlement of *Humphrey v. Borough of Bradley Beach, et al. – Docket No. MON-L-258-24*, and directs the Borough Administrator and Borough Attorney to administratively execute said settlement; and
2. That a certified copy of this resolution be forwarded to the Chief Financial Officer, Borough Administrator, Municipal Clerk, the JIF, and JIF Counsel.

Seconded by _____ and adopted upon the following vote:

	AYES	NAYS	ABSTAIN	ABSENT
Ms. DeNoble				
Ms. Greenblatt				
Mr. Nowicki				
Mr. Weber				
Mayor Gubitosi				

CERTIFICATION

I, Erica Kostyz, Municipal Clerk of the Borough of Bradley Beach, Monmouth County, New Jersey, do hereby certify that the foregoing resolution was duly adopted by the Governing Body at the October 7, 2025 Council Meeting.

Erica Kostyz, RMC, CMR
Municipal Clerk