

July 26, 2022

BOROUGH OF BRADLEY BEACH, MONMOUTH COUNTY

RESOLUTION 2022-203

**RESOLUTION AUTHORIZING THE SETTLEMENT OF PENDING LITIGATION
BEFORE THE SUPERIOR COURT OF NEW JERSEY, MONMOUTH COUNTY
ENTITLED COAN v. BOROUGH OF BRADLEY BEACH, ET AL.,
DOCKET NO. MON-L-152-22**

Mayor Fox offered the following Resolution and moved its adoption:

WHEREAS, on or about January 14, 2022, a Verified Complaint was filed against the Borough of Bradley Beach, County of Monmouth, State of New Jersey (the “Borough”) entitled *Coan v. Borough of Bradley Beach, et al. – Docket No. MON-L-152-22* (the “Action”), alleging that the Borough violated the New Jersey Open Public Records Act; and

WHEREAS, on January 16, 2022, an Amended Verified Complaint was filed against the Borough in the Action, augmenting the aforementioned allegations; and

WHEREAS, the Borough, as ably represented by Eric M. Bernstein and Associates, LLC, has denied all liability for all allegations and claims made in the Action; and

WHEREAS, given the costs of defense inherent in civil litigation such as the Action, it is in the best interests of the taxpayers of the Borough that the Action be fully and finally settled to avoid the costs of continuing litigation;

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 *Coan v. Borough of Bradley Beach, et al. – Docket No. MON-L-152-22*, and directs the Borough Administrator to administratively execute said settlement and make payment to the plaintiff in the amount of \$2,000.00 as consideration for same; and
2. That a certified copy of this resolution be forwarded to the Chief Financial Officer, Borough Administrator, Borough Attorney, and Borough OPRA Attorney.

Seconded by Councilman Weber and adopted upon the following vote:

	AYES	NAYS	ABSTAIN	ABSENT
Mr. Bonnell	X			
Mr. Gubitosi	X			
Mr. Sexsmith				X
Mr. Weber	X			
Mayor Fox	X			

CERTIFICATION

I, Erica Kostyz, Municipal Clerk, Borough of Bradley Beach, Monmouth County, New Jersey, do hereby certify that the foregoing resolution was duly adopted by the Governing Body at the July 26, 2022 Council Business Meeting.


Erica Kostyz, RMC, CMR
Municipal Clerk