

November 8, 2023

BOROUGH OF BRADLEY BEACH, MONMOUTH COUNTY

RESOLUTION 2023-274

**RESOLUTION AUTHORIZING THE SETTLEMENT OF PENDING LITIGATION
BEFORE THE SUPERIOR COURT OF NEW JERSEY, MONMOUTH COUNTY
ENTITLED JANUZZI v. BOROUGH OF BRADLEY BEACH, ET AL.,
DOCKET NO. MON-L-1876-20**

Mayor Fox offered the following Resolution and moved its adoption:

WHEREAS, on or about July 6, 2020, an Amended Complaint was filed against the Borough of Bradley Beach, County of Monmouth, State of New Jersey (the “Borough”) entitled *Januzzi v. Borough of Bradley Beach, et al. – Docket No. MON-L-1876-20* (the “Action”); and

WHEREAS, the Borough filed an Answer to the Amended Complaint, denying all liability for all allegations and claims made in the Action; and

WHEREAS, the Borough has been ably defended in the Action by the law firm of Methfessel & Werbel, P.C. (“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, 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 \$70,000 to the claimant, rather than continue to litigate and defend against the claims made; and

WHEREAS, the JIF is financially responsible for the Action, except for the Borough’s \$2,500 deductible; and 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, potentially exposing Borough taxpayers to financial risk; and

WHEREAS it appears to be 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 should not 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 *Januzzi v. Borough of Bradley Beach, et al.* – Docket No. *MON-L-1876-20*, 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, Borough Clerk, the JIF, and JIF Counsel.

Seconded by Councilperson DeNoble and adopted upon the following vote:

	AYES	NAYS	ABSTAIN	ABSENT
Ms. DeNoble	X			
Mr. Gubitosi	X			
Ms. Mahoney	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 November 8, 2023 Council Business Meeting.


 Erica Kostyz, RMC, CMR
 Municipal Clerk