

**48-HOUR NOTICE  
EMERGENCY MEETING**

The Township Committee of the Township of Wyckoff shall conduct a special meeting on an emergency basis on Friday, March 22, 2013 at 9:15 am in the Second Floor Court Room, Wyckoff Town Hall, 340 Franklin Avenue, Wyckoff, NJ. The Township of Wyckoff is issuing this notice on March 20, 2013 at 9:00 am to provide notice as soon as possible and to comply with the Open Public Meetings Act.

The reason for the special meeting is for the Township Committee to consider a resolution to authorize execution of a consent decree for settlement in the action entitled, New Jersey Department of Environmental Protection v. Occidental Chemical Corporation, ET AL, Docket No. ESX-L-9868-05 (PASR).

The Township's insurer, Bergen Joint Insurance Fund (JIF) has advised the township that in order to authorize a settlement, municipalities must act before March 23, 2013. If the Township Committee did not act substantial harm would result from the delay of not meeting by the loss of a \$95,000 payment from the Joint Insurance Fund for the settlement and such costs likely would be borne by the taxpayers.

The discussion shall be limited to the discussion, consideration and adoption of a resolution to authorize settlement.

The need for this special meeting on an emergency basis is due to the township learning that the full sum of \$95,000. would be available from JIF for a settlement after its last meeting and the March 23,2013 settlement deadline is before the next Township Committee meeting scheduled for March 27, 2013, therefore, the need for such a meeting could not have been reasonably foreseen.

Joyce C. Santimauro  
Municipal Clerk

**TOWNSHIP OF WYCKOFF  
TOWNSHIP COMMITTEE SPECIAL MEETING AGENDA  
MUNICIPAL COURT ROOM  
FRIDAY, MARCH 22, 2013 – 9:15 A.M.**

1. 9:15 am Special Meeting called to order by Mayor Rudolf E. Boonstra
2. Roll call of Township Committee
3. Reading of the "Special Meeting 48 Hour Notice" statement by Mrs. Santimauro

**48-HOUR NOTICE**

The Township Committee of the Township of Wyckoff is conducting this special meeting on an emergency basis on Friday, March 22, 2013 at 9:15 am in the Second Floor Court Room, Wyckoff Town Hall, 340 Franklin Avenue, Wyckoff, NJ. The Township of Wyckoff issued this notice on March 20, 2013 at 9:00 am to provide notice as soon as possible and to comply with the Open Public Meetings Act.

The reason for the special meeting is for the Township Committee to consider a resolution to authorize execution of a consent decree for settlement in the action entitled, New Jersey Department of Environmental Protection v. Occidental Chemical Corporation, ET AL, Docket No. ESX-L-9868-05 (PASR).

The Township's insurer, Bergen Joint Insurance Fund (JIF) has advised the township that in order to authorize a settlement, municipalities must act before March 23, 2013. If the Township Committee did not act substantial harm would result from the delay of not meeting by the loss of a \$95,000. payment from the Joint Insurance Fund for the settlement and such costs likely would be borne by the taxpayers.

The discussion shall be limited to the discussion, consideration and adoption of a resolution to authorize settlement.

The need for this special meeting on an emergency basis is due to the township learning that the full sum of \$95,000. would be available from JIF for a settlement after its last meeting and the March 23,2013 settlement deadline is before the next Township Committee meeting scheduled for March 27, 2013, therefore, the need for such a meeting could not have been reasonably foreseen.

4. Vote to conduct this March 22, 2013 9:15 am Special Emergency Meeting:  
MOTION: \_\_\_\_\_ CHRISTIE \_\_\_\_\_ SECOND \_\_\_\_\_ JEPSEN \_\_\_\_\_  
CHRISTIE YES JEPSEN YES ROONEY YES SCANLAN YES BOONSTRA YES
5. Resolution (Adoption of the following):  
  
#13-116 Resolution Authorizing Execution of the Consent Decree for Settlement in the Action Entitled, New Jersey Department of Environmental Protection, v. Occidental Chemical Corporation, Et Al, docket No ESX-L-9868 (PASR)  
MOTION: \_\_\_\_\_ CHRISTIE \_\_\_\_\_ SECOND \_\_\_\_\_ JEPSEN \_\_\_\_\_  
CHRISTIE YES JEPSEN YES ROONEY YES SCANLAN YES BOONSTRA YES
6. Meeting open for ten minute total public comment period for any item on or off the agenda. Two (2) minutes per speaker.
7. Adjourn

**FORMAL ACTION MAY BE TAKEN AT THIS SPECIAL MEETING**

**TOWNSHIP OF WYCKOFF  
TOWNSHIP COMMITTEE SPECIAL MEETING MINUTES  
MUNICIPAL COURT ROOM  
FRIDAY, MARCH 22, 2013 – 9:15 A.M.**

**Meeting Called to Order**

The 9:15 am Special Meeting was called to order by Mayor Rudolf E. Boonstra

**Attendance**

Present: Mayor Rudolf E. Boonstra; Committeemen Douglas J. Christie and Haakon C. Jepsen

Present by means of communication equipment by telephone on loud speaker setting: Committeemen Kevin J. Rooney and Brian D. Scanlan

Also present: Municipal Clerk Joyce C. Santimauro, Township Administrator Robert J. Shannon, Jr., and Township Attorney Robert E. Landel

**Reading of 48 Hour Notice/Emergency Meeting Statement:**

Municipal Clerk, Joyce Santimauro read the following 48 Hour Notice Special Meeting Statement into the record:

“The Township Committee of the Township of Wyckoff is conducting this special meeting on an emergency basis on Friday, March 22, 2013 at 9:15 am in the Second Floor Court Room, Wyckoff Town Hall, 340 Franklin Avenue, Wyckoff, NJ. The Township of Wyckoff issued this notice on March 20, 2013 at 9:00 am to provide notice as soon as possible and to comply with the Open Public Meetings Act.

The reason for the special meeting is for the Township Committee to consider a resolution to authorize execution of a consent decree for settlement in the action entitled, New Jersey Department of Environmental Protection v. Occidental Chemical Corporation, ET AL, Docket No. ESX-L-9868-05 (PASR).

The Township’s insurer, Bergen Joint Insurance Fund (JIF) has advised the township that in order to authorize a settlement, municipalities must act before March 23, 2013. If the Township Committee did not act substantial harm would result from the delay of not meeting by the loss of a \$95,000. payment from the Joint Insurance Fund for the settlement and such costs likely would be borne by the taxpayers.

The discussion shall be limited to the discussion, consideration and adoption of a resolution to authorize settlement.

The need for this special meeting on an emergency basis is due to the township learning that the full sum of \$95,000. would be available from JIF for a settlement after its last meeting and the March 23,2013 settlement deadline is before the next Township Committee meeting scheduled for March 27, 2013, therefore, the need for such a meeting could not have been reasonably foreseen.”

Additionally, Mrs. Santimauro read the following certification of notice into the record:

“I, Joyce C. Santimauro, Municipal Clerk for the Township of Wyckoff hereby certify that I prepared the 48-Hour Emergency Meeting Notice and 9:15 am Township Committee Special Meeting Agenda for Friday, March 22, 2013 on March 20, 2013. The 48 Hour Notice and March 22, 2013 Township Committee Special Meeting Agenda were hand delivered by me to the Wyckoff Post office for mailing to the Ridgewood News, North Jersey Herald and News and the Record at 9:00 am on March 20, 2013. On March 20,2013 I also posted the 48 Hour Notice and Township Committee Special Meeting Agenda on the municipal bulletin board where public notices are customarily posted and posted the notice and agenda on the public bulletin boards at the Larkin House, Wyckoff Public Library and Wyckoff Stop and Shop. The 48 Hour Notice and Township Committee March 22, 2013 Special Meeting Agenda were posted on the township’s website Wyckoff on the Web on March 20, 2013.”

**Wyckoff Township Committee Special Emergency Meeting Minutes – March 22, 2013 – Pg 2**

**Township Committee Vote to Conduct the March 22, 2013 9:15 am Special Emergency Meeting:**

MOTION: \_\_\_\_\_ CHRISTIE \_\_\_\_\_ SECOND \_\_\_\_\_ JEPSEN \_\_\_\_\_  
CHRISTIE YES JEPSEN YES ROONEY YES SCANLAN YES BOONSTRA YES

**Resolution (Adoption of the following):**

#13-116 Resolution Authorizing Execution of the Consent Decree for Settlement in the Action Entitled, New Jersey Department of Environmental Protection, v. Occidental Chemical Corporation, Et Al, docket No ESX-L-9868 (PASR)

**WHEREAS**, certain claims have been asserted against the Township of Wyckoff, as a Third-Party Defendant, in the action entitled New Jersey Department of Environmental Protection v. Occidental Chemical Corporation, et al, bearing Docket No. ESX-L-9868-05, pending in the Superior Court of New Jersey, Law Division, Essex County (the "Litigation") regarding alleged environmental contamination at the Newark Bay Complex; and

**WHEREAS**, certain Third-Party Defendant municipalities and municipal utilities authorities, including the Township of Wyckoff, are members of a group known as the Municipal Joint Defense Group in the Litigation; and

**WHEREAS**, the Municipal Joint Defense Group, on behalf of its members, engaged in settlement negotiations with the State of New Jersey ("State Plaintiffs") towards the resolution of the Litigation through the entry of a Consent Judgment; and

**WHEREAS**, the parties have substantially settled the Litigation and are negotiating the final details of the Consent Judgment; and

**WHEREAS**, the terms of the settlement require the Township of Wyckoff to execute/sign off on the Consent Judgment prior to the Consent Judgment being lodged and disclosed for publication in the New Jersey Register; and

**WHEREAS**, the Township of Wyckoff has consistently insisted and continues to maintain that Wyckoff was erroneously named in the above-referenced lawsuit as a member of the Passaic Valley Sewer Authority, when in fact it has never been a member of such sewer authority; and

**WHEREAS**, the Township's Environmental Joint Insurance Fund ("EJIF") and Local Joint Insurance Fund ("JIF") have authorized and agreed to pay the entire amount of Wyckoff's settlement obligation on behalf of the Township of Wyckoff; and

**WHEREAS**, although the Township continues to insist on no wrongdoing or liability in connection with the above-referenced lawsuit, the Township has determined to participate in the settlement as it will result in no direct out-of-pocket contribution from the taxpayers of the Township of Wyckoff and is therefore in the best interest of the residents of the Township of Wyckoff; and

**WHEREAS**, the terms of the settlement require the Township of Wyckoff to pass a resolution authorizing its participation in the settlement and authorizing the appropriation of the payment of the sum of \$95,000 representing the Settlement Funds as that term is defined by the Consent Judgment on or before March 23, 2013, or authorize the State of New Jersey to deduct the \$95,000 from State Aide; and

**Wyckoff Township Committee Special Emergency Meeting Minutes – March 22, 2013 – Pg 3**

**WHEREAS**, a copy of the Consent Judgment is in the Clerk's office and is incorporated by reference hereto.

**NOW, THEREFORE, BE IT RESOLVED** by the Township of Wyckoff as follows:

1. The Township is hereby authorized and directed to sign the signature pages of the Consent Judgment, which will be adopted in substantially the form contained in the draft copy on file, and thereafter immediately transmit the said original signature pages to Peter J. King, Esq., of King & Petracca, 51 Gibraltar Drive, Suite 1D, Morris Plains, New Jersey 07950-1254. The Township hereby authorizes payment of the \$95,000 settlement amount, when due, in the manner provided for in the Consent Judgment. Such monies to be paid from insurance proceeds as outlined above.

2. Notwithstanding the above authorizations, nothing contained within this resolution shall preclude or prevent the Township from pursuing recovery and reimbursement for the whole or any portion of the Settlement Funds from any insurance carrier(s) identified now or in the future.

3. This resolution shall take effect immediately.

Committeeman Jepsen asked if there would be any JIF premium increase after the settlement. Township Attorney Landel stated that he is not aware of any JIF premium increase and there has been no expense to the township for the EJIF attorney.

MOTION: CHRISTIE SECOND JEPSEN  
CHRISTIE YES JEPSEN YES ROONEY YES SCANLAN YES BOONSTRA YES

**Public Comment**

Meeting open for ten minute total public comment period for any item on or off the agenda. Two (2) minutes per speaker.

The Township Committee voted unanimously to open the public comment portion of the meeting. No one came forward.

The Township Committee voted unanimously to close the public comment portion of the meeting.

**Adjourn**

The meeting adjourned at 9:25 am.

---

Mayor Rudolf E. Boonstra

---

Joyce C. Santimauro, Municipal Clerk