

RESOLUTION
of the
BOROUGH OF NEW PROVIDENCE
Resolution No. 2011-327

Council Meeting Date: 12-12-2011 Date Adopted: 12-12-2011

**RESOLUTION OF THE BOROUGH OF NEW PROVIDENCE, COUNTY OF UNION,
STATE OF NEW JERSEY APPROVING SETTLEMENT AGREEMENT AND
RELEASE WITH SELECTIVE INSURANCE COMPANY REGARDING THE
COMBE FILL SOUTH LANDFILL**

WHEREAS, the Borough of New Providence was named as a third-party Defendant in the cases of United States v. Beckman Coulter, Inc. v. A.M. Best Company, Civil Action Number 98-4812 (WHW) and New Jersey Department of Environmental Protection v. American Thermoplastics Corp., Docket No. 98-4781, which related to the Combe Fill South Landfill superfund site; and

WHEREAS, Selective Insurance Company, the Borough's insurance carrier, provided a defense and indemnification subject to a reservation of rights, which defense included the payment of a settlement in the amount of \$420,976.67 which includes 100% of the share of the Borough of the settlement of the above litigation; and

WHEREAS, the parties have reached a settlement agreement and release to finalize the claims related to insurance coverage at the Combe Fill Landfill site, which agreement is attached hereto and made part hereof;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of New Providence, County of Union, State of New Jersey, that the Settlement Agreement and Release attached hereto and made part hereof be and the same is hereby approved and that the Mayor, Clerk and Borough Attorney be and are hereby authorized to execute such documents to effectuate said settlement.