

RESOLUTION OF THE TOWNSHIP OF WASHINGTON

Morris County, New Jersey

No. R-154- 13

Date of Adoption: November 18, 2013

Title or Subject: RESOLUTION AUTHORIZING A SETTLEMENT WITH COOPER CHEMICAL IN CONNECTION WITH LITIGATION KNOWN AS TOWNSHIP OF WASHINGTON v. COOPER CHEMICAL COMPANY, SUPERIOR COURT OF NEW JERSEY, MORRIS COUNTY, CHANCERY DIVISION BEARING DOCKET NO. C-104-13

WHEREAS, the former Cleaveland Industries site, which is owned by Cooper Chemical Company and known as Block 60, Lot 14, has been the subject of a NJ DEP cleanup for many years; and

WHEREAS, the current and prior owners of the site have failed to remit property taxes with respect to the property for over twenty years; and

WHEREAS, it is not in the Township's best interests at this time to pursue a foreclosure of said property in view of the environmental considerations and concerns pertaining to said property; and

WHEREAS, in the interest of the taxpayers, the Township filed a Complaint against Cooper Chemical Company and an Order to Show Cause seeking payment from Cooper Chemical Company or in the alternative the right to place a lien on any rents that the property owner would receive from the property; and

WHEREAS, the Order to Show Cause was filed and set down for a final hearing by Judge Hansbury in the Morris County Superior Court; and

WHEREAS, the parties have negotiated a settlement of this matter calling for the Township to receive payments from the property owner.

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Washington, in the County of Morris, and State of New Jersey, that the Mayor is hereby authorized to enter into an Agreement with Cooper Chemical which calls for the owner of the property to remit \$1,500 per month or \$18,000 per year to the Township of Washington in consideration of settling this litigation.

BE IT FURTHER RESOLVED, that the Mayor and the Township Administrator are hereby authorized to take any and all actions necessary to effectuate the terms of this settlement.

BE IT FURTHER RESOLVED, that this settlement does not waive any outstanding taxes, interest or penalties on the property, nor does it place any responsibility on the Township for the maintenance or clean-up of the property, but in the interest of equity the Township receives payments of \$18,000 per year for a term of five (5) years with the right to terminate or pursue additional remedies.

This Resolution shall take effect immediately.

ATTEST:

**TOWNSHIP COMMITTEE OF THE
TOWNSHIP OF WASHINGTON**

Nina DiGregorio, Township Clerk

Kenneth W. Short, Mayor

I, Nina DiGregorio, Township Clerk, do hereby certify that the foregoing resolution was adopted at a meeting of the Township Committee, held on November 18, 2013.

Nina DiGregorio, Township Clerk

Date