

RESOLUTION NO. 2009 - 355

RESOLUTION OF THE TOWNSHIP OF BARNEGAT, COUNTY OF OCEAN, STATE OF NEW JERSEY, APPROVING AND AUTHORIZING EXECUTION OF A CONFIDENTIAL MEDIATION SETTLEMENT AGREEMENT WITH EDWARD L. RICHARD, JR.

WHEREAS, Edward L. Richard, Jr., was advised by the Township of Barnegat that the position of Management Specialist/Confidential Aide was being eliminated as of March 20, 2009, and that Mr. Richard's employment was being discontinued for reasons of efficiency and economy; and

WHEREAS, on or about March 11, 2009, Edward L. Richard, Jr., filed a Charge with the United States Equal Employment Opportunity Commission alleging that the given reasons for his termination were pretextual, and further alleging that the true reason for his termination constituted age discrimination on the part of the Township of Barnegat; and

WHEREAS, subsequent to the filing of the charge by Mr. Richard, the parties agreed to participate in a voluntary mediation program offered by the EEOC to attempt to assist the parties in resolving charges early, and to save the parties the expense of protracted litigation; and

WHEREAS, on or about May 14, 2009, the parties did convene at the EEOC District Offices in Philadelphia, and did with the assistance of a mediator appointed by the EEOC engage in negotiations; and

WHEREAS, on or about May 14, 2009 the parties did reach an agreement to resolve the matter, the terms of which were reduced to a

Confidential Mediation Settlement Agreement executed by the parties on that date; and

WHEREAS, the Confidential Mediation Settlement Agreement has been made specifically contingent upon the consideration and acceptance of same by the Township Committee of the Township of Barnegat; and

WHEREAS, the Township finds that the proposed Confidential Mediation Settlement Agreement is acceptable and in the long-term best interests of the Township and its taxpayers; and

WHEREAS, the form of the Confidential Mediation Settlement Agreement, has been reviewed by the Township Administrator and professional staff, and found to be acceptable as to form and content:

NOW, THEREFORE, BE IT RESOLVED, this 18th day of May, 2009, by the Township Committee of the Township of Barnegat, County of Ocean, State of New Jersey, as follows:

1. The Township accepts the recommendations of its professional staff and approves the Agreement.
2. The Township authorizes and directs the Mayor, Township Administrator and Township Clerk to execute any and all necessary documents in order to implement the intent of this Resolution.
3. A certified copy of this Resolution shall be forwarded by the Township Clerk to the following:
 - (a) Honorable Jeffrey Melchiondo, Mayor;

- (b) David Breeden, Township Administrator;
- (c) Jerry J. Dasti, Esq.;
- (d) Frances A. Hartman, Esq.;

CERTIFICATION

I certify that the foregoing Resolution was duly adopted by the Township Committee of the Township of Barnegat at a regular meeting held on May 18, 2009, a quorum being present and voting in the majority.



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KATHLEEN T. WEST, Township Clerk

Prepared by:

DASTI, MURPHY, McGUCKIN, ULAKY,
CHERKOS & CONNORS Forked
River, New Jersey 08731

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