

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF MOUNT OLIVE
ADOPTING A POLICY FOR THE CERTIFICATION OF VOLUNTEER EMERGENCY-
WORKER'S SURVIVORS PENSION BENEFITS WHEN THERE IS
RELATED PENDING LITIGATION**

WHEREAS, there may come a time when the family of a Township volunteer emergency worker requests that the Township Council certify that individual's eligibility for a State of New Jersey sponsored Volunteer Emergency-Worker's Survivors Pension ("VESP"); and

WHEREAS, in such a situation there is the potential for conflict between the Township Council's certification of a volunteer emergency worker's eligibility for VESP benefits and ongoing, pending litigation; and

WHEREAS, the potential conflict is that the Township Council's certification of eligibility for a claim for VESP benefits could inadvertently have the effect of prejudicing the Township's defense of ongoing, pending litigation involving the person who is the subject of the VESP benefits claim; and

WHEREAS, in order to resolve this conflict, a stipulation of non-use of the resolution certifying eligibility for VESP benefits should be negotiated between the parties in order to allow the Township to assist a volunteer's family in pursuing State VESP benefits while not prejudicing the Township in ongoing litigation involving the person who is the subject of the VESP benefits claim.

NOW THEREFORE BE IT RESOLVED by the Township of Mount Olive, in the County of Morris and State of New Jersey, as follows:

1. The Township hereby approves of, and adopts, the policy of utilizing a stipulation of non-use of any resolution certifying eligibility for VESP benefits while there is ongoing, pending litigation where such certification of eligibility could prejudice the Township's defense of such litigation.
2. The Township's Administration shall keep a copy of the attached draft resolution certifying eligibility for VESP benefits and the attached draft stipulation of non-use of the resolution on file for potential future use if necessary.

This resolution will take effect immediately upon its passage.

TOWNSHIP OF MOUNT OLIVE

Joe Nicastro, Council President

I hereby certify the above to be a true copy of a resolution passed by the Mount Olive Township Council at a duly convened meeting held on June 9, 2015.

Lisa Lashway, Township Clerk