

MINUTES
Special Meeting of the Township Council
Monday, March 19, 2007
7:30 PM

CALL THE MEETING TO ORDER

Council President Jasionowski called the meeting to order at 7:30 P.M. in the Council Chambers of the Municipal Building located at 406 Rivervale Road, River Vale, New Jersey 07675.

SALUTE TO FLAG

Council President Jasionowski asked all in attendance to rise and join him in a Salute to the Flag.

SUNSHINE LAW STATEMENT

Council President Jasionowski read the Sunshine Statement into the record, as follows:

“In accordance with the provisions set forth in the Open Public Meetings Law, notification of this meeting has been sent to all officially appointed Township newspapers and notice is posted at the Municipal Office.”

ROLL CALL

Councilman Bromberg, Councilman de Stefan, Councilwoman Sieg, and Council President Jasionowski were present. Councilman Matos was absent.

Also present: Mayor Joseph Blundo, Robert Gallione Jr., Business Administrator, Stephanie Schwartz of the law firm Schwartz, Simon, Edelstein, Holly Schepisi, Township Attorney, and Karen Padva, Township Deputy Clerk.

Motion by Councilman de Stefan; seconded by Councilman Bromberg to enter into closed session 7:45 pm.

Motion by Councilman de Stefan; seconded by Councilman Matos to re-open the public meeting.

Councilman Matos arrived at 8:20pm.

TOWNSHIP COMMUNICATION

1. Mayor’s Comments

The Mayor remarked on the settlement of the Lucille Tyska case. The reasons for settling included not wanting to expose the Township to any additional legal fees. The preparation of a defense should the case go to a jury could be costly. Additionally if the town loses the case the expenses would be even greater. Ms. Tyka will also be receiving as part of the settlement health benefits for the remainder of her life. Mayor Blundo added that Ms. Tyska is the widow of a former Township employee who was fully vested. Therefore, she would have received the health benefits regardless.

The Township Attorney added that based on the determination made by the New Jersey Division of Pensions & Benefits found Ms. Tyska to be disabled. In addition, the Council passed a resolution that gave the Township Chapter 88 status. Therefore, the Township has no choice but to pay for the benefits even if they won the case.

Stephanie Schwartz agreed with Mayor Blundo's comments and felt that it was in the best interest for both parties to settle fully and finally.

Mayor Blundo added that had the Township went to court to fight the case and the Insurance Company recommended settling; the insurance company would not be liable for any damages. Under this settlement the \$95,000 is paid by the insurance and the Township will pay the health benefits.

2. Council Comments

Councilman de Stefan remarked on how the State of New Jersey found Ms. Tyska to be totally disabled predicated on claustrophobia. There were some missteps in the procedure however it is in the best interest of all involved to settle.

Councilman Matos stated that based on the opinions of the three (3) attorneys involved the Council should accept the settlement based on legal advice.

Councilwoman Sieg had no comment.

Councilman Bromberg concurred with everything he heard tonight and that it is in the best interest of the Township of River Vale.

Council President Jasionowski remarked that he felt it is the correct decision of the governing body and that the town can heal and move forward.

HEARING OF THE PUBLIC

Motion by Councilman Matos; seconded by Councilman Bromberg to open the meeting to the public.

Council President Jasionowski read the following statement into the record.

"Each person wishing to address the Council shall step up to the microphone, shall give his or her name in an audible tone for the record. All member of the public are expected to conduct themselves in a proper manner. Any derogatory, abusive or threatening statements will not be permitted. The Chair will immediately rule such conduct out of order and terminate any further comments."

There being no questions or comments from the public; motion by Councilman Matos; seconded by Councilwoman Sieg to close the meeting to the public.

RESOLUTIONS

Motion by Councilman de Stefan; seconded by Councilman Matos to approve Resolution 2007-82 as follows:

Resolution #2007-82

RESOLUTION APPROVING SETTLEMENT AGREEMENT AND GENERAL RELEASE BY AND AMONG LUCILLE TYSKA, THE TOWNSHIP OF RIVER VALE AND ANY CURRENT OR PRIOR AGENT, OFFICIAL OR EMPLOYEE OF THE TOWNSHIP OF RIVER VALE

WHEREAS, Lucille Tyska was employed by the Township of River Vale;

WHEREAS, Ms. Tyska has brought a civil lawsuit against the Township of River Vale, the former Mayor George Paschalis, the former Business Administrator Bibi Stewart Garvin and the former Township Attorney John Carbone alleging discrimination and retaliation as a result of Tyska's alleged disability and her political affiliations by improperly changing the terms and conditions of her employment and, ultimately forcing her to resign;

WHEREAS, the Township of River Vale believed that all actions undertaken by the Township of River Vale, including reprimands and a suspension of Ms. Tyska were proper and warranted;

WHEREAS, the Township of River Vale has been briefed on this matter by Stephanie Schwartz from the law firm of Schwartz Simon Edelstein Celso & Kessler LLP which has represented the Township of River Vale on punitive damage and other uninsured claims and the individuals named in the suit, including George Paschalis, Bibi Stewart Garvin and John Carbone;

WHEREAS, the Township of River Vale has been briefed on this matter by David Pfund from the law firm of Reisman, Rosenberg & Pfund, LLP which was appointed by the Township of River Vale's insurance carrier to represent the Township of River Vale;

WHEREAS, the Township of River Vale has been presented with a settlement offer in this matter which both law firms have advised the Township of River Vale that it is in the best interests of the Township of River Vale to settle and have recommended the Township of River Vale accept the settlement proposal;

WHEREAS, the Parties seek to resolve and settle in full any and all disputes and claims between them amicably on the terms and conditions set forth in the Settlement Agreement and General Release dated the date hereof:

BE IT HEREBY RESOLVED, by the Township Council of the Township of River Vale, that the Mayor shall execute a form of Settlement Agreement and General Release with the terms outlined to the Council, including a one time payment to Ms. Tyska from the Township of River Vale's insurance carrier in an amount not to exceed \$95,000 plus the continuation of Ms. Tyska's health benefits with the Township of River Vale pursuant to the decision from the State of New Jersey Division of Pensions and Benefits in accordance with her disability retirement pension which commenced in August, 2006, although River Vale shall only be obligated for the payment of such premiums from March 1, 2006 forward;

BE IT FURTHER RESOLVED, by the Township Council of the Township of River Vale, that the Mayor, on behalf of the Township of River Vale shall execute any and all stipulations and/or other instruments (the "Stipulation to Dismiss") required to dismiss the action with prejudice.

ROLL CALL VOTE: Councilman de Stefan, Councilman Bromberg, Councilman Matos and Council President Jasionowski voted yes. Councilwoman Sieg abstained.

ADJOURNMENT –

Motion by Councilman de Stefan; seconded by Councilman Bromberg to adjourn the meeting at 8:40pm.

Glen Jasionowski
Council President

ATTEST:
Karen Padva, Deputy Clerk