

CITY COUNCIL

The City of Orange Township, New Jersey

DATE May 19, 2020

NUMBER 214-2020

TITLE:
A RESOLUTION AUTHORIZING SETTLEMENT IN THE MATTER OF ESTATE OF KEITH POLE BY HIS ESTATE ADMINISTRATOR, AISHA POLE HALL V. TOWNSHIP OF ORANGE, ET AL., DOCKET NO. ESX-L-006615-17, IN THE AMOUNT OF TWENTY THOUSAND DOLLARS (\$20,000.00)

WHEREAS, the City of Orange Township has a need to acquire professional Engineering Services as a contract pursuant to the provisions of N.J.S.A. 19:44A-24 or 20.5 as appropriate; and the Estate of Keith Pole asserted claims against the City of Orange Township, Orange Police Department, Craig Barnett, named individually, Lt. Brian Mooney, named individually, John Does 1-10 and ABC Corps. 1-10, as the result of an incident alleged to have occurred on or about February 3, 2017, as more fully set forth in a lawsuit entitled Keith Pole v. Township of Orange, Orange Police Department, Craig Barnett, named individually, Lt. Brian Mooney, named individually John Does 1-10 and ABC Corps. 1-10 (fictitious names Representing any unknown Defendants) (“the Pole Litigation”); in the Superior Court of New Jersey, Essex County, Law Division, under Docket No.: ESX-L-6615-17; and

WHEREAS, plaintiff, Keith Pole, passed away on May 14, 2019, during the pendency of the subject litigation; and

WHEREAS, plaintiff’s daughter, Aisha Pole Hall, was duly appointed as the Administrator for the Estate of Keith Pole by the Essex County Surrogate Court on August 22, 2019; and

WHEREAS, the Estate of Keith Pole, alleges violations of wrongful imprisonment, violation of the New Jersey Law Against Discrimination, violation of right to privacy, and a violation of civil rights under the New Jersey Civil Rights Act.; and


WHEREAS, the Estate of Keith Pole in the case at bar was demanding One Hundred Thousand Dollars (\$100,000.00) in damages from the City of Orange Township; and

WHEREAS, after engaging in substantial discovery and due diligence; and

WHEREAS, the City of Orange Township’s Administration and Municipal Council, upon the recommendation of the City Attorney, believes that it would be in the best interest of all defendants involved to amicably settle this litigation with the Estate of Keith Pole; and

WHEREAS, the City of Orange Township and the Estate of Keith Pole agreed to amicably resolve this matter in the amount of \$20,000.00; and

WHEREAS, the City of Orange Township’s Chief Financial Officer has prepared the necessary Certification of Availability of Funds, a copy of which is attached hereto, certifying that funds are available in the Account No.: 0-01-20-155-000-366; and

*Vaughn Parchment on behalf
of the City Attorney*


WHEREAS, the City of Orange Township will submit this settlement to the PEJIF for reimbursement.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF ORANGE TOWNSHIP as follows:

Section 1. The settlement as set forth by the foregoing, including the above Recitals, be and is hereby approved and the Mayor be and is hereby authorized and directed to resolve the Pole Litigation in accordance with any terms and conditions as set forth thereto.

Section 2. This Resolution shall take effect immediately.

Adopted:

Joyce L. Lanier
City Clerk

Tency A. Eason
Council President

CITY OF ORANGE TOWNSHIP
FINANCE DEPARTMENT

CERTIFICATION OF FUNDS
NEXT BUDGET

I, Nile Clements, Chief Financial Officer for the City of Orange Township, do hereby confirm that based on the Quote or RFP, RFQ, bid results or "extraordinary unspecifiable services" without competitive bids for 2020 service contract, and the resolution presented to the Council for approval, and contingent upon Council approval and inclusion of said item in the Temporary Budget and adopted 2020 Budget, there will be sufficient funds to contract with:

Vendor Name: Piro Zinna Cifelli Paris & Genitempo LLC.

Address: 360 Passaic Avenue

City: Nutley

State: New Jersey

Zip Code: 07110

Purpose: Settlement between City of Orange and Estate of Keith Pole
Alisha Pole

Vendor ID: PIROZ005

Fund: Current Fund

Line Description LAW - Settlements

Account Numbers(s): CY'20 0-01-20-155-00-366 \$ 20,000.00

Blanket PO#: 20-00897

Amount not to exceed: \$ 20,000.00

Division Head

Date

Nile Clements

5-13-2020

Chief Financial Officer

Date

GENERAL RELEASE

This Release, dated _____ day of May, 2020, is given

BY the Releasor(s)

ESTATE OF KEITH POLE BY HIS ESTATE ADMINISTRATOR, AISHA POLE HALL, referred to as "Plaintiff"

TO

CITY OF ORANGE, ORANGE POLICE DEPARTMENT, CRAIG BARNETT, BRIAN MOONEY, referred to as "Defendants"

If more than one person signs this Release, "Plaintiff" shall mean each person who signs this Release.

1. Release. I release and give up any and all claims and rights which I may have against you. This releases all claims, including those of which I am not aware and those not mentioned in this Release. This Release applies to claims resulting from anything which has happened up to now. I specifically release the following claims:

Any and all claims for and arising out of an incident which is alleged to have occurred on or about February 3, 2017, which claims were the subject matter of a lawsuit brought in the Superior Court of New Jersey, Essex County, Law Division, under Docket No.: ESX-L-6615-17.

2. Payment. I have been paid a total of \$20,000.00, in full payment for making this Release. I agree that I will not seek anything further including, but not limited to, any other payment from you. It is agreed that a check made payable to the **Trust Account of Piro, Zinna, Cifelli, Paris and Genitempo** in the amount of \$20,000 be delivered to Alan Genitempo, Esq, of the firm of Piro Zinna, Cifelli, Paris and Genitempo, 360 Passaic Avenue, Nutley, NJ 07110 within 30 days of delivery of this executed release to counsel for the City of Orange Township.

3. Who is Bound. I am bound by this Release. Anyone who succeeds to my rights and responsibilities, such as my heirs or the executor of my estate, is also bound. This Release is made for your benefit and all who succeed to your rights and responsibilities, such as your heirs or the executor of your estate.

4. Signatures. I understand and agree to the terms of this Release. If this Release is made by a corporation its proper corporate officers sign and its corporate seal is affixed.

Witnessed or Attested by:

_____ AISHA POLE HALL

Administrator of the Estate of
Keith Pole

STATE OF NEW JERSEY, COUNTY OF _____ SS:
I CERTIFY that on the _____ day of May, 2020.

AISHA POLE HALL personally came before me and stated to my satisfaction that this person is the Administrator of the Estate of Keith Pole (or if more than one, each person): (a) was the maker of the attached instrument; and (b) executed this instrument as his or her own act.

Notary Public