

**A RESOLUTION OF THE TOWNSHIP COUNCIL OF NORTH BRUNSWICK
AUTHORIZING A PROFESSIONAL SERVICE AGREEMENT WITH
STEVEN D. ALTMAN WITH THE FIRM BENEDICT AND ALTMAN
TO SERVE AS SPECIAL POLICE DEFENSE COUNSEL FOR
POLICE DETECTIVE BADAWAY BADAWAY IN DEFENSE OF A LAWSUIT FILED
BY TYESHA BROCKINGTON**

WHEREAS, North Brunswick Township is a member of a Municipal Joint Insurance Fund which provides insurance coverage for Workers Compensation and Employers Liability, General Liability Coverage, Motor Vehicle and Equipment Liability, and Property Damage; and

WHEREAS, in December 2019, pursuant to Resolution 328-12.19, the Township of North Brunswick renewed their membership in the Garden State Municipal Joint Insurance Fund (JIF) with a three-year term commencing January 1, 2020 and ending December 31, 2022; and

WHEREAS, in September 2022, the Township was served a summons from the Superior Court of New Jersey Law Division, Middlesex County for a complaint filed by Tyesha Brockington; and

WHEREAS, in September 2022, Ron Gordon and Brian Trelease of the firm Rainone Coughlin Minchello was engaged by the JIF to represent the Township's Police Department in the complaint file by Tyesha Brockington; and

WHEREAS, New Jersey Laws and Regulations under N.J.S.A. 40A: 14- 155 provides that whenever a member of the municipal police force is a defendant in any action or legal proceeding arising out of and directly related to lawful exercise of police powers, the governing body of the Municipality shall provide said member with the necessary means for defense of such action; and

WHEREAS, since there is a claim for punitive damages which is personal in nature, Police Detective Badaway Badaway, one of the sworn officers specifically named in the suit has submitted a request seeking representation from Steven D. Altman of the firm Benedict and Altman in the civil matter, Tyesha Brockington v. Township of North Brunswick Police Department, Anthony Torres, Justin Hansen, Keri Shultz, Badaway Badaway; and

WHEREAS, Steven D. Altman of the firm Benedict and Altman (247 Livingston Avenue, New Brunswick, NJ 08901) has agreed to be compensated based upon the rate schedule set by the Municipal Joint Insurance Fund at an amount not-to-exceed \$15,000.00; and

WHEREAS, the Chief Financial Officer has certified that \$15,000.00 is available in account Legal OE account 3-01-20-155-000-984; and

WHEREAS, this contract shall be awarded as a non-fair and open contract pursuant to Local Public Contract Law N.J.S.A. 40A:11-5(1)(a) for the Services not covered under the policy with the Municipal Joint Insurance Fund; and

NOW, THEREFORE, BE IT RESOLVED on this 11th day of October 2022, the Township Council of the Township of North Brunswick, County of Middlesex and State of New Jersey hereby authorized the Mayor to execute and the Clerk to witness an agreement with the firm Benedict and Altman to represent Police Detective Badaway Badaway in litigation matters outlined herein above in an amount not-to-exceed \$15,000.00 and a one-year term; and

BE IT FURTHER RESOLVED, that Benedict and Altman shall execute a professional services agreement covering said services; and

BE IT FURTHER RESOLVED, that notice of this action shall be published by the Township Clerk in the Home News & Tribune as required by law within ten (10) days after its passage.

Justine Progebin
Business Administrator

Ronald Gordon, Esq.
Township Attorney
Approved as to legal form

RECORDED VOTE:

COUNCIL MEMBER	YES	NO	ABSTAIN	NOTES
HUTCHINSON				
MEHTA				
GUADAGNINO				
ANDREWS				
SOCIO				
DAVIS				
MAYOR WOMACK				

I hereby certify that the above Resolution was duly adopted by the Township Council of the Township of North Brunswick, County of Middlesex, at its meeting held on October 11, 2022.

Lisa Russo
Township Clerk