

Township of West Milford

Passaic County, New Jersey

~ Resolution 2011 - 170 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY SUPPORTING A-3430 WHICH PROPOSES TO AMEND TITLE 59 BY STRENGTHENING WEATHER IMMUNITY

WHEREAS, under the provisions of Title 59 public entities are immune from injury "caused solely by weather" on streets and sidewalks; and

WHEREAS, despite this language, in many cases municipalities and other public entities have been forced to pay large amounts of money in damages when judges ruled that because other factors contributed to an accident, the immunity didn't apply because the accident was not "solely" caused by weather.

WHEREAS, municipalities and other public entities have also been forced to pay large amounts of money in damages for accidents occurring on other public property that were substantially caused by weather

NOW THEREFORE BE IT RESOLVED, by the Township Council of the Township of West Milford that the legislature is urged to adopt A-3430 amending Title 59 as follows:

1. Changing the word "solely" to "primarily", and
2. Extending this provision to all public property including storm water and waste systems, dams, rivers and streams.

BE IT FURTHER RESOLVED that a copy of this resolution shall be sent to the Governor Christopher Christie, Senator Joseph Pennachio, Assemblymen Alex DeCroce and Jay Weber, Senate President Sweeney, Assembly Speaker Oliver, Majority Leader Cryan, Minority Leader Kean Jr., the Municipal Excess Liability Joint Insurance Fund and the Morris County Joint Insurance Fund.

Adopted: May 4, 2011

Adopted this 4th day of May 2011
and certified as a true copy of an original.

Antoinette Battaglia, Township Clerk