

Township of West Milford

Passaic County, New Jersey

~ Resolution 2011 - 171 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY SUPPORTING S-2333 AND A-3432 WHICH PROPOSE TO AMEND TITLE 59 TO PROVIDE IMMUNITIES FOR BEACHES, BOARDWALKS AND SIMILAR PROPERTY

WHEREAS, under the provisions of Title 59 public entities are immune from injury "caused by a condition of any unimproved public property, including but not limited to any natural condition of any beach."; and

WHEREAS, despite this language, in many cases municipalities have been forced to pay large amounts of money in damages for claims by swimmers injured in the ocean.

WHEREAS, S-2333 would provide that public entities are immune for these accidents regardless of the circumstances under which they occur.

WHEREAS, Public entities have also incurred large costs in defending lawsuits by persons injured while walking on municipal boardwalks.

WHEREAS, S-2333 provides that a public entity would be immune from such a suit if it can demonstrate that it was operating under an ongoing maintenance plan calling for periodic review and repair of the boardwalk.

NOW THEREFORE BE IT RESOLVED, by the Township Council of the Township of West Milford that the legislature is urged to amend S-2333 and A-3432 to include piers, wharves, docks and similar public properties and adopt the amended bill; and

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