

GENERAL RELEASE AND WAIVER

This General Release and Waiver is hereby given this 20th day of September, 2012, by **HEATHER KILMINSTER** ("Releasor") to the **BOROUGH OF HALEDON**, ("Releasee").

WHEREAS, the Releasor has filed a multi-count complaint against the Releasee alleging various employment claims, including but not limited to violations of the New Jersey Law Against Discrimination, including claims for compensatory damages, punitive damages, damages for pain and suffering and mental anguish, and counsel fees, in the Superior Court of New Jersey, Passaic County: Law Division, titled Heather Kilminster v. Borough of Haledon, et al, bearing Docket No. PAS-L-2676-10; and

WHEREAS, Releasees have denied all of Releasor's material allegations and specifically deny that Releasor is entitled to any additional compensation or damages as a result of her employment/status with the Releasee; and

WHEREAS, Releasor and Releasees wish to settle this action to avoid the uncertainty, expense and burden of proceeding to trial.

NOW, THEREFORE:

1. In consideration of the receipt of **FOUR HUNDRED THIRTY FIVE THOUSAND (\$435,000.00) DOLLARS**, Releasor will for herself, her heirs, executors, administrators and assigns, irrevocably and unconditionally, release and forever discharge Releasees and its related affiliates, divisions, subsidiaries, officers, agents, successors, employees and attorneys from any and all manner of actions, cause and causes of action, suits, controversies, agreements, charges, damages, costs, expenses (including attorney's fees and costs actually incurred) compensation, claims and demands whatsoever, in law or in equity, as set



forth in the action Heather Kilminster v. Borough of Haledon, et al., bearing Docket No. PAS-L-2676-10, as well as any additional such claims, both known and unknown up to the date of this Agreement, including but not limited to:

- a. Title VII of the Civil Rights Act of 1964, as amended;
- b. The Civil Rights Act of 1991 and 1966;
- c. The Age Discrimination in Employment Act of 1991, as amended;
- d. The Older Workers Benefits Protection Act;
- e. The Equal Pay Act of 1963, as amended;
- f. The Americans with Disabilities Act of 1990;
- g. The Medical Leave Act of 1993;
- h. The Employee Retirement Income Security Act of 1974;
- i. The New Jersey Law Against Discrimination;
- j. The Conscientious Employee Protection Act; and
- k. Any other federal, state or local law, whether statutes, executive order, regulation, or common law, including all suits in tort or contract, including wrongful discharge, breach of contract, infliction of emotional distress and defamation.

Releasor understands and agrees that she will not receive the settlement amount unless she executes this General Release and Waiver.

2. It is understood and agreed that the payment of \$435,000.00 is inclusive of any claims that Releasor may have for attorney's fees and is being paid to her in return for her releasing her employment and tort claims against Releasee including her claims for damages based upon pain and suffering and mental anguish. The payment will be made without any deductions for federal or state income tax.

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3. Releasor further agrees and acknowledges that she shall be solely responsible to pay State and Federal taxes, Social Security and other contributions or other taxes or penalties as may be due on said settlement funds, if any, and hereby agrees to indemnify, hold harmless and promptly reimburse Releasee with regard to any payment of federal or state taxes, social security contributions or other contributions or any other taxes or penalties assessed against Releasee by any government agency including the Internal Revenue Services arising out of the settlement payment.

4. Releasor further acknowledges that she is represented by counsel of her choice, **Charles J. Sciarra, Esq.**, and that she has read this document, discussed its contents and meaning with his counsel, fully understands its contents and meaning as a General Release and Waiver and intends to be legally bound by it.

5. It is represented that this settlement of Releasor's claims represents a compromise of disputed claims and is not and shall not be construed to be an admission of liability on the part of Releasees or its related subdivisions, subsidiaries, affiliated entities or any of their officers, officials or employees.

6. This General Release and Waiver sets forth the entire agreement between the Releasor and Releasees as to the economic component of this settlement, and may not be modified other than in writing signed by both the Releasor and Releasees. This General Release and Waiver shall be governed by the laws of the State of New Jersey and in all respects shall be binding on the Releasor and her heirs, executors, administrators and assigns.


HEATHER KILMINSTER

STATE OF NEW JERSEY)
 ss)
COUNTY OF Passaic)

I certify that on September 20, 2012, HEATHER KILMINSTER,
personally came before me and acknowledged under oath, to my satisfaction, that she:

(a) is named in and personally signed this document; and

(b) signed and delivered this document as her act and deed.



An Attorney at Law of the State of New Jersey

Charles Sciarra Esq

Charles Jones
Established 1911

* * * CHILD SUPPORT JUDGMENT SEARCH * * *
NEW JERSEY SUPERIOR COURT

242-2442-97

RE: KILMINSTER

CERTIFIED TO:

SCIARRA & CATRAMBONE LLC
1130 CLIFTON AVE
CLIFTON NJ 07013-

SIGNATURE INFORMATION SOLUTIONS LLC HEREBY CERTIFIES THAT IT HAS SEARCHED THE INDEX OF THE CIVIL JUDGMENT AND ORDER DOCKET OF THE SUPERIOR COURT OF NEW JERSEY AND DOES NOT FIND REMAINING UNSATISFIED OF RECORD THEREIN A JUDGMENT FOR CHILD SUPPORT PURSUANT TO N.J.S.A. 2A:17-56.23(B) EXCEPT AS SET FORTH BELOW AGAINST:

HEATHER KILMINSTER

SSN:

*** Name is CLEAR ***

FROM TO

09-01-1992 09-07-2012

DATED 09-07-2012
TIME 08:45 AM

FEES: \$ 10.00
TAX: \$ 0.00
TOTAL: \$ 10.00

CJ12-255-05822 255 0989255 01

CHARLES JONES SEARCH
PROVIDED BY
SIGNATURE INFORMATION SOLUTIONS
P.O. BOX 8488
TRENTON, NJ 08650

Charles Jones
Established 1911

*** UNITED STATES PATRIOT NAME SEARCH ***

242-2442-97
CERTIFIED TO:

RE: KILMINSTER

SCIARRA & CATRAMBONE LLC
1130 CLIFTON AVE
CLIFTON NJ 07013-

SIGNATURE INFORMATION SOLUTIONS LLC HEREBY CERTIFIES THAT IT HAS SEARCHED THE LIST OF SPECIALLY DESIGNATED NATIONALS AND BLOCKED PERSONS MAINTAINED BY THE OFFICE OF FOREIGN ASSETS CONTROL, U.S. DEPARTMENT OF THE TREASURY, PURSUANT TO EXECUTIVE ORDER 13224 AS AMENDED BY EXECUTIVE ORDER 13268, AND REPORTS THE FOLLOWING FINDINGS WITH RESPECT TO THE NAME(S) LISTED BELOW:

THROUGH

HEATHER KILMINSTER (Individual)

09-09-2012

***** CLEAR PATRIOT NAME SEARCH *****

NOTE: According to the U.S. Department of Treasury, no U.S. person may deal with any Libyan or Iraqi government official whether their name appears on the list or not.

DATE ISSUED: 09-11-2012

FEES: \$ 4.00
TAX: \$ 0.00
TOTAL: \$ 4.00

PS12-255-05823 255 0989255 02

CHARLES JONES SEARCH
PROVIDED BY
SIGNATURE INFORMATION SOLUTIONS
P.O. BOX 8488
TRENTON, NJ 08650

BOTTA & ASSOCIATES, L.L.C.
50 South Franklin Turnpike
Ramsey, New Jersey 07446
(201) 818-6400
Attorneys for Defendant,
Borough of Haledon

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION : PASSAIC COUNTY

HEATHER KILMINSTER,

Plaintiff,

vs.

DOCKET NO. PAS-L-2676-10

CIVIL ACTION

BOROUGH OF HALEDON, LOUIS
MERCURO, individually and in his official
capacity as Chief of Police, JOHN & JANE
DOE(S) AND XYZ CORP. 1-10,

Defendants.

The matter in difference in the above entitled action having been amicably adjusted by and between the parties, it is hereby stipulated and agreed that all claims be and are hereby dismissed with prejudice as to the defendant, BOROUGH OF HALEDON, without costs against either party.

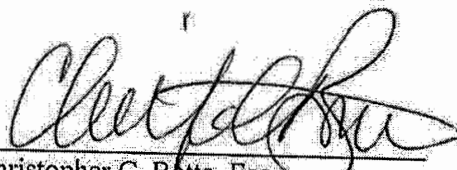
SCIARRA & CATRAMBONE, LLC

Attorneys for Plaintiff,
Heather Kilminster

BOTTA & ASSOCIATES, LLC

Attorneys for Defendant,
Borough of Haledon

 / by JDC
Charles J. Sciarra, Esq.
Dated: September 25, 2012


Christopher C. Botta, Esq.
Dated: September 26, 2012

**PASSAIC COUNTY, NEW JERSEY
GOVERNING BODY
RESOLUTION**

Motion by: MARTINEZ Seconded by: KANDIS

RESOLUTION #2012-182

TITLE: AUTHORIZE SETTLEMENT BETWEEN HEATHER KILMINSTER
 AND THE BOROUGH OF HALEDON

WHEREAS, a complaint was filed against the Borough of Haledon (the "Borough") in the Superior Court of New Jersey, Law Division, County of Passaic, entitled Kilminster ("Plaintiff") v. Borough of Haledon, et al., Docket. No. PAS-L-2676-10; and

WHEREAS, the parties have agreed to amicably settle this matter; and

NOW, THEREFORE, BE IT RESOLVED, that the Governing Body of the Borough of Haledon hereby authorizes the settlement of the matter in controversy by and between Plaintiff and the Borough with a maximum contribution from the Borough of Haledon in the amount of \$70,000.00 with the difference between this amount and the total settlement being made up by a contribution by the Borough's insurance carrier(s); and
BE IT FURTHER RESOLVED, that this settlement is contingent upon the parties' agreement upon a stipulation of settlement in a form to be approved by the Borough Attorney and Special Counsel Christopher Botta, Esq. representing the Borough in this matter; and

BE IT FURTHER RESOLVED, that the Borough hereby authorizes the Mayor, Borough Attorney, Special Counsel and Borough Administrator to execute any and all documents in connection with the resolution of this matter in a manner consistent with the terms of this Resolution.

Name	Motion	Second	Roll Call Vote		Abstain	Absent
			Yes	No		
Domenick Stampone						
Mounir Almaita						X
Michael Tirri						X
Maha Kandis		X	X			
Belgica Costa			X			
Reynaldo Martinez	X		X			
Michael Johnson				X		

This resolution was duly adopted by the Council of the Borough of Haledon at a meeting held on September 20th, 2012.

Allan R. Susen, RMC/CMC
Municipal Clerk

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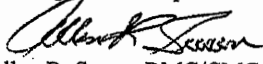
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Maha Kandis		X	X			
Belgica Costa			X			
Reynaldo Martinez	X		X			
Michael Johnson				X		

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Allan R. Susen, RMC/CMC
Municipal Clerk