

TOWNSHIP OF UPPER DEERFIELD

RESOLUTION 10-238

**RESOLUTION SUPPORTING A-3430 TO AMEND TITLE 59
BY STRENGTHING WEATHER IMMUNITY**

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

WHEREAS: despite this language, in many cases municipalities and other public entities still have been forced to pay large amounts of money in damages when judges ruled that because other factor contributed to the 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 Governing Body of the Township of Upper Deerfield 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; and

BE IT FURTHER RESOLVED THAT a copy of this resolution shall be sent to the legislative delegation of the third district, the Governor, the Senate President, Majority Leader and Minority Leader, as well as the Assembly Speaker, Majority Leader and Minority Leader.

Moved By: Bruce Peterson

Seconded By: John O'Neill

VOTING

James P. Crilley
 John L. Daddario
 John T. O'Neill
 Bruce T. Peterson
 Scott Smith.

<u>In Favor</u>	<u>Against</u>	<u>Abstain</u>	<u>Absent</u>
X			
X			
X			
X			
X			

CERTIFICATION

I hereby certify that the foregoing is a true copy of Resolution adopted by the Township Committee of the Township of Upper Deerfield, in the County of Cumberland, at a meeting thereof held December 16, 2010.

Roy J. Spoltore, Township Clerk