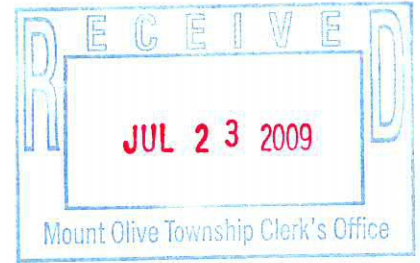


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WRITER'S E-MAIL:

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July 23, 2009

Raymond Perkins, Chairman
Township of Mount Olive Health Department
P.O. Box 450
Budd Lake, NJ 07828

Re: Proposed Cat Ordinance

Dear Chairman Perkins:

Although I stand by my previous legal opinions, based upon the law and my conversations with representatives of the State Department of Health that animal control falls under the enumerated powers of the Board of Health and that the proposed ordinance is and will be found invalid, I am concerned that the insurance provision as found in the ordinance would not completely cover Mount Olive Township Board of Health.

All the insurance provision does is name Mount Olive as an additional insured on an insurance policy. If, in fact, a volunteer took an action that the insurance policy did not cover or was excluded, then Mount Olive would find itself having to defend against said action.

I would suggest that New Jersey Animal Rights Alliance, or any other sponsor, also provide an indemnification and hold harmless agreement to Mount Olive, its Board of Health, its employees and agents, from any and all liability, to include defense and costs of suit anyway related to or from trap, neuter and release.

This additional language would cover the Board of Health for any actions by the New Jersey Animal Rights Alliance or its members.

Very truly yours,
CABANA & KING, LLG

A handwritten signature in black ink that reads "Peter J. King".

PETER J. KING

PJK:wlc

Sent via mail/email (rperk@optonline.net)

cc: Mayor and Council

John H. Dorsey, Esq. (Via email tammy@dks-law.com)

Lisa M. Lashway, RMC (Via email clerk@mtolivetwp.org)

Frank J. Wilpert, Health Officer (Via email fwilpert@mtolivetwp.org)