

Statement from Princeton Council Regarding the Settlement of the 2021 Fatal Crash Litigation

Princeton Council wishes first to acknowledge the tragic loss of life resulting from the November 2021 crash, and the devastating impact on the families involved.

With the litigation now concluded, Council is issuing this statement in response to questions from community members and to supplement the public reporting with a more complete account of how this matter was handled and the respective roles and responsibilities of those involved. We speak collectively in our official capacity as the six members of Princeton Council. This statement is not intended to reflect our individual views about the incident or the actions of any individual; nor do we speak for the mayor.

From the outset, the Municipality and Mayor Freda were represented by opposing counsel. Each side was assigned an attorney by the municipality's Joint Insurance Fund (JIF). The mayor was also represented by his personal attorney, and by attorneys retained by his various insurance carriers.

The mayor and his legal representatives maintained that he was acting in his official capacity at the time of the accident. The municipality's JIF attorney vigorously challenged that claim, arguing that the actions in question were outside the scope of the mayor's official responsibilities and were neither authorized by, nor consistent with, established municipal or state policies and procedures. Council supported this position, consistent with its responsibility to safeguard the municipality's legal and fiduciary interests. Because the case was ultimately settled, the question of whether the mayor was acting in his official capacity was never adjudicated by the court.

Throughout the litigation, Council was prohibited from discussing the case publicly. Although we received periodic updates from the municipality's JIF attorney in closed session, we did not direct the litigation strategy and were not involved in settlement negotiations. Under its no-consent insurance policy, the JIF had independent authority to resolve the case on terms it determined to be appropriate. Council therefore neither participated in determining the settlement amount, nor voted to authorize the settlement.

Nevertheless, Council took affirmative steps to ensure that Princeton's interests were being effectively represented. As the litigation continued, Council retained the law firm of DeCotiis, FitzPatrick, Cole & Giblin, LLP, to provide an additional layer of independent oversight of the municipality's legal representation. Council authorized

an amount not to exceed \$17,500 for this review, which has not been fully expended. This constitutes the only direct expenditure of municipal taxpayer funds associated with the litigation. The settlement itself was funded through the JIF's pooled insurance program which does not trigger an automatic or corresponding increase in the municipality's insurance premiums.

In keeping with Council's fundamental obligation to protect the public interest, we have asked DeCotiis to work with the municipal administrator and attorney to develop appropriate legal safeguards to limit the municipality's potential liability in circumstances where elected officials serve in multiple capacities, and to explore measures to ensure that all elected officials clearly understand the scope and limitations of their authority. We believe there must be an absolute and inviolable separation between the responsibilities of elected office and the exercise of law enforcement authority.

Above all, we recognize the profound loss of life at the heart of this matter and hope that the resolution of the litigation brings some measure of closure. Our thoughts remain with the families who continue to mourn their loved ones.

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