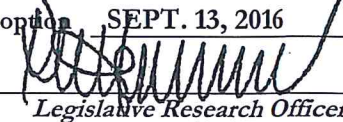


# RESOLUTION OF THE TOWNSHIP OF IRVINGTON, NJ

No. TA 16-0913-29

Date of Adoption SEPT. 13, 2016  
  
Legislative Research Officer

APPROVED AS TO FORM AND LEGALITY ON THE BASIS OF FACTS SET FORTH BY

PRESENTED BY COUNCIL MEMBER JONES SECONDED BY COX

## RESOLUTION RATIFYING PROFESSIONAL SERVICES CONTRACT FOR LITIGATION/DEFENSE COUNSEL SERVICES

WHEREAS, resolution number TA 16-0628-19 qualified three firms to provide litigation/defense counsel services for the Township of Irvington from July 1, 2016 until June 30, 2017; and

WHEREAS, the resolution requires that all cases assigned to counsel for this purpose must be approved by the Municipal Council; and

WHEREAS, the Township Attorney has assigned Eric M. Bernstein & Associates, LLC to represent the Township in the matter of Wells Fargo Bank, NA v. Township of Irvington, Docket No. F-015725-16; and

WHEREAS, the Township Attorney has recommended that a contract be awarded to Eric M. Bernstein & Associates, LLC, 34 Mountain Blvd., Bldg. A, Warren, NJ, 07059; and

NOW THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF IRVINGTON that a contract for Litigation/Defense Counsel Services be awarded to Eric M. Bernstein & Associates, LLC, 34 Mountain Blvd., Bldg. A, Warren, NJ, 07059 for a contract amount not to exceed \$5,000.00. The billing rate is \$150.00.

BE IT FURTHER RESOLVED that the Township Attorney is hereby authorized and directed to prepare the necessary contracts for this case and the Mayor and Township Clerk are authorized and directed to sign the same; and

BE IT RESOLVED that the required Certification of Availability of Funds, certification number C6-00226 was obtained from the Chief Financial Officer and the appropriation to be charged for this expenditure is 6-01-20-155-155-299 in the amount of \$5,000.00.

### RECORD OF COUNCIL VOTE

X = Indicates Vote N.V. = No Vote A.B. = Absent

COUNCIL MEMBER	YES	NO	N.V.	A.B.	COUNCIL MEMBER	YES	NO	N.V.	A.B.
BURGESS, 1ST VICE PRESIDENT	X				INMAN	X			
COX	X				JONES, 2ND VICEPRESIDENT	X			
FREDERIC	X				LYONS, PRESIDENT	X			
DR. HUDLEY	X								

PRESIDENT OF COUNCIL David Lyons MUNICIPAL CLERK Shirley Allen DATE SEPT. 13, 2016

I hereby certify that the foregoing is a true copy of a Resolution duly adopted by the Municipal Council. In witness whereof I have hereunto set my hand and the Corporate Seal of the Township of Irvington.

MUNICIPAL CLERK Shirley Allen DATE SEP 13 2016

ADMINISTRATOR ☐ ASSESSOR ☐ BLDG ☐ CFO ☒ COLLECTOR ☐ COURT ☐ ENGINEER ☐ FIRE ☐ HEALTH ☐ HOUSING ☐ INIC ☐ JUDGE ☐ LEGAL ☒ LIBR ☐ LICEN ☐ MAYOR ☐ OCDP ☐ PARKS ☐ PAYROLL ☐ PUBLIC SAFETY ☐ DIR ☐ PUBLIC WORKS ☐ PURCHASING ☒ SEC ☐ PB/ZBA ☐ TRAFFIC ☐ ZONING ☐ OFF ☐ DLGS ☐ GNCD ☐ OTHER(S): \_\_\_\_\_



**TOWNSHIP OF IRVINGTON**  
LEGAL DEPARTMENT  
MUNICIPAL BUILDING - CIVIC SQUARE  
IRVINGTON, NJ 07111

**Honorable Tony Vauss**  
Mayor

Tel: 973-399-6636  
Fax: 973-399-6723

**Ramon E. Rivera, Esq.**  
Township Attorney

**Kyana Woolridge, Esq.**  
1st Assistant Township Attorney

**Evelyn Akushie-Onyeani, Esq.**  
2nd Assistant Township Attorney

July 1, 2016

Eric M. Bernstein, Esq.  
Eric Bernstein & Associates, LLC  
34 Mountain Blvd, Building A P.O. Box 4922  
Warren, NJ 07059

Re: Wells Fargo Bank, N/A v. Township of Irvington  
Docket No. F-015725-16

Dear Mr. Bernstein, Esq.:

In accordance with resolution number TA 16-0628-19 passed by municipal Council on June 28, 2016 which appointed a pool of attorneys to represent the Township as Foreclosure Counsel, we would like to assign the attached matter to your firm.

Representation of Township interests requires that you provide diligent representation. To this end, we expect that you **will not**:

- 1) Represent claimants against Irvington whether arising from
  - a. Title 59 matters
  - b. Federal Civil Rights matters
  - c. Any other matters which are in litigation or may result in litigation
- 2) Represent defendants in the Township Municipal Court on criminal cases arising from the Township.
- 3) Represent applicants before the
  - a. Township Counsel acting as the local ABC Board
  - b. Irvington Planning Board
  - c. Irvington Board of Adjustment

Any questions regarding the aforementioned should be addressed to my attention. We do not want and find totally unacceptable a situation where any attorney in who we have placed our trust has a matter pending before any Irvington entity.

The hourly billing rate is \$150.00. Bills should be submitted to my attention on a regular basis, not less than once a month and should include as detailed a breakdown of your time. We do not expect and we will not approve what we determine to be excessive billing hours on matters that do not require such expenditures of time.

Kindly send an acknowledgement of receipt together with an estimate of cost.

Thank you for your anticipated cooperation. If you have any questions regarding this letter, please do not hesitate to contact me at (973) 399-6637.

Very truly yours,

Ramon E. Rivera, Esq.  
Township Attorney

RER\sb  
Enclosure