

**RESOLUTION OF THE TOWNSHIP OF IRVINGTON, NJ**

No. TA 16-0913-28

Date of Adoption SEPT. 13, 2016

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

*[Signature]*  
Legislative Research Officer

PRESENTED BY COUNCIL MEMBER JONES

SECONDED BY COX

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

WHEREAS, resolution number TA 15-1027-36 qualified twelve firms to provide litigation/defense counsel services for the Township of Irvington from November 01, 2015 until October 31, 2016; 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 determined that Maloof, Lebowitz, Connahan & Oleske, P.C. has the most experience to defend the Township of Irvington in the case of P.S. Clervoyant, LLC v. Township of Irvington, Lic. No. 0709-33-068-005, Appeal No. 53;

WHEREAS, the Township Attorney has recommended that a contract be awarded to Maloof, Lebowitz, Connahan & Oleske, P.C., 127 Main Street (Route 124), Chatham, New Jersey, 07928; 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 Maloof, Lebowitz, Connahan & Oleske, P.C., 127 Main Street (Route 124), Chatham, New Jersey, 07928 for a contract amount not to exceed \$10,000.00. The billing rate for this contract is \$150.00 per hour; and

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 FURTHER RESOLVED, that funds for this service will paid from the Insurance fund for a contract amount not to exceed \$10,000.000. The billing rate for this contract is \$150.00 per hour.

**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 [Signature] 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 [Signature] 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**

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

*Honorable Tony Vauss*  
Mayor

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

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

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

July 20, 2016

VIA EMAIL: mconnahan@mlcolaw.com

Matthew Connahan  
Maloof, Lebowitz, Connahan & Oleske, P.C.  
127 Main Street (Route 124)  
Chatham, New Jersey 07928

RE: PS Clerevoyant, LLC v. Township  
License No. 0709-33-068-005  
Appeal No. 52

Dear Mr. Connahan:

Please be advised that you are being assigned to represent the Defendant, **Township of Irvington** in the above captioned matter.

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 on a regular basis, not less than once a month. Your bills should be forwarded to Janine Leahy of D&H Alternative Risk Solutions, whose phone and fax numbers are 973-940-1851 and 973-940-1852, consecutively.

Copies of your bills should also be sent to us 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.

I am attaching a copy of the Complaint. The information faxed to you constitutes the entire file. **We require a written acknowledgement with a budget. The purpose of the budget is to estimate the complete cost of defense through discovery including any dispositive motions that will be required on the close of discovery.**

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,

*/s/ Ramon E. Rivera*

Ramon E. Rivera, Esq.  
Township Attorney

RER\sb  
Enclosure  
C: D&H Alternative Risk Solutions