

BOARD OF COMMISSIONERS
TOWNSHIP OF NUTLEY, NEW JERSEY

Resolution

Introduced by: Mayor Mauro G. Tucci *Date:* April 6, 2021
Seconded by: Commissioner Alphonse Petracco *No.* 74-21

**RESOLUTION OF THE TOWNSHIP COMMISSIONERS OF THE TOWNSHIP OF NUTLEY
AUTHORIZING THE ENGAGEMENT OF INGLESINO, WEBSTER, WYCISKALA & TAYLOR,
LLC AS COUNSEL FOR THE TOWNSHIP OF NUTLEY CONCERNING LITIGATION
RELATED TO THE REDEVELOPMENT OF THE FORMER HOFFMANN-LAROCHE CAMPUS**

WHEREAS, the Township of Nutley ("Township") has been named as a third party defendant in the litigation captioned as Bautista, et al v. Hoffmann-LaRoche, Inc., et al v. Township of Nutley, et al (Docket No. ESX-L-008724-14); and

WHEREAS, accordingly, there exists the need by the Board of Commissioners of the Township (the "Board") for legal counsel to continue to represent the Township in said litigation, same to be appointed non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5 by the Township; and

WHEREAS, the above needs are for certain specified professional services to be rendered or performed by a person or persons authorized by law to practice a recognized profession, whose practice is regulated by law within the meaning of N.J.S.A. 20A:11-1, et. seq., as amended; and

WHEREAS, the performance of said professional services requires knowledge of an advanced type in a field of learning acquired by a prolonged formal course of specialized training study, as distinguished from general academic instruction or apprenticeship and training; and

WHEREAS, said professional services cannot reasonably be described by written specifications; and

WHEREAS, funds are available for this purpose and a Certificate of Availability has been filed by the Chief Financial Officer of the Township in accordance with the Local Budget Law, N.J.S.A. 40A:4-57 and N.J.A.C. 5:34-5.2; and

WHEREAS, John P. Inglesino of Inglesino, Webster, Wyciskala & Taylor, LLC., 600 Parsippany Road, Suite 204, Parsippany, New Jersey 07054 (the "Firm") has completed and submitted a Business Entity Disclosure Certification which certifies that he and the Firm have not made any reportable contributions to a political candidate or candidate committee in the Township in the previous one year that would violate either N.J.S.A.19:44A-20.5, or the Township's Local Unit Pay to Play Ordinance adopted by referendum, or any and all relevant Executive Orders, or the New Jersey Election Law Enforcement Commission disclosure requirements, and that the contract will bar John P. Inglesino of Inglesino, Webster, Wyciskala & Taylor, LLC from making any reportable contributions through the term of the contract; and

WHEREAS, the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq., as amended, requires that this Resolution be publicly advertised.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Commissioners of the Township of Nutley that in accordance with the Local Public Contracts Law, hereby authorizes and approves the award of a professional services contract to John P. Inglesino, Esq., of the firm of Inglesino, Webster, Wyciskala & Taylor, LLC pursuant to a non-fair and open process in accordance with the provisions of N.J.S.A. 19:44A-20.5, as legal counsel in accordance with a contract for professional services, which shall provide that the legal counsel or any attorney on staff shall be paid an hourly rate of Two Hundred Fifteen and 00/100 Dollars (\$215.00) for legal services by attorneys and an hourly rate of One Hundred Dollars and 00/100 (\$100.00) for services performed by a paralegal or law clerk work; and

FURTHER RESOLVED, that the Chief Financial Officer will execute a Certification of Funds for the contract and that sufficient funds are available for said contract; and

FURTHER RESOLVED, that cost of services will not exceed \$75,000.00 from budget account # 1-01-012-200, subject to the adoption of the 2021 Municipal Budget; and

FURTHER RESOLVED, that the contract term shall be from January 1, 2021 through December 31, 2021; and

FURTHER RESOLVED, that the Mayor and Clerk are hereby authorized and directed to execute, seal and deliver said contract for Professional Services on behalf of and in the name of the Township; and

FURTHER RESOLVED, that the Business Disclosure Entity Certification and Business Entity Disclosure of Campaign Contributions shall be placed on file with this Resolution; and

FURTHER RESOLVED, that a copy of this Resolution shall be published as required by law within ten (10) days of its passage.

. . .

I,  _____, Township Clerk of the Township of Nutley, Essex County, NJ, do hereby certify that the foregoing is a true copy of a resolution adopted by the Board of Commissioners at a regular meeting held April 6, 2021

<i>Record of Vote</i>	<i>Commissioner John V. Kelly, III</i>	<i>Commissioner Thomas J. Evans</i>	<i>Commissioner Alphonse Petracco</i>	<i>Commissioner Joseph P. Scarpelli</i>	<i>Mayor Mauro G. Tucci</i>
<i>Yes</i>	X	X	X	X	X
<i>No</i>					
<i>Not Voting</i>					
<i>Absent/Excused</i>					