

RESOLUTION

WHEREAS, certain civil litigation has been commenced captioned Hawkins v. Feder which involves various personnel matters and related claims; and

WHEREAS, the previous litigation commenced by Mr. Hawkins has been dismissed by the United States District Court for the District of New Jersey and the Superior Court of New Jersey, Law Division: Essex County; and

WHEREAS, Mr. Hawkins has commenced new litigation; and

WHEREAS, the Township's joint insurance fund ("JIF") has retained DeCotiis, Fitzpatrick & Cole, LLP to represent the Township and all Defendants with regard to the above matters; and

WHEREAS, on or about December 23, 2010, Mr. Hawkins filed certain criminal complaints allegedly arising out of the same or related allegations involving the civil matter; and

WHEREAS, the Honorable Patricia Costello, Assignment Judge of the Superior Court of New Jersey, Essex County, has scheduled a probable cause hearing pursuant to New Jersey Court Rule 3:4-3 for February 3, 2011 at 9:30 a.m. ; and

WHEREAS, the Defendants named in these criminal complaints are Director John K. Sayers and Chief James P. Abbott; and

WHEREAS, all of the allegations involved in the alleged criminal complaints involve actions within the scope of their duties and responsibilities; and

WHEREAS, the Township Law Department recommends that Frank Arleo, Esq. be retained as special counsel. Mr. Arleo has the requisite knowledge and experience with regard to handling these matters; and

WHEREAS, Mr. Arleo has been selected through a non-open and non-fair process under the Local Public Contracts Law; and

WHEREAS, Mr. Arleo has agreed to a rate of \$150 per hour up to a maximum fee of \$5,000 for representation in these matters; and

WHEREAS, that the Chief Financial Officer has certified the availability of funds for t his engagement;

NOW, BE IT HEREBY RESOLVED BY the Township Council of the Township of West Orange hereby authorizes the engagement of Frank Arleo, Esq. of Arleo Donohue & Biancamano in West Orange to represent the interests of the Township and its employees Director John K. Sayers and Chief James P. Abbott with regard to the pending probable cause hearing and related matters; and it is further

RESOLVED that notice of this award shall be published in accordance with applicable law.

Karen J. Carnevale
Municipal Clerk

Sal M. Anderton
Council President

Adopted: February 8, 2011