

**PLANNING BOARD
TOWNSHIP OF WEST ORANGE
ESSEX COUNTY, NEW JERSEY**

**RESOLUTION APPOINTING
PLANNING BOARD ATTORNEY**

WHEREAS, Section 25-46.6 of Chapter 25 of the *Revised General Ordinances of the Township of West Orange* empowers the Board to appoint an attorney and other staff, including experts as the Board may deem necessary; and

WHEREAS, the Planning Board relies upon the legal expertise of counsel for both review of applications before the Board as well as advice as to proposed changes and revisions to Ordinances related to land use as set forth in Chapter 25 of the *Revised General Ordinances of the Township of West Orange*; and

WHEREAS, the Board requires the services of the Board Attorney for appearances at Board regular and special meetings; and

WHEREAS, the Planning Board of the Township of West Orange wishes to retain a Board Attorney to assist the Board in reviewing evidence offered with respect to applications submitted, preparation of resolutions and other legal documents, preparation of reports to Council related to proposed new or amended Land Use Ordinances and other legal research and procedure necessary for the function of the Board; and

WHEREAS, Diana Powell McGovern, Esq., is willing and able to provide such expert review and advice relating to plans, applications and other documents and matters submitted before the Board; and

WHEREAS, the Local Public Contract Law (N.J.S.A 40A:11-1) permits contracts for professional services without competitive bidding; and

WHEREAS, this Resolution is adopted as further support and supplements the Reorganizational Resolution adopted by the Board at the January 22, 2025 reorganizational special meeting;

NOW, THEREFORE, BE IT RESOLVED by the Planning Board of the Township of West Orange, as follows:

1. The PLANNING BOARD hereby retains the services of COUNSEL to serve as its Board Attorney for the period of January 1, 2025 through December 31, 2025 at the following rates:
 - (a) \$7,000 per year (prorated) to prepare for and attend all regular meetings of the West Orange Planning Board;
 - (b) \$750 per meeting to prepare for and attend all special meetings, to be paid by the applicant from the applicant's escrow account;
 - (c) \$195.00 per hour for all outside litigation, or as directed by the legal department, not to exceed \$17,400.00;
 - (d) the Attorney will present a certificate of malpractice and liability insurance naming the Township and Planning Board as a Certificate Holder;

BE IT FURTHER RESOLVED that the Contract is awarded without competitive bidding as a "Professional Service" in accordance with the Local Public Contracts law, *N.J.S.A. 40A: 11-5(1) (a)*, because it is for service performed by persons authorized by law to practice a recognized profession.

BE IT FURTHER RESOLVED that a copy of this Resolution, as well as the Contract shall be placed on file with the Clerk of the Township of West Orange; and a notice in accordance with the Local Public Contracts Law of New Jersey in the form attached hereto shall be published in the West Orange Chronicle.