

RESOLUTION

WHEREAS, on March 5, 2019, the Township Council for the Township of West Orange (the "Township") adopted Ordinance 2563-19 on second reading, authorizing the acquisition of the Rock Spring Golf Course at 90 Rock Spring Road, also known as: Block 46.01, Lots 22 through 31; Block 160, Lots 2 and 10; and Block 160.01, Lots 30 and 24 on the Township Tax Map (the "Property"); and

WHEREAS, the Township has an anticipated closing date of April 30, 2019 to acquire the Property; and

WHEREAS, the Township is also involved in a procurement process to award a Contract for the Operation, Management, and Maintenance of the Property as a public golf course pursuant to the Local Public Contracts Law (the "Contract"); and

WHEREAS, the Township requires that the purchase close and the vendor is in place in a timely manner to allow for the Township to operate the Property for the 2019 golf season; and

WHEREAS, the Law Department recommends the retention of special litigation counsel in the event that any litigation arises which could affect the Township's ability to finance, close, open and operate the Property; and

WHEREAS, the Township seeks to retain Thomas P. Scrivo, Esq. of O'Toole Scrivo as special litigation counsel to represent the Township in any manner that could arise regarding the purchase of the Property or the award of the Contract; and

WHEREAS, Mr. Scrivo, has extensive experience with counseling public and government entities; and

WHEREAS, Mr. Scrivo has previously served as counsel to various public agencies including the Chief Counsel to the Governor, and various municipalities; and

WHEREAS, Mr. Scrivo has agreed to an hourly rate of \$200 and that his fees will be capped at \$10,000.

NOW, THEREFORE, BE IT RESOLVED that the Township Council hereby authorizes the Township to retain Thomas P. Scrivo, Esq. of O'Toole Scrivo as special litigation counsel at the rate of \$200 per hour at a maximum expense of \$10,000 if needed on an emergent or other basis to address any potential litigation involving the acquisition and operation of Rock Spring Golf Course; and

RESOLVED that notice of this award shall be available in the Clerk's office in accordance with applicable law.

Karen J. Carnevale, R.M.C.
Municipal Clerk

Jerry Guarino
Council President

Adopted: March 19, 2019

I hereby certify funds are available from: _____
Account No.

JOHN O. GROSS, CFO