

RESOLUTION

WHEREAS, the Township of West Orange ("Township") is currently a plaintiff to certain litigation captioned Township of West Orange v. Link Communications, Ltd., Docket No. L-9667-10 (the "Litigation"), which is pending before the Superior Court of New Jersey, Law Division, Essex County; and

WHEREAS, the Litigation involves the Township's claims against Defendant Link Communications, Ltd. ("Defendant") arising out of the Township's purchase of certain mobile computer and video equipment for the Township's police vehicles, and Defendant's installation thereof; and

WHEREAS, the Township asserts in the Litigation that Defendant's installation and maintenance of certain mobile computer and video equipment in Township police vehicles was faulty; and

WHEREAS, the Township Attorney's office represents the Township in connection with the Litigation; and

WHEREAS, pursuant to Resolution No. 121-12, the Township Council authorized the retention of Computer Design and Services, Inc. ("CDS") for thirty (30) hours at a cost of \$3,000 in order to prepare an expert report in connection with the Litigation; and

WHEREAS, pursuant to the Township's retention of CDS, Thomas J. Summers ("Mr. Summers"), employed by CDS as a Senior Systems Administrator and Technology Director at the time, examined Defendant's equipment and the Township's police vehicles and prepared an expert report in connection with the Litigation; and

WHEREAS, pursuant to Resolution No. 174-13, the Township Council authorized the retention of CDS for fifteen (15) hours at a cost of \$1,500 for CDS to prepare for and testify at trial; and

WHEREAS, on September 24, 2013, Mr. Summers notified the Township Attorney's office for the first time that he left the employ of CDS and would not serve as the Township's expert in connection with the Litigation; and

WHEREAS, annexed hereto as Attachment "A" is a copy of a letter from CDS's President to the Township Attorney's office confirming Mr. Summers's refusal to participate as an expert at trial; and

WHEREAS, the Township Attorney's office requires retention of a new expert with technical computer experience to assess the installation and operation of Defendant's equipment and prepare an expert report in connection with the Litigation; and

WHEREAS, CDS, with its new Senior Systems Administrator and Technology Director Vincent Abrusia, possesses the technical computer expertise required by the Township to assist in evaluating the claims in the Litigation; and

WHEREAS, CDS has offered a discounted rate of \$100 per hour in connection with its services preparing an expert report; and

WHEREAS, CDS's services in connection with preparation of this expert report will not exceed \$1,500; and

NOW, BE IT HEREBY RESOLVED, by the Township Council of the Township of West Orange that the Township Attorney is hereby authorized to engage CDS in connection with the Litigation on the terms and conditions set forth herein; and be it further

RESOLVED, that \$1,500 shall be allocated for CDS's engagement.

**Karen J. Carnevale, Municipal Clerk,
Municipal Clerk**

**Susan McCartney,
Council President**

Dated:

Adopted: November 12, 2013

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