

RESOLUTION DIRECTING THE TERMINATION OF PENDING LITIGATION

WHEREAS, on January 10, 2023, the Township Council approved the Mayor's appointment of Richard D. Trenk, Esq. as Director of the Department of Law and Township Attorney by a vote of five (5) to zero (0); and

WHEREAS, on June 13, 2023, the Township Council adopted Resolution No. 232-23 seeking to remove or require that Mr. Trenk not approve the delegation of legal work to his law firm by a vote of three (3) to two (2) and not pay for certain legal services; and

WHEREAS, on July 24, 2023, the Mayor commenced an action before the Superior Court of New Jersey, Law Division, Essex County, captioned *In re Township of West Orange*, Docket No. ESX-L-004687-23 ("Litigation"); and

WHEREAS, on July 25, 2023, the Court entered a temporary restraining order maintaining the status quo and scheduling the matter for briefing and a hearing on the preliminary injunction; and

WHEREAS, the Honorable Jose Linares, Chief United States District Court Judge (Ret.), conducted a mediation session with the Mayor, Administration, and all members of the Township Council at no cost, which was unsuccessful; and

WHEREAS, the Township Council by a vote of three (3) to two (2) determined to retain Angelo J. Genova, Esq. of Genova Burns LLC with a cap of \$17,500; and

WHEREAS, the Mayor retained Scott D. Salmon, Esq. of Jardim, Meisner, Salmon, Sprague & Susser, P.C. with a cap of \$17,500; and

WHEREAS, the Genova Burns LLC exceeded the cap and the Township Council has subsequently retroactively approved various additional payments to Genova Burns LLC

which exceed approximately \$50,000¹; and

WHEREAS, the Mayor’s counsel Scott Salmon, Esq. has operated within the cap²; and

WHEREAS, during the interim, the Township Attorney has continued to serve the Township of West Orange; and

WHEREAS, on March 19, 2024, the Court issued a thirty-two (32) page Opinion and Order granting a preliminary injunction and maintaining Richard D. Trenk, Esq. as Township Attorney and authorizing the continued use of his law firm to serve the Township of West Orange; and

WHEREAS, while the Opinion and Order constitute a “preliminary injunction,” no additional law or facts have been referenced and voluminous argument and briefing has already occurred at substantial expense to the Township; and

WHEREAS, the Mayor strongly recommends that the Litigation and expenses related thereto be terminated at this time as not in the best interests of the Township; and

WHEREAS, the Township Council has determined that it is time to halt the further expenditure of funds;

NOW, THEREFORE, BE IT HEREBY RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST ORANGE that the Litigation shall be dismissed, with prejudice and without costs, as to all issues and all parties including the third-party complaint filed against Mr. Trenk and his firm and the law firms retained to represent the

¹ Through November 30, 2023, Genova Burns LLC invoiced \$42,493.50. Additional invoices are outstanding in the amounts of \$4,181.33 for December 2023; \$273.51 for January 2024; and \$5,354.84 for February 2024. The total of these invoices is \$52,303.18

² Through December 31, 2023, Mr. Salmon’s total invoices have been \$9,488.27.

Mayor and Township Council be and are hereby directed to execute such documents to accomplish the end of the Litigation with provisions to be entered by the court to contain the provisions in the preliminary injunction Opinion and Order as a permanent injunction; and be it further

RESOLVED, that the Municipal Clerk be and is hereby directed to send a copy of this executed Resolution to Angelo J. Genova, Esq. and Scott D. Salmon, Esq. and take all other steps necessary and appropriate consistent herewith.

Karen J. Carnevale
Municipal Clerk

Bill Rutherford
Council President

Adopted: March 26, 2024