

**RESOLUTION**

**WHEREAS**, on January 8, 2019, the Township Council adopted Resolution No. 12-19 approving the Planning Board recommendation that the current library site located at 46 Mt. Pleasant Avenue (the “Library Site”) be deemed an area in need of redevelopment pursuant to the Local Housing and Redevelopment Law (“LHRL”); and

**WHEREAS**, the Township Council has designated Joseph Alpert as the redeveloper for the Library Site; and

**WHEREAS**, Mr. Alpert has obtained nine (9%) percent tax credits which are critical to complete the project consisting of approximately sixty-four (64) affordable Senior apartments (the “Project”); and

**WHEREAS**, the use of the 9% tax credits is time sensitive under the approval of the State of New Jersey; and

**WHEREAS**, Kevin Malanga filed an action before the Superior Court of New Jersey, Law Division, Essex County, challenging the designation of the Library Site as an area in need of redevelopment; and

**WHEREAS**, on July 31, 2020, the Honorable Bridget A. Stecher, Judge of the Superior Court, issued a ten-page Decision upholding the designation of the Library as an area in need of redevelopment; and

**WHEREAS**, on September 18, 2020, Mr. Malanga filed an appeal which is pending before the Appellate Division of the Superior Court of New Jersey; and

**WHEREAS**, the Township seeks to expedite the appeal for a determination of the claims asserted; and

**WHEREAS**, the Law Department recommends the retention of Porzio, Bromberg & Newman, P.C. (“Porzio Firm”) as co-counsel to the Township Attorney to seek an expedited review of the appeal and determination of the merits; and

**WHEREAS**, the Porzio Firm has agreed to handle this matter at a rate of \$195 per hour for attorneys and \$145 per hour for paralegals with a cap of \$15,000.

**NOW, BE IT HEREBY RESOLVED** by the Township Council of the Township of West Orange, that the Township Law Department be and is hereby authorized to retain Vito A. Gagliardi, Esq. of Porzio, Bromberg & Newman, P.C. to assist with regard to the pending appeal; and

**BE IT FURTHER RESOLVED** that this award was not the subject of a fair and open process based upon the Porzio Firm’s specialized expertise and background and the time sensitive nature of this engagement; and

**BE IT FURTHER RESOLVED** that notice of this award shall be made in accordance with applicable law.

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**Karen J. Carnevale, R.M.C.**  
**Township Clerk**

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**Michelle Casalino**  
**Council President**

**Adopted: October 20, 2020**