



BOROUGH OF CALDWELL
NEW JERSEY

Resolution No: 3-85
Date of Adoption: March 29, 2022

TITLE:

RESOLUTION AUTHORIZING LITIGATION AGAINST THE TOWNSHIP OF WEST CALDWELL FOR THE COLLECTION OF UNPAID SEWER INVOICES

Recommended for approval by:

Approved as to form and legality by:

Thomas Banker, Administrator

Title:

Whereas, the Borough of Caldwell adopted Resolution No. 1-30 on January 11, 2022 authorizing a professional service contract with the firm of Maraziti Falcon, LLP in an amount not to exceed \$100,000 in accordance with the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.) said law providing that contracts for professional services may be negotiated and awarded by the governing body without public advertisement for bids; and

Whereas, the contract provides that the services of the firm of Maraziti Falcon, LLP include defense and prosecution of litigation; and

Whereas, the Township of West Caldwell has failed to make payment of outstanding sewer invoice balances due, including non-payment of sewer invoices dated on and after October, 2021; and

Whereas, it is necessary for the Borough to file litigation against the Township of West Caldwell in order to collect the monies due for all unpaid sewer invoices.

Now, Therefore Be It Resolved By The Mayor And Council Of The Borough Of Caldwell New Jersey That:

- 1. The firm of Maraziti Falcon, LLP is authorized to commence litigation against the Township of West Caldwell for the collection of all unpaid sewer invoices.
2. The maximum amount authorized to be paid to Maraziti Falcon under its contract is increased from \$100,000 to \$200,000 at the hourly rates contained in the contract by and between the Borough of Caldwell and the firm of Maraziti Falcon, LLP, with such other increases subject to separate Resolution; and
3. This Resolution is subject to and conditioned upon the provision by the Chief Financial Officer of the Borough of a certification of the availability of funds sufficient to provide for payment of the contract; and
4. The Borough Clerk is hereby authorized and directed to cause such notices as are required by statute to be provided in the form as required by law for the above contract.

RECORD OF COUNCIL VOTE

presented the following resolution - Seconded by:

COUNCIL MEMBER Yes No Absent Abstain COUNCIL MEMBER Yes No Absent Abstain

Table with 10 columns for council members and their votes (Yes, No, Absent, Abstain). Rows include DePalma-Iozzi, Lace, Gates, Buechner, and Cole, Alonso.

Brittany Heun, Deputy Clerk

John Kelley, Mayor

This resolution, when adopted, must remain in the possession of the Municipal Clerk. Certified copies are available.