

CITY OF ORANGE HISTORIC PRESERVATION COMMISSION

DATE: January 18, 2023

NUMBER: 1-2023

TITLE: A RESOLUTION OF THE CITY OF ORANGE TOWNSHIP HISTORIC PRESERVATION COMMISSION RECOMMENDING TO THE CITY COUNCIL OF THE CITY OF ORANGE TOWNSHIP TO RETAIN JANINE G. BAUER, ESQUIRE TO SERVE AS COUNSEL TO THE HISTORIC PRESERVATION COMMISSION FOR CALENDAR YEAR 2023 AND RECOMMENDING THAT CITY COUNCIL APPROPRIATE FUNDS FOR COUNSEL TO ACT IN THAT CAPACITY IN AN AMOUNT NOT TO EXCEED \$7,500.00.

WHEREAS, pursuant to the New Jersey Municipal Land Use Law, N.J.S.A. 40:55D-108b, the Historic Preservation Commission may retain the services of counsel for the Commission as provided for by the governing body; and

WHEREAS, Janine G. Bauer, Esq., and the law firm of Szaferman Lakind, P.C. in which she is employed, has expertise in the administration of an historic preservation commission ordinance and in evaluating applications, and has ably represented the Historic Preservation Commission since 2017 including preparation of resolutions for each application for a Certificate of Appropriateness, and in provision of other advice and counsel during meetings; and

WHEREAS, the Historic Preservation Commissions deems these services rendered since 2017 to be satisfactory; and

WHEREAS, for the foregoing reasons, the Historic Preservation hereby recommends to the governing body that Janine G. Bauer, Esq. and the law firm of Szaferman Lakind, P.C. be continued to be retained for the calendar year 2022, and further recommends that the governing body set aside and appropriate funds for this expense at the same rate of compensation for other attorneys as set by the City of Orange Township;

NOW, THEREFORE, BE IT RESOLVED, that the City of Orange Township Historic Preservation Commission recommends, and requests, that the governing body set aside and appropriate funds for the Historic Preservation Commission's retention of Janine G. Bauer, Esq. and the law firm of Szaferman Lakind, P.C., as counsel to the Historic Preservation Commission for the calendar year 2022, at the same rate fixed by the governing body for the compensation of counsel.

MEMORIALIZATION:

This Resolution adopted this 18th day of January 18, 2023, memorializes the action taken at a meeting of the City of Orange Township Historic Preservation Commission with the roll call vote on the memorialization as follow

This Resolution adopted this 18th day of January, 2023 memorializes the action taken at a meeting of the City of Orange Township Historic Preservation Commission with the roll call vote on the memorialization as follows:

	Yes	No	Absent	Abstain
Keith Carroll (Second)				
Kathy Dowd				
Jody Leight				
Brandon Matthews				
Janice Morrell				
Troy Simmons (Motion)				
Abdiel Velez				
Karen Wells				

I hereby certify that the foregoing is a true copy of a Resolution of the City of Orange Township Historic Preservation Commission memorialized on January 18, 2023.

Adopted: January 18, 2023

Joyce L. Lanier
Secretary

Troy Simmons
Chair

CONTRACT FOR LEGAL SERVICES TO THE CITY OF ORANGE TOWNSHIP HISTORIC PRESERVATION COMMISSION

THIS AGREEMENT is made on _____, 2023 between the City of Orange Township ("the City") with its principal place of business located at 29 North Day Street, Orange, New Jersey, and Szaferman Lakind, P.C, 101 Grovers Mill Road, Suite 200, Lawrenceville, New Jersey 08648.

Recitals

WHEREAS, Szaferman Lakind, P.C., has established themselves as a competent, knowledgeable attorney, with a working understanding of the status and case law governing Historic Preservation matters; and

WHEREAS, the City of Orange Township is in need of a law firm of Szaferman Lakind, P.C.'s, caliber and capability to serve in a legal capacity to the Historic Preservation Commission of the City; and

WHEREAS, the City desires to retain the services of counsel and more specifically those of Szaferman Lakind, P.C, to provide such services.

WHEREAS, this contract is authorized by the Orange Historic Preservation Commission pursuant to Resolution# 1-2023.

WHEREAS, this contract is authorized by the City Council pursuant to Resolution 20-2023

NOW, THEREFORE, in consideration of the recitals and mutual covenants contained in this Agreement, the contracting parties agree as follows:

Scope of Services

Szaferman Lakind, P.C. will be required to serve as the legal advisor and representative to the Historic Preservation Commission to perform the following services.

1. All legal services performed in connection with the Orange Historic Preservation Commission matters, including but not limited to conferences, Historic Preservation Commission meetings, Commission meetings, telephone conferences and consultations, legal research and advisory opinions, litigation, correspondence, negotiations, application review and other matters related to Historic Preservation Commission business and the Historic Preservation Law and local Historic Preservation Ordinance.
2. Representing the Orange Historic Preservation Commission in litigation in the State of New Jersey and in any and all other proceedings wherein the attorney's professional services may be required and wherein the Historic Preservation Commission is a party or its rights or interests are involved.

This shall include but not be limited to all court appearances, arbitration hearing, appeals and all work associated with any litigation , including initiating suit or defending any suit, as duly authorized by the Historic Preservation Commission.

3. Keeping the Orange Historic Preservation Commission and Administration advised of the character and progress of legal proceedings, appeals, claims and other matters handled by the Attorney, and keeping a record of all such proceedings in connection with same, for and on behalf of the Historic Preservation Commission.
4. Preparation and presentation of reports to the City Council, Planning Board, Zoning Board of Adjustment and other government entities.
5. Assist in coordinating the Commission's work with that of other municipal agencies and officers.
6. Advising the Commission on changes and developments in relevant law as needed to assure continued compliance by the Commission and the City with federal and statues and regulations including the regulations of the U.S. Department of the Interior on demolition, alteration, transportation and adaptive re-used of historic sites, the provision of the N.J.S.A concerning zoning ordinance provisions related to historic preservation, the guidelines of the Historic Preservation Office of the New Jersey State Department of Environmental Protection, Natural and Historic Resources.
7. Advising the Commission as necessary to assure continued compliance with New Jersey's Sunshine Law and federal freedom of information law.
8. Research and draft ordinances and/or resolutions.
9. In addition to expertise in the areas outlined above, the Commission's counsel will need to be familiar with preservation review procedures, comfortable working with architects and other preservation professionals as well as elected and appointed officials, able to facilitate community participation, able to work harmoniously with diverse constituencies, and able to respond quickly in the event of unauthorized demolition or alterations.
10. Attend the Historic Preservation Commission monthly meetings.
11. Any other matters as directed by the Historic Preservation Commission.

Compensation

In consideration for the rendering of Szaferman Lakind, P.C. legal services to the Historic Preservation Commission, Szaferman Lakind, P.C. shall be compensated by the City of Orange Township contract rate of \$110.00 per hour and is limited to \$7,500.00 for the contract year of 2023.

Term of Contract

This Contract shall run for a period of twelve months (CY-2023) January 1, 2023 to December 31, 2023.

Authority to Award Contract

This Contract is awarded without competitive bidding as a "Professional Service" Contract pursuant to N.J.S.A. 40 A: 11-5(1) (a) (i) of the Local Public Contracts Law.

Dwayne D. Warren, Esq.
Mayor

Szaferman Lakind, P.C.
Janine G. Bauer, Esq., Partner

Orange Historic Preservation Commission

Attest:

Joyce L. Lanier
City Clerk/Orange Historic Commission Secretary