

**CITY COUNCIL****The City of Orange Township, New Jersey**DATE January 17, 2023NUMBER 28-2023

**TITLE: A RESOLUTION AUTHORIZING THE AWARD OF A PROFESSIONAL SERVICES CONTRACT TO GAIL MITCHELL, ESQ. OF SCHWARTZ, BARKIN AND MITCHELL LLC TO PROVIDE LEGAL SERVICES TO THE ORANGE MUNICIPAL ZONING BOARD OF ADJUSTMENT OF THE CITY OF ORANGE TOWNSHIP IN MATTERS RELATING TO ZONING AND LAND USE IN AN AMOUNT NOT TO EXCEED \$7,500.00 FOR THE CALENDAR YEAR 2023.**

**WHEREAS, Gail Mitchell, Esq., services are required to provide legal advice and legal representation for scheduled Zoning Board of Adjustment Meetings; and**

**WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.) requires a resolution authorizing the award of contracts for "Professional Services" without competitive bids and that the contract itself be available for public inspection as set forth herein; and**

**WHEREAS, WHEREAS, the Chief Financial Officer of the City of Orange Township has prepared the necessary Certificate of Availability of Funds, a copy of which is attached hereto certifying that funds will be available for this purpose in Account No. 3-01-21-185-000-519, contingent upon Council approval and inclusion of said item in the Temporary Budget and adopted 2023 Budget, there will be sufficient funds to contract Gail Mitchell, Esq.**

**NOW, THEREFORE, BE IT RESOLVED that the Municipal Council of the City of Orange Township, New Jersey as follows:**

**1. The Mayor be and is hereby authorized and directed to execute the attached agreement with Gail Mitchell, Esq., 1110 Springfield Road, P.O. Box 1339, Union, New Jersey 07083, for the term of January 1, 2023 through December 31, 2023, in an amount not to exceed \$7,500.00**

**Adopted: January 17, 2023**

\_\_\_\_\_  
**Joyce L. Lanier**  
City Clerk

\_\_\_\_\_  
**Tency A. Eason**  
Council President



**City of Orange Township**  
**ZONING BOARD OF ADJUSTMENT**  
29 NORTH DAY STREET  
ORANGE, N.J. 07050

**DATE: January 9, 2023**

**RESOLUTION: 1-2023**

**TITLE: A RESOLUTION AUTHORIZING THE APPOINTMENT OF GAIL MITCHELL, ESQ. OF SCHWARTZ, BARKIN AND MITCHELL 1110 SPRINGFIELD ROAD, UNION NJ 07083, TO PROVIDE LEGAL SERVICES TO THE ZONING BOARD OF ADJUSTMENT OF THE CITY OF ORANGE TOWNSHIP IN MATTERS AS THEY RELATE TO ZONING AND LAND USE IN AN AMOUNT NOT TO EXCEED \$7,500.00 FOR THE CALENDAR YEAR 2023.**

**WHEREAS**, Gail Mitchell, Esq., services are required to provide legal advice and legal representation for scheduled Zoning Board of Adjustment Meetings; and

**WHEREAS**, the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.) requires a resolution authorizing the award of contracts for "Professional Services" without competitive bids and that the contract itself be available for public inspection as set forth herein; and

**WHEREAS**, the Chief Financial Officer of the City of Orange Township has prepared the necessary Certificate of Availability of Funds, contingent upon the passage of CY 2023 budget certifying that funds are available under the appropriate account - Account No. 3-01-21-185-000-519.

**NOW, THEREFORE, BE IT RESOLVED** that the Zoning Board of Adjustment of the City of Orange Township, that a contract be awarded to Gail Mitchell, Esq., not to exceed an annual amount \$7,500.00 per year.

**NOW, THEREFORE, BE IT RESOLVED** by the Zoning Board of Adjustment of the City of Orange Township, New Jersey as follows:

1. The Zoning Board of Adjustment hereby approves and directed to execute the attached Contract with Gail Mitchell, Esq. specifically set forth in the attached contract for one year effective January 1, 2023 through to December 31, 2023.
2. Notice of this action shall be printed in the Orange Transcript as required by law within ten (10) days of its passage.

**RESOLUTION #OZB-1-2023**

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**THEREFORE AGREED BY THE PARTIES AS FOLLOWS:**

1. **CONTRACT AMOUNT:** The contract shall not exceed an annual amount of \$7,500 for Consultant Services to the Zoning Board of Adjustment for one year-January 1, 2023 through December 31, 2023.
2. **IN WITNESS WHEREOF** the City of Orange Zoning Board of Adjustment and Gail Mitchell, Esq. have this Agreement as of this date first herein written.

**ADOPTED: January 9, 2023**

*Joyce L. Lanier*

Joyce L. Lanier  
Secretary

*Murphy Wilson*

Murphy Wilson  
Chairperson

**Approved by the following vote:**

<b>BOARD MEMBERS</b>	<b>IN FAVOR</b>	<b>NOT IN FAVOR</b>	<b>ABSENT</b>
Ashanti Connor	X		
Cheryl Gayle			X
Mary L. Reed-Learmont, Vice Chairperson	X		
Gerard John Schubert			X
James Ward III	X		
JoAnne Ware	X		
Murphy Wilson , Chairperson	X		
<b>Alternates</b>			
Carl Fields (1 <sup>st</sup> Alt)	X		
Errica Quartey (2 <sup>nd</sup> Alt)			X
Vacant (3 <sup>rd</sup> Alt)			
Vacant (4 <sup>th</sup> Alt)			

**CONTRACT FOR LEGAL SERVICES  
TO THE CITY OF ORANGE TOWNSHIP  
ZONING BOARD OF ADJUSTMENT**

**THIS AGREEMENT** is made on \_\_\_\_\_ between the City of Orange Township ("the City") with its principal place of business located at 29 North Day Street, Orange, New Jersey, and Gail Mitchell, Esq., Schwartz, Barkin & Mitchell, 1110 Springfield Road, P.O. Box 1339, Union, New Jersey 07083.

**Recitals**

**WHEREAS**, Gail Mitchell, Esq., has established herself as a competent, knowledgeable attorney, with a working understanding of the status and case law governing Zoning Board of Adjustment matters; and

**WHEREAS**, the City of Orange Township is in need of an attorney of Ms. Mitchell's caliber and capability to serve in a legal capacity to the Zoning Board of Adjustment of the City; and

**WHEREAS**, the City desires to retain the services of Gail Mitchell, Esq., of Schwartz, Barkin & Mitchell as the attorney for the City of Orange Township Zoning Board of Adjustment; and

**WHEREAS**, in the event of Gail Mitchell, Esq. absence, Allan J. Barkin, Esq. of Schwartz, Barkin & Mitchell will serve as the board attorney; and

**WHEREAS**, this contract is authorized by the City Council pursuant to Resolution#

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

**Scope of Services**

Ms. Mitchell will be required to serve as the legal advisor and representative to the Zoning Board of Adjustment and to attend all meetings as so required by the Board.

**Compensation**

In consideration for the rendering of her legal services to the Zoning Board of Adjustment, Ms. Mitchell shall be compensated by the City in an amount not to exceed Five Thousand (\$7,500.00) dollars.

**Term of Contract**

This Contract shall run for a period of twelve months (CY-2021) 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. 40A:11-5(a) of the Local Public Contracts Law.

CITY OF ORANGE TOWNSHIP

\_\_\_\_\_  
Gail Mitchell, Esq. Zoning Board Attorney

By:

\_\_\_\_\_  
Dwayne D. Warren, Esq., Mayor

\_\_\_\_\_  
Date

Attest:

\_\_\_\_\_  
Murphy Wilson, Chairperson

\_\_\_\_\_  
Joyce L. Lanier, City Clerk

Approved as to Form and Sufficiency

\_\_\_\_\_  
Gracia Robert Montilus, City Attorney