

CITY COUNCIL**The City of Orange Township, New Jersey**DATE September 5, 2023NUMBER 347-2023**TITLE:**

RESOLUTION AUTHORIZING THE SERVICES OF DAVID C. STANZIALE, LLC, TO REPRESENT THE CITY OF ORANGE TOWNSHIP AND ORANGE POLICE DEPARTMENT IN THE MATTER, "NICHOLAS VICTORIA V. JOSHUA ANDERSON, ET AL" DOCKET NO. 2:23-CV-03765 IN AN AMOUNT NOT TO EXCEED \$10,000.00 FOR CALENDAR YEAR 2023

WHEREAS, there exists a need for the City of Orange Township to retain legal representation on behalf of the City of Orange Township and Orange Police Department in connection with litigation, "Nicholas Victoria v. Joshua Anderson, et al."; and,

WHEREAS, Resolution No. 450-2022, adopted on November 14, 2022, authorized The David C. Stanziale, LLC., to represent the City, its officers and employees; and

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

WHEREAS, a certification of funds is not required because the payer of this agreement is the City's insurance carrier, PEJIF.

NOW, THEREFORE, BE IT RESOLVED by the City 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, in an amount not to exceed \$10,000.00, with David C. Stanziale, LLC., 552 High Mountain Road, Ste. 3, North Haledon, New Jersey.
2. This contract is awarded without competitive bidding as a "Professional Service" in accordance with N.J.S.A. 40A:11-5(a) of the Local Public Contracts Law because the services in the field of law required are specialized, and require expertise in employment law generally.

Adopted: September 5, 2023

Joyce Lanier
City Clerk

Tency A. Eason
Council President

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AGREEMENT

THIS AGREEMENT, made this _____ day of _____, 2023, by and between the **CITY OF ORANGE TOWNSHIP**, a municipal corporation of the State of New Jersey, having its principal office at 29 North Day Street, Orange, New Jersey 07050 (hereinafter referred to as “City”) and David C. Stanziale, LLC., 552 High Mountain Road, Ste. 3, North Haledon, New Jersey (hereinafter referred to as “Counsel”);

WITNESSETH

WHEREAS, the City of Orange Township agrees to retain special counsel on behalf of the City and David C. Stanziale, LLC, is agreeable to perform all the necessary legal matters pursuant to Resolution No. 450-2022, adopted on November 14, 2022, and Counsel is agreeable to perform such legal services for the City, as to such matters.

NOW, THEREFORE, in consideration of the terms and conditions set forth herein, it is agreed as follows:

1. David C. Stanziale, LLC, is hereby retained as Special Counsel for City of Orange Township for the following matters: Nicholas Victoria v. Police Officer Joshua Anderson, Police Officer Taal Harris, Police Officer Richard Rosamilia and Police Officer Ryan McKay, John Doe Individuals (1-100), et al. Counsel shall carry out all responsibilities in regard to such matters. All services shall be performed under the supervision and discretion of the City Attorney.
2. The City of Orange Township agrees to compensate Counsel for such legal services at the hourly rate of \$150.00, not to exceed Ten Thousand (\$10,000.00) Dollars, as follows:

Payment for services rendered by Counsel shall be due upon presentation of an official voucher with attached, detailed itemization which shall include a description of services rendered, hours expended, as well as disbursements claimed. It is agreed that all vouchers must be accepted by the City as to form and documentation before payment will be made. All statements for services rendered will be presented to the City on a monthly basis and should be received by the City no later than the last working day of the month following the month

for which the services are rendered.

3. The total payments hereunder shall in no event exceed the lawful appropriations made therefore from time to time without further approval of the Insurance Fund Commission.
4. Counsel agrees to provide services to the City as an independent contractor. No services will be rendered to the City by Counsel unless authorized by the Insurance Fund Commission.
5. Counsel shall provide proof of professional liability insurance and shall maintain such insurance in effect during the term of this Agreement. Counsel shall indemnify and hold the City harmless against any liability, claims or costs arising out of any claim for negligence arising out of the performance of their duties hereunder.
6. The failure of the City at any time to insist upon a strict performance of any terms, conditions and covenants herein shall not be deemed a waiver of any subsequent breach or default in the terms, conditions and covenants herein contained.
7. This Agreement shall be binding on the heirs, successors, and assigns of each party hereto. The term of this Agreement shall be for a period not to exceed one (1) year from the date of this Agreement and David C. Stanziale, LLC, shall continue to serve in all matters assigned to him/her as to this issue prior to the end of the term to their completion.
8. Counsel shall serve under the supervision and discretion and at the pleasure of the City Attorney.
9. This Agreement contains all the terms and conditions agreed upon by the parties hereto, and there are no other agreements, oral or otherwise, between the parties regarding the subject matter of this Agreement.
10. No alterations, changes, modifications or variations of this Agreement or the terms thereof shall be valid unless in writing and signed by both of the parties hereto or their duly authorized representative.
11. This Agreement is made subject to and shall be construed and governed by the laws of the State of New Jersey.
12. During the performance of this Contract, Counsel agrees as follows:

- (a) Counsel will not discriminate against any employee or applicant for employment because of age, race, creed, national origin, ancestry, marital status or sex. Counsel will take affirmative action to ensure that such applicants are recruited and employed, and that employees are treated during employment, without regard to their age, race, creed, color, national origin, ancestry, marital status or sex. Such action shall include, but not be limited to the following: employment, upgrading, demotion or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and, selection for training, including apprenticeship.
- (b) Counsel agrees to comply with any regulations promulgated by the Treasurer of the State of New Jersey, pursuant to P.L. 1975, c. 127, as amended and supplemented from time to time.

IN WITNESS WHEREOF, and intending to be legally bound hereby, the parties have hereunto affixed their hands and seals the day and year first written above.

CITY OF ORANGE TOWNSHIP

By: _____
Dwayne D. Warren, Esq., Mayor

ATTEST:

Joyce Lanier, Municipal Clerk

DAVID C. STANZIALE, LLC

By: _____
David C. Stanziale, Esq.

ATTEST:

Approved as to form and sufficiency:

Gracia Robert Montilus
City Attorney

CITY COUNCIL

The City of Orange Township, New Jersey

DATE November 14, 2022

NUMBER 450-2022

TITLE: A RESOLUTION AUTHORIZING A LIST OF LAW FIRMS TO REPRESENT THE CITY OF ORANGE TOWNSHIP IN REGARDS TO LITIGATION MATTERS ON AN AS NEEDED BASIS FOR A PERIOD OF ONE (1) YEAR FROM JANUARY 1, 2023 THROUGH DECEMBER 31, 2023

WHEREAS, on September 22, 2022, the City of Orange Township published Requests for Qualifications to establish a pool of qualified counsels to provide legal representation to the City, its officers and employees, in connection with lawsuits filed under the New Jersey Tort Claims Act, the Conscientious Employee Protection Act (CEPA), Laws Against Discrimination (LAD), contract matters and/or challenges to governmental action, and such other areas of municipal law as may be required; and

WHEREAS, seventeen (17) law firms have submitted resumes in response to the Request for Qualifications; and

WHEREAS, the Qualified Purchasing Agent evaluated the background and experience of each firm submitting responses to the City's Request for Qualifications; and

WHEREAS, the City Attorney recommends the law firms:

1. David C. Stanziale, LLC
552 High Mountain Road
North Halendon, New Jersey 07508
2. Lamb Kretzer, LLC
110B Meadowlands Parkway, Ste. 201
Secaucus, New Jersey 07094
3. The Antoine Law Firm, LLC
52 Underwood Street, Apt. 1L
Newark, New Jersey 07106
4. Florio, Kenny & Raval, LLP
125 Chubb Avenue
Lyndhurst, New Jersey 07071
5. Michael A. Armstrong & Associates, LLC
79 Mainbridge Lane
Willingboro, New Jersey 08046
6. Steven S. Glickman, LLC
150 Morris Avenue, Ste. 303
Springfield, New Jersey 07081
7. Bell, Shivas & Bell, P.C.
150 Mineral Springs Drive
P.O. Box 220
Rockaway, New Jersey 07866



8. Chasan Lamperello, Mallon & Cappuzzo
300 Lighting Way, Ste. 200
Secaucus, New Jersey 07094
9. Antonelli Kantor, P.C.
354 Eisenhower Pkwy, Ste. 1000
Livingston, New Jersey 07039
10. Flanagan, Barone & O'Brien, LLC
4 Essex Avenue, Ste. 200
Bernardsville, New Jersey 07924
11. Renaud DeAppolonio, LLC
190 North Avenue E.
Cranford, New Jersey 07016
12. Law Office of Marco De Stefano, Esq., LLC
2030 Emerson Avenue
Union, New Jersey 07083
13. Aloia Law Firm, LLC
2 Broad Street, Suite 510
Bloomfield, New Jersey 07003
14. Biancamano & Di Stefano, P.C.
Executive Plaza
10 Parsonage Road, Suite 300
Edison, New Jersey 08837
15. La Corte, Bundy, Varady & Kinsella
989 Bonnel Court
Union, New Jersey 07083
16. Simmons Law LLC
1349 Lake Street
Plainfield, New Jersey 07060
17. Marmero Law, LLC
44 Euclid Street
Woodbury, New Jersey 08096

WHEREAS, said firms will only be selected to provide legal services on an as needed basis; and

WHEREAS, all recommended firms have agreed to provide legal services at an hourly rate of \$150.00 per hour; and

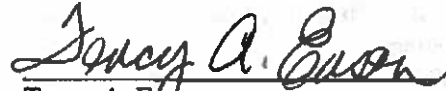
WHEREAS, the City Attorney has determined that the above referenced law firms are qualified to provide the legal services as set forth above.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Orange Township, that the Mayor is hereby authorized to enter into Agreements with said law firms as required.

Adopted: **November 14, 2022**



Joyce L. Danier
City Clerk



Tency A. Eason
Council President

RESOLUTION NO. 450-2022

ON CONSENT AGENDA

REGULAR COUNCIL MEETING – November 14, 2022

MOTION TO ADOPT: Coley

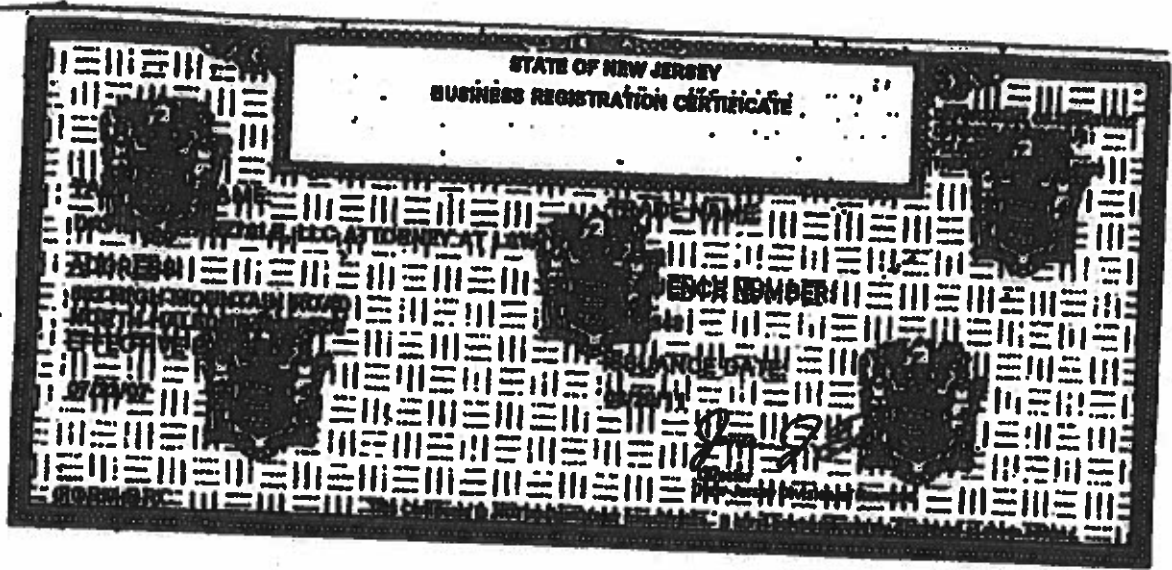
SECOND: Montague, III

YEAS: Coley, Hilbert, Montague, III, Wooten & Council President Eason

NAYS: None

ABSTENTIONS: None

ABSENCES: Ross & Summers-Johnson



02

0700

03

Request for Taxpayer Identification Number and Certification

Give Form to the requester. Do not send to the IRS.

Go to www.irs.gov/FormW9 for instructions and the latest information.

Print or type. See Specific Instructions on page 1.

1 Name (as shown on your income tax return). Name is required on this line; do not leave this line blank.
DAVID C. STANZIALE, LLC

2 Business name/disregarded entity name, if different from above

3 Check appropriate box for federal tax classification of the person whose name is entered on line 1. Check only one of the following seven boxes.

Individual/sole proprietor or single-member LLC C Corporation S Corporation Partnership Trust/estate

Limited liability company. Enter the tax classification (C=C corporation, S=S corporation, P=Partnership) > _____

Notes: Check the appropriate box in the line above for the tax classification of the single-member owner. Do not check LLO if the LLC is classified as a single-member LLC that is disregarded from the owner unless the owner of the LLC is another LLC that is not disregarded from the owner for U.S. federal tax purposes. Otherwise, a single-member LLC that is disregarded from the owner should check the appropriate box for the tax classification of its owner.

Other (see instructions) > _____

4 Exemptions (codes apply only to certain entities, not individuals; see instructions on page 3):
 Exempt payee code (if any) _____
 Exemption from FATCA reporting code (if any) _____
 (Pay for to accounts established outside the USA)

5 Address (number, street, and apt. or suite no.) See instructions.
552 High Mountain Road, Suite 3

6 City, state, and ZIP code
North Haledon, NJ 07508

7 List account number(s) here (optional)

Requester's name and address (optional)

TIN Taxpayer Identification Number (TIN)

Enter your TIN in the appropriate box. The TIN provided must match the name given on line 1 to avoid backup withholding. For individuals, this is generally your social security number (SSN). However, for a resident alien, sole proprietor, or disregarded entity, see the instructions for Part I, later. For other entities, it is your employer identification number (EIN). If you do not have a number, see *How to get a TIN*, later.

Notes: If the account is in more than one name, see the instructions for line 1. Also see *What Name and Number To Give the Requester* for guidelines on whose number to enter.

Social security number								
			-					
OR								
Employer identification number								
2	6	-	0	5	9	5	7	4

Certification

Under penalties of perjury, I certify that:

- The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me); and
- I am not subject to backup withholding because: (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding; and
- I am a U.S. citizen or other U.S. person (defined below); and
- The FATCA code(s) entered on this form (if any) indicating that I am exempt from FATCA reporting is correct.

Certification instructions. You must cross out item 2 above if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return. For real estate transactions, item 2 does not apply. For mortgage interest paid, acquisition or abandonment of secured property, cancellation of debt, contributions to an individual retirement arrangement (IRA), and generally, payments other than interest and dividends, you are not required to sign this certification, but you must provide your correct TIN. See the instructions for Part II, later.

Sign Here Signature of U.S. person > *David Stanziale* Date > *1/30/2013*

General Instructions

Section references are to the Internal Revenue Code unless otherwise noted.

Future developments. For the latest information about developments related to Form W-9 and its instructions, such as legislation enacted after they were published, go to www.irs.gov/FormW9.

Purpose of Form

An individual or entity (Form W-9 requester) who is required to file an information return with the IRS must obtain your correct taxpayer identification number (TIN) which may be your social security number (SSN), individual taxpayer identification number (ITIN), adoption taxpayer identification number (ATIN), or employer identification number (EIN), to report on an information return the amount paid to you, or other amount reportable on an information return. Examples of information returns include, but are not limited to, the following:

- Form 1099-INT (interest earned or paid)
- Form 1099-DIV (dividends, including those from stocks or mutual funds)
- Form 1099-MISC (various types of income, prizes, awards, or gross proceeds)
- Form 1099-B (stock or mutual fund sales and certain other transactions by brokers)
- Form 1099-S (proceeds from real estate transactions)
- Form 1099-K (merchant card and third party network transactions)
- Form 1098 (home mortgage interest), 1098-E (student loan interest), 1099-T (dividend)
- Form 1099-C (cancelled debt)
- Form 1099-A (acquisition or abandonment of secured property)

Use Form W-9 only if you are a U.S. person (including a resident alien), to provide your correct TIN.

If you do not return Form W-9 to the requester with a TIN, you might be subject to backup withholding. See What is backup withholding, later.

**BUSINESS ENTITY DISCLOSURE CERTIFICATION
FOR NON-FAIR AND OPEN CONTRACTS
Required Pursuant To Ordinance §4-70, et seq.
CITY OF ORANGE TOWNSHIP, NEW JERSEY**

Part I - Vendor Affirmation

The undersigned, being authorized and knowledgeable of the circumstances, does hereby certify that

David C. Stanziale, LLC

(Contractor)

has not made and will not make any reportable contributions pursuant to Ordinance 4-70 et seq. that would bar the award of this contract in the one year period preceding the date of reorganization to any of the following named candidate committees, joint candidates committees, or political party committees representing the elected officials of the CITY OF ORANGE TOWNSHIP as defined pursuant to N.J.S.A. 19:44A-36), (c) and (d).

Rep. Thomas D. Wynn	
Rep. Kerry J. Cahill	
Rep. William H. Wood	
Rep. John A. Egan	
Rep. Christopher P. Burt	
Rep. Christopher L. Gilbert	
Rep. James H. McGreevey	
Rep. William H. Florio	

Part II - Ownership Disclosure Certification

I certify that the list below contains the names and home addresses of all owners holding 10% or more of the issued and outstanding stock of the undersigned.

Check the box that represents the type of business entity:

- Partnership
 Corporation
 Sole Proprietorship
 Subchapter S Corporation
 Limited Partnership
 Limited Liability Corporation
 Limited Liability Partnership

Name of Stock or Shareholder	Home Address
David C. Stanziale	130 Tamboer Drive, North Haledon, NJ 07508

Part III - Signature and Attestation

The undersigned is fully aware that if I have misrepresented in whole or part this affirmation and certification, I and the business entity, will be liable for any penalty provided under law.

Name of Business Entity:

David C. Stanziale, LLC

David C. Stanziale
9/26/2022

