

Resolution 21-104

**AUTHORIZING AN AMENDMENT TO THE AGREEMENT WITH THE LAW FIRM
MARAZITI FALCON LLP FOR THE PERFORMANCE OF GENERAL LEGAL
COUNSEL SERVICES**

WHEREAS, by Resolution Number 20-103, adopted on December 10, 2020, the Rockaway Valley Regional Sewerage Authority (RVRSA) authorized the execution of a professional services contract with the law firm of Maraziti, Falcon, LLP for general legal counsel services which was executed between the parties (the "Contract"); and

WHEREAS, on August 4, 2021, RVRSA was served with a Second Amended Complaint naming RVRSA as a defendant for discovery purposes only, pursuant to an Order granting Plaintiff's motion leave to file the Second Amended Complaint in Pecorella v. Tomar Construction Group, LLC, et als., Docket No. MRS-L-2564-19; and

WHEREAS, the Joint Insurance Fund ("JIF") has been provided with a copy of the Second Amended Complaint and it is evaluating whether to provide coverage and whether counsel will be appointed by it to provide a defense to RVRSA; and

WHEREAS, until such time that the JIF determines whether or not to appoint counsel, RVRSA desires to amend the Contract with its General Counsel in order for the firm Maraziti, Falcon, LLP to represent RVRSA in the aforementioned litigation as it relates to the discovery demands resulting from the Second Amended Complaint and providing an answer and affirmative defenses to the Second Amended Complaint.

NOW, THEREFORE, BE IT RESOLVED by the Rockaway Valley Regional Sewerage Authority, on this 9th day of September, 2021 as follows:

1. The Executive Director is authorized and directed to execute an Amendment to the

Contract with Maraziti Falcon, LLP with offices located at 240 Cedar Knolls Road, Suite 301, Cedar Knolls, New Jersey, so as to authorize the expenditure of an additional, not to exceed amount of \$50,000, for the purposes set forth in the prefatory clauses of this Resolution, to be paid on an hourly, cost reimbursable basis in accordance with the rate schedule on file at the offices of the RVRSA through December 31, 2021.

2. This amendment to the Contract is awarded without competitive bidding as a “Professional Service” pursuant to the provisions of the Local Public Contracts Law, N.J.S.A. 40A:11-5.
3. A notice of this contract amendment award shall be published in the official newspaper, stating the nature, duration, service and amount of contract, and that the Resolution and amended Contract are on file and available for public inspection.
4. The CFO certifies that sufficient funds are available from Budget Line Item No. 01-501-020 for the aforementioned amendment to Contract.
5. The Executive Director, staff and consultants of RVRSA are hereby authorized to take all other actions necessary or desirable to prepare and participate in the mediation and effectuate the terms and conditions of this Resolution.
6. This Resolution shall take effect immediately

CERTIFICATION

I do hereby certify that this Resolution was adopted at a regular meeting of the Rockaway Valley Regional Sewerage Authority held on September 9, 2021.

On motion: Commissioner Schorno

Seconded by: Commissioner Corbett


And a Roll Call Vote as Follows:

Yeas: (9) Andes, Cegelka, Corbett, Farrell, Guadagno, Howarth, Isselin, Recchia, Schorno

Nays: (0)

Abstain: (0)

Absent: (1) Zuppa



Michael Guadagno
Board Secretary