

CITY OF VINELAND

RESOLUTION NO. 2016-\_\_\_\_\_

RESOLUTION AUTHORIZING THE ISSUANCE OF AN AMENDATORY SUPPLEMENTAL CHANGE ORDER NO. 1 TO A PROFESSIONAL SERVICE AGREEMENT WITH THE LAW FIRM OF LIEBERMAN AND BLECHER, P.C., PRINCETON, NEW JERSEY FOR ENVIRONMENTAL LEGAL REPRESENTATION

WHEREAS, the City Council of the City of Vineland awarded a contract for Professional Services to the Law Firm of Lieberman and Blecher, P.C. for Environmental Legal Representation from August 13, 2014 through August 11, 2015; and

WHEREAS, during the contractual period and continuing thereafter through October 13, 2015 at which time the Professional Service Agreement was renewed for an additional year, ongoing and continues legal representation of this City on several administrative hearings continued, including Pure Earth, Burnt Mill Pond and Kill-Tone; and

WHEREAS, from August 11, 2015 until the renewal of the continued Professional Services Agreement, the legal representation was necessary to protect the City's interest and legal bills were incurred in the amount of \$3,122.98; and

WHEREAS, the Solicitor of the City of Vineland has advised that such bills for services rendered would be payable in accordance with the Equitable Doctrine of Quantum Merit and the bills are in accordance with the Professional Service Agreement; and

WHEREAS, Council finds it to be in the best interest of the City and in accordance with equitable principals.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Vineland that that the contract dated October 13, 2015 be and is hereby amended retroactive to August 12, 2015.

Adopted:

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President of Council

ATTEST:

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City Clerk

**DEPARTMENT OF LAW**  
**RICHARD P. TONETTA, ESQUIRE**  
**Director and City Solicitor**  
640 Wood Street  
Vineland, NJ 08360  
(856) 794-4000 ext. 4600  
(856) 405-4632 (Fax)

January 5, 2016

TO : Mayor Ruben Bermudez, President Anthony Fanucci and Members of City Council

RE : Professional Service Agreement with Law Firm of Lieberman and Blecher, PC, of Princeton New Jersey

Dear Mayor Bermudez, President Fanucci and Members of City Council:

As you know, we have retained the Law Firm of Lieberman and Blecher, PC, of Princeton New Jersey for legal representation with regards to three (3) environmental issues facing the City of Vineland; (1) Pure Earth, (2) Burnt Mill Pond, (3) Kil-Tone. Their contract was for a period of one (1) year from August 13, 2014 through August 11, 2015 during which time and continuing until their contract was renewed on October 21, 2015 they continued to provide needed legal representation in dealing with N.J.D.E.P. and U.S.E.P.A. on the above matters which all are time sensitive. The services were necessary and accepted.

Unfortunately, there was a gap between their previous contract end date of August 11, 2015 and the entry of the new contract on October 13, 2015 during which time legal bills were incurred in the amount of \$3,122.00. I am recommending the payment of this bill for several reasons. First, Mr. Lieberman has been instrumental in obtaining permission from N.J.D.E.P. to allow U.S.E.P.A. to complete cleanups of the Pure Earth site, after the threat of litigation. He has also obtained authority to move forward with a declaration that Kil-Tone should be a superfund site and is working to have testing performed on Burnt Mill Pond.

Services were accepted by the City of Vineland and therefore from equitable principals the bill should be paid.

**Very truly yours,**

**Richard P. Tonetta, Esq.**  
**Solicitor, City of Vineland**

RPT/jlk

Attachment

Cc: Robert Dickenson, Assistant Business Administrator  
Wanda Reid