

RESOLUTION

Councilmember offered the following resolution and moved its adoption;
seconded by Councilmember

WHEREAS, the Township of Ocean has a need to engage the services of an attorney licensed in the State of New Jersey specializing in the defense of tax appeals; and

WHEREAS, the Township Council of the Township of Ocean has elected to utilize the “non-fair and open” process in making this appointment pursuant to the provisions of N.J.S.A. 19:44A-20.8 for the purpose of imposing the strictest campaign spending limitations under the New Jersey Local Unit Pay-to-Play Law; and

WHEREAS, the Township Manager has determined that the value of these services is expected to exceed \$17,500.00 in the calendar year of 2010; and

WHEREAS, the anticipated term of this contract is one year from January 1, 2010 to December 31, 2010; and

WHEREAS, Michael R. DuPont, Esq., and the firm of McKenna, DuPont, Higgins & Stone, has submitted a proposal of special counsel pertaining to tax appeals matters at an hourly rate of \$125.00; and

WHEREAS, the continuation of the utilization of Michael R. DuPont, Esq., and the firm of McKenna, DuPont, Higgins & Stone, will provide continuity of representation with respect to certain pending matters; and

WHEREAS, the firm of McKenna, DuPont, Higgins & Stone has completed and submitted a Business Entity Disclosure Certification which certifies that the firm of McKenna, DuPont, Higgins & Stone has not made any reportable contributions to a political or candidate committee in the Township of Ocean in the previous one year and that the contract will prohibit the firm of McKenna, DuPont, Higgins & Stone from making any reportable contributions to a political or candidate committee in the Township of Ocean through the term of the contract; and

WHEREAS, the Director of Finance has certified that funds will be made available by the Governing Body in the Township of Ocean Temporary and Final 2010 Municipal Budget under the following line item appropriation:

Defense of Tax Appeals – 0-01-20-710-219.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Township of Ocean, County of Monmouth authorizes the Mayor and Township Clerk to enter into a contract with the firm of McKenna, DuPont, Higgins & Stone as described herein and with a not to exceed \$45,000.00 provision; and

BE IT FURTHER RESOLVED that a Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution; and

BE IT FURTHER RESOLVED that notice of this action shall be published according to law.

ROLL CALL: Garofalo, Hiers, Schepiga, Siciliano, Larkin

CERTIFICATION

*I hereby certify that this is a true copy of a resolution passed by the Township of Ocean Governing Body at their meeting held on **December 23, 2009.***

Vincent Buttiglieri, RMC/CMC
Township Clerk