

## RESOLUTION

**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 2011; and

**WHEREAS**, the anticipated term of this contract is one year from January 1, 2011 to December 31, 2011; 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, not to exceed \$45,000.00; and

**WHEREAS**, the firm of McKenna, DuPont, Higgins & Stone has completed and submitted a Business Entity Disclosure Certification and the C.271 Political Contribution Disclosure Form 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 2011 Municipal Budget under the following line item appropriation:

Defense of Tax Appeals – 1-01-20-710-219.

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

**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 the completed Business Entity Disclosure Certification and the C.271 Political Contribution Disclosure Form be placed on file with this Resolution and Contract; and

**FURTHER BE IT RESOLVED** that the Mayor and Municipal Clerk are hereby authorized to execute any and all documents associated with this contract; and

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

**BE IT FURTHER RESOLVED** that a copy of this resolution be forwarded to the following:

1. Director of Finance
2. Township Auditor
3. McKenna, DuPont, Higgins and Stone

Record of Vote	Deputy Mayor Hiers	Councilman Garofalo	Councilwoman Schepiga	Councilman Siciliano	Mayor Larkin
Motion To Approve					
Motion to Second					
Approved					
Opposed					
Not Voting/Recuse					
Absent/Excused					

**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 **January 10, 2011.***

\_\_\_\_\_  
 Vincent Buttiglieri, RMC/CMC  
 Township Clerk

**Certification of Funds**

I, Stephen O. Gallagher, CPA, Director of Finance of the Township of Ocean, County of Monmouth, State of New Jersey, hereby certify that there are funds available for the purpose of award of a contract as identified herein.

Only amounts for the \_\_\_\_\_ Budget Year have been certified. Amounts for future years are contingent upon sufficient funds being appropriated.

\_\_\_\_\_  
 Signature

\_\_\_\_\_  
 Date