

RESOLUTION

WHEREAS, Chapter II of the “Revised General Ordinances of the Township of Ocean, 1965” provides for the appointment of a Township Attorney and further defines their powers and duties which are incorporated herein by reference as through set forth in length; and

WHEREAS, the Township Council of the Township of Ocean desires to enter into a contract for said position within the dollar limits as provided by the 2010 Municipal Budget containing appropriations for legal services and/or a salary established annually through the salary ordinance; and;

WHEREAS, Martin J. Arbus, Esq. submitted a proposal for the position of Township Attorney for the one year term from July 1, 2010 through June 30, 2011, at an hourly rate of \$160.00 per hour, not to exceed \$80,000.00 and a retainer of \$32,240.00 for attendance at meetings and other items as set forth in the agreement, a copy of which is attached hereto; 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, as required by law, Martin J. Arbus has competed and submitted a Business Entity Disclosure Certification and C.271 Political Contribution Disclosure Form which will certify that he has not made and reportable contributions to a political or candidate committee in the Township of Ocean in the previous twelve months and that the contract will prohibit Martin J. Arbus, Esq. from making any reportable contributions to a political and/or candidate committee in the Township of Ocean throughout the term of this contract; and

WHEREAS, the Director of Finance has certified that there are available sufficient funds for the purpose of this award, specifically under the aforementioned appropriations; Legal Services & Costs – O/E and various General Capital Ordinances; and

WHEREAS, Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq., requires that the resolution authorizing the award of a contract for professional services without competitive bids, as well as the contract itself, shall be available for public inspection;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Township of Ocean, County of Monmouth, State of New Jersey that Martin J. Arbus, Esq., is hereby appointed to the position of Township Attorney, at a rate of \$160.00 per hour, not to exceed \$80,000.00, as well as a retainer in the amount of \$32,240.00, for the one year term of July 1, 2010 through June 30, 2011; and

BE IT FURTHER RESOLVED, that the Mayor and Municipal Clerk are hereby authorized to execute the contract with Martin J. Arbus, Esq. as Township Attorney; and

BE IT FURTHER RESOLVED, that this resolution shall be advertised according to law; and

BE IT FURTHER RESOLVED, that a certified copy of this Resolution be forwarded to the following:

1. Martin J. Arbus, Esq.
2. Director of Finance
3. Township Auditor
4. Public Agency Compliance Officer

| 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 **July 7, 2010.***

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