

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, on June 15, 2009, the Township Council of the Township of Ocean entered into a contract for legal services with Martin J. Arbus, Esq. for the period of July 1, 2009 through June 30, 2010, at an hourly rate of \$160.00 per hour, not to exceed \$80,000.00; and

WHEREAS, due to ongoing matters of litigation, there was a need to amend said contract with Martin J. Arbus, Esq., with a not to exceed \$30,000.00 provision for the remainder of the contract, bringing the total contract to \$110,000.00, which was approved on February 15, 2010; and

WHEREAS, as these ongoing matters of litigation are continuing, it is necessary to amend said contract again, this time increasing it by an additional \$15,000.00, bringing the total contract amount to \$125,000.00; 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 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 funds are available in the Reserve for Affordable Housing, Account # T-03-56-866-866 as well as 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 Township Council in the Township of Ocean, County of Monmouth that, due to ongoing COAH litigation, authorization is hereby given to amend the contract with Martin J. Arbus Esq., with a not to exceed provision of \$15,000.00 for the remainder of the contract, with a total amount allotted for said legal services of \$125,000.00 for said period; 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

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 **May 18, 2010**.*

Vincent Buttiglieri, RMC/CMC
Township Clerk

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 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