

RESOLUTION

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

WHEREAS, Chapter II of the “Revised General Ordinances of the Township of Ocean, 1965” provides for the appointment of a Township Attorney and Assistant Township Attorney and further defines their powers and duties; and

WHEREAS, the Township Council of the Township of Ocean passed Resolution #09-099 on June 15, 2009 authorizing a contract with Martin J. Arbus, Esq. to provide legal services for the year from July 1, 2009 through June 30, 2010; and

WHEREAS, pursuant to the Rules of Council, Chapter IIA-6, Martin J. Arbus Esq., as Township Attorney, has designated David A. Krenkel, Esq. to attend regular and special Council meetings when he has been unavailable to attend said meetings, with the consent and approval of the Township Council; and

WHEREAS, the Township Council of the Township of Ocean wishes to amend Resolution #09-099 to name the Law Firm of Martin J. Arbus as the Township Attorney and to further specifically appoint David A. Krenkel, Esq. as an Assistant Township Attorney; and

WHEREAS, the Township of Ocean desires to enter into a contract for the position of Assistant Township Attorney within the dollar limits as provided by the 2009 Municipal Budget containing appropriations for legal services; 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, David A. Krenkel, Esq. has competed and submitted a Business Entity Disclosure Certification certifying that he has not made any reportable contributions to a political or candidate committee in the Township of Ocean in the previous twelve months and that the contract will prohibit David A. Krenkel, 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 resolution #09-099, approved on June 15, 2009, is hereby amended to name the Firm of Martin J. Arbus as Township Attorney at the previously approved fee and to appoint David A. Krenkel, Esq., as the Assistant Township Attorney, at a rate of \$160.00 per hour, not to exceed \$5,000.00 for the period ending June 30, 2010; and

BE IT FURTHER RESOLVED, that the Mayor and Municipal Clerk are hereby authorized to execute the contract with David A. Krenkel, Esq. as Assistant 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. David A. Krenkel, Esq.
2. Martin J. Arbus, Esq.
3. Director of Finance
4. Township Auditor
5. Public Agency Compliance Officer

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 8, 2009.***

Vincent Buttiglieri, RMC/CMC
Township Clerk