

RESOLUTION NO. 2016-03

**RESOLUTION OF THE TOWNSHIP OF LITTLE EGG HARBOR,
COUNTY OF OCEAN, STATE OF NEW JERSEY, APPOINTING
STEVEN A. ZABARSKY, ESQ., AS CHIEF MUNICIPAL
PROSECUTOR; AND ROBERT ZAVISTOSKI, ESQ.; EUGENE A.
RACZ, ESQ.; ROBERT A. GREITZ, ESQ.; AND MATTHEW J.
DORRY, ESQ.; OF CITTA, HOLZAPFEL & ZABARSKY, AS
ALTERNATE TOWNSHIP PROSECUTORS**

WHEREAS, there exists a need for legal services as Prosecutor for the Township of Little Egg Harbor; and

WHEREAS, although the Local Public Contracts Law, N.J.S.A. 40A:11-1 *et seq.*, authorizes the award of contracts for “Professional Services” without competitive bids, the Township issued a request for proposals for professional service contracts in accordance with the competitive negotiation procedure as delineated within Section 40-8 of the Township Code of the Township of Little Egg Harbor, entitled “Fair and open process utilized to award contracts with anticipated value in excess of \$17,500”; and

WHEREAS, a determination of value has been made by the Township that said contract shall be a value in excess of \$17,500; and

WHEREAS, said competitive negotiation procedure satisfies the requirements of a fair and open process under N.J.S.A. 19:44A:20.2 *et seq.*; and

WHEREAS, all proposals were to be submitted to the Office of the Township Clerk by December 1, 2015; and

WHEREAS, Section 14 of P.L. 1996, c 95 provides that a municipality may employ an attorney-at-law as a prosecutor, under the supervision of the Attorney General or County Prosecutor, who may represent the State, County, or municipality in any matter within the jurisdiction of a central municipal court or any other municipal court; and

WHEREAS, the Township administrator has reviewed the proposals submitted and recommends Steven A. Zabarsky, Esq. as Chief Municipal Prosecutor, and Robert Zavistoski, Esq.; Eugene A. Racz, Esq.; Robert A. Greitz, Esq.; and Matthew J. Dorry, Esq. of Citta, Holzapfel & Zabarsky as Alternate Township Prosecutor; and

WHEREAS, Steven A. Zabarsky, Esq. is duly qualified to serve as Chief Municipal Prosecutor, and Robert Zavistoski, Esq.; Eugene A. Racz, Esq.; Robert A. Greitz, Esq.; and Matthew J. Dorry, Esq. of Citta, Holzapfel & Zabarsky, are duly qualified to serve as Alternate Township Prosecutor for the Township of Little Egg Harbor; and

WHEREAS, it is the desire of the Mayor and Township Council to appoint Steven A. Zabarsky, Esq. of the firm Citta, Holzapfel & Zabarsky as Chief Municipal Prosecutor, pursuant to N.J.S.A. 2B:25-4(f) to have authority over other Prosecutors serving that Court with respect to the performance of their duties; and

WHEREAS, it is the desire of the Mayor and Township Council to appoint Robert Zavistoski, Esq.; Eugene A. Racz, Esq.; Robert A. Greitz, Esq.; and Matthew J. Dorry, Esq. of Citta, Holzapfel & Zabarsky, as Alternate Township Prosecutor for the Township of Little Egg Harbor, in accordance with Section 14 of P.L. 1996, c 95; and

WHEREAS, the maximum amount of the contract to be awarded under this resolution set forth in the 2016 municipal budget; and

WHEREAS, the Chief Financial Officer has certified that there are funds available for this contract, which certification is annexed hereto; and

WHEREAS, the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq., authorizes the award of contracts for “Professional Services” and requires that the resolution and contract be made available for public inspection.

NOW, THEREFORE, BE IT RESOLVED, by the governing body of the Township of Little Egg Harbor, County of Ocean, State of New Jersey as follows:

1. That Steven A. Zabarsky, Esq., is hereby appointed as Chief Municipal Prosecutor, and Robert Zavistoski, Esq.; Eugene A. Racz, Esq.; Robert A. Greitz, Esq.; and Matthew J. Dorry, Esq. of Citta, Holzapfel & Zabarsky, are hereby appointed as Alternate Township Prosecutor for the Township of Little Egg Harbor, in accordance with Section 14 of P.L. 1996, c 95, for a term of one year, commencing January 1, 2016, and ending December 31, 2016 and shall be compensated at the rate of \$36,000 per year paid in 12 equal monthly installments of \$3,000 per month and the sum of \$750 for each extra court appearance.

2. That the Mayor is hereby authorized to execute and the Township Clerk to attest to the attached agreements with Steven A. Zabarsky, Esq., Robert Zavistoski, Esq.; Eugene A. Racz, Esq.; Robert A. Greitz, Esq.; and Matthew J. Dorry, Esq. of Citta, Holzapfel & Zabarsky.

3. That these contracts are awarded as a "Professional Service" in accordance with N.J.S.A. 40A:11-5(1)(a)(i) of the Local Public Contracts Law because they are for services to be performed by a person(s) authorized by law to practice a recognized profession.

4. That a notice of this action shall be printed once in the official newspaper of the Township of Little Egg Harbor.

5. That this resolution shall take effect on January 1, 2016.

6. That the agreements shall be open ended contracts with funds being encumbered contingent upon the availability of funds in the budget year. No services shall

be rendered under the contracts until the Chief Financial Officer has certified the availability of funds for such services.

7. That a certified copy of this resolution, together with a copy of the contract between parties, shall be provided by the Township Clerk to the Chief Financial Officer and Steven A. Zabarsky, Esq.; Eugene A. Racz, Esq.; Robert Zavistoski, Esq.; Robert A. Greitz, Esq.; and Matthew J. Dorry, Esq. of Citta, Holzapfel & Zabarsky.

Motion to Approve: Gormley Second: Kehm Roll Call: Gormley yes
Kehm yes
Kobryn yes
Schlick yes
Stevens yes

CERTIFICATION

I, DIANA K. MCCRACKEN, RMC, Municipal Clerk of the Township of Little Egg Harbor do hereby certify that the foregoing resolution was duly adopted by the Township of Little Egg Harbor Township Committee at a meeting held on the **1st** day of **January, 2016**.

Diana K. McCracken, RMC
DIANA K. MCCRACKEN, Township Clerk
Little Egg Harbor Township

CERTIFICATE OF AVAILABILITY OF FUNDS

RESOLUTION NO. 2016-03

Citta, Holzapfel & Zabarsky as Township Prosecutors

I, **GARRETT LOESCH**, Chief Financial Officer for the Township of Little Egg Harbor, do hereby certify that no amount shall be chargeable or certified until such time as goods and/or services are ordered and/or rendered. Prior to incurring the liability by placing the order or receiving the services, the certification of available funds shall be issued and attached to the file copy of the purchase order or other such document.



GARRETT LOESCH, Chief Financial Officer
Township of Little Egg Harbor