RESOLUTION NO. 2016-06

RESOLUTION OF THE TOWNSHIP OF LITTLE EGG HARBOR, COUNTY OF OCEAN, STATE OF NEW JERSEY, APPOINTING STEVEN A. ZABARSKY, ESQ OF CITTA, HOLZAPFEL & ZABARSKY AS LABOR COUNSEL FOR THE TOWNSHIP OF LITTLE EGG HARBOR

WHEREAS, the Township of Little Egg Harbor is in need of the services of Labor Counsel; and

WHEREAS, although the Local Public Contracts Law, N.J.S.A. 40A:11-1 *et seq.*, authorizes the award of contract 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 pen process utilized to award contracts with anticipated 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, the Township Administrator has reviewed the proposals submitted and recommends Steven A. Zabarsky, Esquire, of Citta, Holzapfel & Zabarsky; and

WHEREAS, Steven A. Zabarsky, is duly qualified to serve as Labor Counsel; and

WHEREAS, it is the desire of the Mayor and Township Committee to appoint Steven A. Zabarsky, Esquire, of Citta, Holzapfel & Zabarsky as Labor Counsel for the Township of Little Egg Harbor; and

WHEREAS, the maximum amount of the contract to be awarded under this resolution is 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, Esquire, of Citta, Holzapfel & Zabarsky is hereby appointed as Labor Counsel for the Township of Little Egg Harbor for a term of one year, commencing January 1, 2016, and ending December 31, 2016 and shall be compensated at an hourly rate of $125.00.

2. That the Mayor is hereby authorized to execute and the Township Clerk to attest to the attached agreement with Steven A. Zabarsky, Esquire, of Citta, Holzapfel & Zabarsky.

3. That this contract is 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 it is 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 agreement shall be an open ended contract with funds being encumbered contingent upon the availability of funds in the budget year. No services shall be rendered under the contract 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 the parties, shall be provided by the Township Clerk to the Chief Financial Officer and to Steven A. Zabarsky, Esquire, 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. 2016-06
Citta, Holzapfel & Zabarsky as Labor Counsel

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