

RESOLUTION AWARDING A CONTRACT FOR LEGAL SERVICES

WHEREAS, the Board of Fire Commissioners has a need to acquire professional legal services for fiscal year 2023 as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5 et seq.; and

WHEREAS, the Board Treasurer has determined and certified in writing that the value of those services will exceed \$17,500.00; and

WHEREAS, the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq., exempts professional services from public advertising for bids when awarded as a non-fair and open contract by resolution of the governing body; and

WHEREAS, the Attorney has indicated that the required services will be provided for the Board at the rates and terms specified in the contract; and

WHEREAS, the firm will complete and submit a Business Entity Disclosure Certification, which Certification provides that the firm has not made any reportable contributions to candidate committees, joint candidates committees or political party committees representing the elected officials of the Board in the one year period preceding the award of the contract, and that the contract will prohibit the firm from making any reportable contributions through the term of the contract that would bar the award of this Agreement pursuant to N.J.S.A. 19:44A-20.5 et seq., and

WHEREAS, the firm will complete and submit a Political Contribution Disclosure Form and Stockholder Disclosure Certifications, as required pursuant to N.J.S.A. 19:44A-20.26, no later than ten (10) days prior to entering into the contract, disclosing all reportable political contributions (more than \$300.00 per election cycle) made over the twelve (12) months prior to submission to the committees of the government entities listed on the Form provided by the Board; and

WHEREAS, the Board Treasurer has and will certify as to the availability of funds at the time of service.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Fire Commissioners of Fire District No. 2, Township of Aberdeen, County of Monmouth, State of New Jersey, that it engage and otherwise retain the services of Kate Sendzik Haines, Esq., of the firm of Sendzik & Sendzik, P.C., 1808 Route 88, Brick, New Jersey, for the provision of legal services as set forth in the proposed Contract for Legal Services, a copy of which is attached hereto; and

BE IT FURTHER RESOLVED, that the Business Entity Disclosure Certifications, Political Contribution Disclosure Form, Stockholder Disclosure Certifications Determination of Value and Certificate of Availability of Funds be placed on file in the District office with the executed contract and authorizing resolution; and

BE IT FURTHER RESOLVED, that the contract be awarded through a non-fair and open process and without a competitive bid pursuant to N.J.S.A. 19:44A-20.5 and as professional services, pursuant to N.J.S.A. 40A:11-1 et seq.; and

BE IT FURTHER RESOLVED, a notice of this award be printed in the official newspaper of the Board of Fire Commissioners in accordance with N.J.S.A. 40A:11-1 et seq. The Notice will be substantially as follows:

**NOTICE OF NON-FAIR AND OPEN CONTRACT AWARD**

The Board of Fire Commissioners of Fire District No. 2, Township of Aberdeen, County of Monmouth, State of New Jersey, has awarded a contract through a non-fair and open process and without a competitive bid pursuant to N.J.S.A. 19:44A-20.5 and as a professional service pursuant to N.J.S.A. 40A:11-5(1)(a)(i). The Contract and Resolution authorizing same are on file and available for public inspection in the District office, 478 Angel Street, P.O. Box 469, Cliffwood, New Jersey.

Awarded to: Sendzik & Sendzik, P.C.

Services: Legal Services

Term: April 3, 2023, until the next reorganization of the body corporate

Cost: \$175.00 per hour; and

BE IT FURTHER RESOLVED, that the Board President be authorized to execute any and all documents to effectuate the intent and purpose of the within Resolution and the Clerk attest thereto; and

BE IT FURTHER RESOLVED, that the within Resolution shall be effective immediately upon passage; and

BE IT FURTHER RESOLVED, that any resolution or part of a resolution inconsistent herewith is hereby repealed or otherwise revoked; and

BE IT FURTHER RESOLVED, that if any section, paragraph, sentence, clause or phrase in this Resolution is for any reason held or determined to be unconstitutional or invalid, same shall not affect the remainder of this Resolution; and

BE IT FURTHER RESOLVED, that notwithstanding anything set forth herein to the contrary, the Board shall be permitted to amend, modify, repeal or otherwise act as to those topics which are the subject of this Resolution provided said acts are consistent with public policy, Board bylaws, Township ordinances, local, state and federal laws and rules and regulations promulgated thereunder; and

BE IT FURTHER RESOLVED, that an original signed, conformed and compared copy of this Resolution be accessible and maintained as an official Board record pursuant to and in accordance with the "Open Public Records Act"; N.J.S.A. 47:1A-1, *et seq.* and the "Destruction of Public Records Law

(1953)”; N.J.S.A. 47:3-8.1, *et seq.* as set forth by the State of New Jersey Municipal Agency Record Retention Schedule promulgated by the Division of Archives and Record Management.

Board of Commissioners Recorded Vote

Member	Motion	Second	Aye	Nay	Abstain	Absent
Michael Bellamy			✓			
Thomas DeGiglio	✓		✓			
Stephen Gallant			✓			
Thomas Logan			✓			
James Black		✓	✓			


CERTIFICATION

I, THOMAS LOGAN, Clerk of the Board of Fire Commissioners of Fire District No. 2, Township of Aberdeen, County of Monmouth, State of New Jersey, do hereby certify that the foregoing is a true conformed and compared copy of an original Resolution now on file and of record in the District office which was duly adopted at a public meeting held on the 3<sup>rd</sup> day of April, 2023.

I do further certify that the said Board of Fire Commissioners of Fire District No. 2, Township of Aberdeen, County of Monmouth, State of New Jersey, is composed of - 5 - members, and that - 5 - members were present and - 5 - members voted affirmatively for the adoption of the Resolution and - - members voted against the adoption of the Resolution.

The undersigned further certifies that the above Resolution has not been repealed or amended and remains in full force and effect.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of said Board of Fire Commissioners of Fire District No. 2, Township of Aberdeen, County of Monmouth, State of New Jersey, on this 3<sup>rd</sup> day of April, 2023.

  
THOMAS LOGAN, CLERK  
Board of Fire Commissioners  
Fire District No. 2  
Township of Aberdeen