

RESOLUTION NO. 2020 - 14

**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
BRIAN K. WILKIE, ESQ., BARRY A. STIEBER, ESQ., RONALD
DELIGNY, ESQ., PAUL GRANICK, ESQ., AND ROBERT A. GREITZ,
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 November 13, 2019; 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, Steven A. Zabarsky, Esq. is duly qualified to serve as Chief Municipal Prosecutor, and Brian K. Wilkie, Esq., Barry A. Stieber, Esq., Ronald DeLigny, Esq., Paul Granick, Esq., and Robert A. Greitz, Esq. of Citta, Holzapfel & Zabarsky, as Alternate Township Prosecutors for the Township of Little Egg Harbor; and

WHEREAS, it is the desire of the Mayor and Township Committee 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 Committee to appoint Brian K. Wilkie, Esq., Barry A. Stieber, Esq., Ronald DeLigny, Esq., Paul Granick, Esq., and Robert A. Greitz, Esq. of the Firm Citta, Holzapfel & Zabarsky as Alternate Township Prosecutors for the Township of Little Egg Harbor, in accordance with Section 14 of P.L. 1996, c 95; and

WHEREAS, the amount of the contract to be awarded under this resolution is determined not to exceed \$45,000.00 plus postage, which sum is reasonably estimated based upon such legal services as may be required over the contract term to be awarded under this resolution, including, but not limited to, the amount spent for such services from the previous calendar year, the costs of compensation under the contract to be awarded, and any projected increase or decrease in services anticipated versus the prior year, and which sum the Township of Little Egg Harbor is under no obligation to spend and which may be exceeded; 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 Brian K. Wilkie, Esq., Barry A. Stieber, Esq., Ronald DeLigny, Esq., Paul Granick, Esq., and Robert A. Greitz, Esq. of Citta, Holzapfel & Zabarsky, are hereby appointed as Alternate Township Prosecutors 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, 2020, and ending December 31, 2020 and shall be compensated at the rate of \$45,000.00 per year paid in 12 equal monthly installments of \$3,750.00 per month plus postage as well as \$750.00 for extra court sessions.

2. That the Mayor is hereby authorized to execute and the Township Clerk to attest to the attached agreements with Steven A. Zabarsky, Esq., Brian K. Wilkie, Esq., Barry A. Stieber, Esq., Ronald DeLigny, Esq., Paul Granick, Esq., and Robert A. Greitz, Esq. of Citta, Holzapfel & Zabarsky.

3. That the agreement shall be an open-ended contract with funds being encumbered contingent upon the availability of funds in the budget year. That a certificate of availability of funds executed by the Chief Financial Officer is annexed hereto. The following is the line item appropriation[s], which constitute the availability of funds for this contract: _____ 0-01-20-

757-020.

4. That these agreements 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.

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

6. That this resolution shall take effect on January 1, 2020.

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., Brian K. Wilkie, Esq., Barry A. Stieber, Esq., Ronald DeLigny, Esq., Paul Granick, Esq., and Robert A. Greitz, Esq. of Citta, Holzapfel & Zabarsky.

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, 2020**.


DIANA K. MCCRACKEN, Township Clerk
Little Egg Harbor Township

CERTIFICATE OF AVAILABILITY OF FUNDS

I, **RODNEY R. HAINES**, Chief Financial Officer for the Township of Little Egg Harbor, do hereby certify that adequate funds are available for an open-ended contract with Steven A. Zabarsky, Esq. of the firm Citta, Holzapfel & Zabarsky as Chief Municipal Prosecutor and Brian K. Wilkie, Esq., Barry A. Stieber, Esq., Ronald DeLigny, Esq., Paul Granick, Esq., and Robert A. Greitz, Esq. of the Firm Citta, Holzapfel & Zabarsky as Alternate Township Prosecutors.

The amount of the contract to be awarded under this resolution is determined not to exceed \$45,000.00 plus, which sum is based on a reasonable estimate of the Legal Services required over the contract term, the Township of Little Egg Harbor is not obligated to spend this amount and is permitted to exceed this amount during the course of performance of this contract.

The funds which are available for this open-ended contract are found in the following line item appropriation[s]: 0-01-20-757-020



RODNEY R. HAINES, Chief Financial Officer
Township of Little Egg Harbor