

RESOLUTION NO. 18-02

**TOWNSHIP OF MIDDLETOWN
COUNTY OF MONMOUTH**

**RESOLUTION AWARDING PROFESSIONAL SERVICE
CONTRACT FOR GENERAL SPECIAL COUNSEL**

WHEREAS, pursuant to § 4-32E of the Code of the Township of Middletown there exists a need to appoint an individual or law firm to serve as special counsel to the Township of Middletown to handle general litigation, transactions and other legal representation as may be needed; and

WHEREAS, while the Local Public Contracts Law (N.J.S.A. 40A:11-5(1)(a)) does not require competitive bidding for this position it was nevertheless advertised pursuant to the Fair and Open Process (N.J.S.A. 19:44A-20.5) with two bids having been received and considered for the position of General Special Counsel by the Township Committee based upon recommendations provided by the Township Administrator; and

WHEREAS, subject to the certification of availability of funds by the Chief Financial Officer, the law firm of Archer & Greiner PC, 10 Highway 35, Red Bank, New Jersey 07701 has qualified and agreed to handle general litigation, transactions and other legal representation as needed for a flat fee of \$270,000 for 2018, plus a blended rate of \$175 per hour for affordable housing matters and \$195 per hour for Port Monmouth Flood Control matters, exclusive of fees for witnesses, experts, filing fees, legal research, title work, or other reasonable allowable expenses.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Middletown in the County of Monmouth, State of New Jersey that the law firm of Archer & Greiner PC is hereby awarded a professional service contract for the provision of legal services as General Special Counsel to the Township to handle general litigation, transactions, and provide other legal representation as needed for a flat fee of \$270,000 (exclusive of allowable expenses) for 2018.

BE IT FURTHER RESOLVED that the law firm of Archer & Greiner PC may also charge a blended hourly rate of \$175 per hour for affordable housing related matters to be paid from the Township's Affordable Housing Trust Fund in an amount estimated not to exceed \$60,000 exclusive of allowable expenses.

BE IT FURTHER RESOLVED that the law firm of Archer & Greiner PC may also charge a blended hourly rate of \$195 per hour for Port Monmouth Flood Control matters in an amount estimated not to exceed \$50,000 exclusive of allowable expenses.

BE IT FURTHER RESOLVED that the Mayor and the Clerk are hereby authorized and directed to execute an Agreement for the provision of such professional services, a copy of which shall be maintained by the Clerk and advertised in the Township's official newspaper pursuant to law.

MIDDLETOWN TOWNSHIP COMMITTEE

Committee Member	Approved	Opposed	Abstain	Absent
A. Fiore	X			
S. Murray	X			
T. Perry	X			
G. Scharfenberger	X			
K. Settembrino	X			

CERTIFICATION

I, Heidi R. Brunt, Township Clerk of the Township of Middletown, hereby certify the foregoing to be a true copy of a resolution adopted by the Middletown Township Committee at their meeting held January 7, 2018.

WITNESS, my hand and the seal of the Township of Middletown this 7th day of January, 2018.

HEIDI R. BRUNT, TOWNSHIP CLERK