

RESOLUTION NO. 18-44

**TOWNSHIP OF MIDDLETOWN
COUNTY OF MONMOUTH**

**RESOLUTION AUTHORIZING PROFESSIONAL SERVICE AGREEMENT FOR
SPECIAL LEGAL COUNSEL TO REPRESENT JOINT MEETING OF
MUNICIPALITIES IN THE MATTER OF THE PETITION OF JCP&L PURSUANT TO
N.J.S.A. 40:55D-19 FOR A DETERMINATION THAT THE MONMOUTH COUNTY
RELIABILITY PROJECT IS REASONABLY NECESSARY FOR THE SERVICE,
CONVENIENCE OR WELFARE OF THE PUBLIC, BPU DOCKET NO. EO16080750**

WHEREAS, in 2016, the Township of Middletown (“the Township”) and other governmental entities affected by JCP&L’s proposed transmission line project formed a Joint Meeting pursuant to the Uniform Shared Services and Consolidation Act (N.J.S.A. 40A:65-1 et seq.) for the purpose of intervening pursuant to N.J.S.A. 48:2-32.2 In the Matter of the Petition of JCP&L Pursuant to N.J.S.A. 40:55D-19 for a Determination that the Monmouth County Reliability Project is Reasonably Necessary for the Service, Convenience or Welfare of the Public, BPU Docket No. EO16080750 (“the Petition”); and

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 to handle certain specialized legal matters; and

WHEREAS, it has been determined that special legal counsel continues to be required for this purpose, and as the Lead Agency, the Township previously solicited proposals from various experienced legal counsel in the field of public utilities law who were capable of serving as special legal counsel in this above-referenced matter; 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 no bids having been received and considered for the positions of Special Legal Counsel on the MCRP matter; and

WHEREAS, the law firm of Bevan, Mosca & Giuditta PC, which is highly qualified and capable of continuing to represent the Joint Meeting in this matter, has agreed to continue its representation of the Joint Meeting for rates ranging from \$220 to \$190 per hour for a total amount anticipated amount not to exceed \$25,000 in 2018.

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 Mayor is hereby authorized and directed to execute a professional services agreement with the law firm of Bevan, Mosca & Giuditta PC, 222 Mount Airy Road, Suite 200, Basking Ridge, New Jersey 07920 in an amount not to exceed \$25,000 for 2018 pursuant to the non-fair and open process, therefore, requiring a political contribution certification be provided in 10 days from the award of contract.

BE IT FURTHER RESOLVED that the Township’s Chief Financial Officer is authorized and directed to utilize funds deposited in the escrow account established for the Joint Meeting from which funds for this contract may be certified and paid from upon submission of invoices and purchase orders.

BE IT FURTHER RESOLVED that notice of this appointment shall be published by the Township Clerk in the Township’s official newspaper.

MIDDLETOWN TOWNSHIP COMMITTEE

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

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