

TOWNSHIP OF UPPER DEERFIELD

RESOLUTION 11-35

**APPOINTING PUBLIC DEFENDER FOR MUNICIPAL COURT
STEPHEN KERNAN**

WHEREAS, there exists the need for the “Professional Services” of a TOWNSHIP PUBLIC DEFENDER, to be retained by the Township for the performance of legal services and related duties associated therewith as directed by the authorized representatives of the Township of Upper Deerfield, as more specifically set forth in the Professional Services Agreement; and

WHEREAS, the Local Public Contracts Law, N.J.S.A.40A:11-1, et seq. requires that the Resolution authorizing the award of contracts for “Professional Services” without competitive bids must be publicly advertised; and

WHEREAS, Stephen Kernan, Esquire has completed and submitted a Business Entity Disclosure Certification which certifies that Stephen Kernan, Esquire will not make any reportable contributions pursuant to N.J.S.A.19:44A-1 et seq. commencing January 1, 2011 to any political committee or candidate through the term of this contract in excess of reportable limits; and

WHEREAS, the Township Committee of the Township of Upper Deerfield is desirous of appointing Stephen Kernan, Esquire as Public Defender for the Municipal Court of the Township of Upper Deerfield for a one year term to expire December 31, 2011 with an annual compensation in the amount of \$6,240 pursuant to a Professional Service Contract for the year 2011.

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Upper Deerfield, County of Cumberland and State of New Jersey, as follows:

1. That the allegations of the preamble hereto are incorporated herein as if fully set forth.
2. That Stephen Kernan of Bridgeton, New Jersey, an attorney authorized to practice law by the Supreme Court of the State of New Jersey, be appointed Public Defender for Upper Deerfield Township for the year 2011 to perform professional services ordinarily provided by an attorney, and shall receive compensation in accordance with terms of the contract on file in the clerks office.
3. That the aforesaid contract is awarded pursuant to competitive bidding as a “Professional Service” under the provisions of the Local Public Contracts Law because N.J.S.A.40A:11-5 states that no local unit shall be required to advertise for bids for services rendered or performed by a person authorized by law to practice a recognized profession and whose practice is regulated by law, or to advertise for bids for services which are of such a qualitative nature as will not reasonably permit the drawing of specifications or the receipt of competitive bids, all of which classification the aforesaid contract falls within.

4. Upon adoption of the 2011 temporary budget, a purchase order in the amount of the annual cost of the contract will be encumbered and serve as a certification of availability of funds.
5. That a copy of the specific items pertaining to the award of this contract shall be published in a Notice of Award in the News of Cumberland County as required by law within ten (10) days of the Resolution authorizing same; and

BE IT FURTHER RESOLVED that the Mayor and Clerk be and are hereby authorized to enter into a contract with Stephen Kernan in a form satisfactory to the Township Solicitor of the Township of Upper Deerfield; and

BE IT FURTHER RESOLVED by the Township Committee of the Township of Upper Deerfield that this professional service agreement is awarded pursuant to and in compliance with the provisions of Pay to Play legislation, N.J.S.A. 19:44A-20.4, et seq.

Moved By: Bruce Peterson

Seconded By: John Daddario

VOTING

James P. Crilley
 John L. Daddario
 John T. O’Neill, Sr.
 Bruce T. Peterson
 Scott Smith

<u>In Favor</u>	<u>Against</u>	<u>Abstain</u>	<u>Absent</u>
X			
X			
X			
X			
X			

CERTIFICATION

I hereby certify that the foregoing is a true copy of Resolution adopted by the Township Committee of the Township of Upper Deerfield, in the County of Cumberland, at a meeting thereof held January 6, 2011

 Roy J. Spoltore, Township Clerk