

**TOWNSHIP OF UPPER DEERFIELD**

**RESOLUTION 12-49**

**APPOINTING PUBLIC DEFENDER FOR CUMBERLAND SALEM  
REGIONAL MUNICIPAL COURT - STEPHEN KERNAN**

**WHEREAS**, there exists the need for the “Professional Services” of a PUBLIC DEFENDER, FOR THE CUMBERLAND SALEM REGIONAL MUNICIPAL COURT, 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 Cumberland Salem Regional Municipal Court Committee, as more specifically set forth in the Professional Services Agreement; and

**WHEREAS**, the Township of Upper Deerfield has advertised Requests for Proposals for the position of Public Defender for the Cumberland Salem Regional Municipal Court on behalf of the Cumberland Salem Regional Municipal Court Committee; and

**WHEREAS**, Stephen Kernan, Esquire has submitted a response to the Request for Proposal; and

**WHEREAS**, the Cumberland Salem Regional Municipal Court Committee has recommended that the Township Committee of the Township of Upper Deerfield award the Request for Proposal to Stephen Kernan, Esquire and appointing him as Public Defender for Cumberland Salem Regional Municipal Court effective January 30, 2012, for a one year term to expire December 31, 2012 with compensation pursuant to his proposal and the Professional Service Contract for the year 2012.

**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 Cumberland Salem Regional Municipal Court Public Defender for the year 2012, effective January 30, 2012, 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 2012 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 on behalf of the Cumberland Salem Regional Municipal Court Committee; 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 O'Neill

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 19, 2012

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 Roy J. Spoltore, Township Clerk