

TOWNSHIP OF UPPER DEERFIELD

RESOLUTION 12-48

**APPOINTING PROSECUTOR FOR CUMBERLAND SALEM
REGIONAL MUNICIPAL COURT - EDWARD DUFFY**

WHEREAS, there exists the need for the “Professional Services” of a PROSECUTOR FOR 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 Prosecutor for the Cumberland Salem Regional Municipal Court on behalf of the Cumberland Salem Regional Municipal Court Committee; and

WHEREAS, Edward Duffy, 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 Edward Duffy, Esquire and appointing him as Prosecutor 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 Edward Duffy of Vineland, 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 Prosecutor for the year 2012, effective January 30, 2012, to perform professional services ordinarily provided by a prosecutor, 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. As an employee of the Township, the salary of the prosecutor is contained within the temporary budget and will be included in the adopted budget. The prorated amount of potential additional professional fees contained within the aforementioned contract are included within the temporary budget and the continuation of any potential additional fees for the year will be included within the adopted 2012 budget to be certified by the Chief Financial Officer upon adoption of the 2012 budget.
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 Edward Duffy 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: John Daddario

Seconded By: Scott Smith

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

Roy J. Spoltore, Township Clerk