

TOWNSHIP OF UPPER DEERFIELD

RESOLUTION 24-178

APPOINTING BOND COUNSEL FOR THE UPPER DEERFIELD TOWNSHIP SCHOOL DISTRICT PRE-K EXPANSION PROJECT

WHEREAS, The Upper Deerfield Township School District (“School District”) is proposing to construct additional buildings and facilities to accommodate the pre-kindergarten program in compliance with New Jersey Department of Education guidelines and requirements; and

WHEREAS, the School District proposes to finance the construction through a lease arrangement with the Cumberland County Improvement Authority: and

WHEREAS, Cumberland County Improvement Authority (“CCIA”) in conjunction with the Cumberland County Board of Commissioners (“County”) propose to raise the construction monies through a bond issuance; and

WHEREAS, CCIA, County and School District have proposed that Upper Deerfield Township guaranty the School District’s obligation to make lease payments to CCIA to fund the CCIA and County’s bond obligations; and

WHEREAS, the financial structure for the Pre-K project, the Township’s guaranty in the context of the bond issuance by CCIA and County requires that Bond Counsel be retained to assist the Township and Township solicitor with regard to the Township’s involvement in the financial structuring of the Pre-K project; and

WHEREAS, James Spanarkel, Esq. of Waters, McPhearson, McNeill, PC of Secaucus, New Jersey is experienced in areas of Public Finance and Bond matters to serve as directed or assigned by the Township Solicitor Rocco Tedesco.

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 recitals set forth above are incorporated by reference as though fully set forth herein.
2. That James Spanarkel Esq. and Waters, McPhearson, McNeill, PC of Secaucus, New Jersey, be and the same are hereby appointed as Bond Counsel to assist the Township as directed by the Township Solicitor with regard to the Pre-K project.
3. That Bond Counsel shall be compensated for his/its services as more particularly set forth in the Engagement Letter Dated October 1, 2024, and the Township Clerk/Business Administrator is hereby authorized to execute the Engagement Letter on behalf of the Township.
4. 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.

5. The 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 2024 budget to be certified by the Chief Financial Officer upon adoption of the 2024 budget.
6. The Business Entity Disclosure Certification shall be placed on file with this Resolution.
7. That a copy of the specific items pertaining to the award of this contract shall be published in a Notice of Award in the Daily Journal as required by law within ten (10) days of the Resolution authorizing same; 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: Joseph Spoltore

Seconded By: Thomas Speranza

VOTING

James P. Crilley
 John L. Daddario
 Scott Smith
 Thomas Speranza
 Joseph Spoltore

<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 the Resolution adopted by the Township Committee of the Township of Upper Deerfield, in the County of Cumberland, at a meeting thereof held October 3, 2024.

Roy J. Spoltore, Township Clerk