

MONTVILLE TOWNSHIP BOARD OF HEALTH

RESOLUTION NO. 2021 – 02

RESOLUTION OF THE MONTVILLE TOWNSHIP BOARD OF HEALTH, COUNTY OF MORRIS AND STATE OF NEW JERSEY, AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN CONTRACT FOR BOARD OF HEALTH ATTORNEY

- WHEREAS,** The Montville Township Board of Health has a need to acquire Legal Services as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and
- WHEREAS,** the services are deemed professional services exempted from the N.J.S.A. 40A:11-1 et seq. (Local Public Contracts Law); and
- WHEREAS,** the term of this contract is one (1) year commencing January 1, 2021 and ending December 31, 2021; and
- WHEREAS,** David C. Pennella, Esq., has submitted a proposal indicating he will provide legal services as Board Attorney for four thousand eight hundred dollars (\$4800.00) retainer (\$400.00 per each month for 12 months), which includes one (1) meeting per month and not more than two (2) hours of non-meeting legal time, plus one hundred sixty five dollars (\$165.00) per hour for work not covered by the retainer, not to exceed twelve hundred dollars (\$1200.00); and
- WHEREAS,** approval of the contract is subject to the Montville Township Chief Financial Officer certifying that the funds are available for this award pursuant to N.J.A.C. 5:30-5.4,

NOW, THEREFORE, BE IT RESOLVED, that the Montville Township Board of Health authorizes, subject to the Montville Township Chief Financial Officer certification of funds, the Chairman and Secretary to enter into a contract with David C. Pennella, Esq. as described herein; and

BE IT FURTHER RESOLVED, the appointment as Attorney for the Montville Township Board of Health is made without competitive bidding as it is a “professional service” under the provisions of N.J.S.A. 40A:11-1 et seq. (Local Public Contracts Law), because “attorney” is a recognized profession, licensed and regulated by law, and because it is below the bid threshold.

This Resolution shall take effect immediately.

Adopted on this ____ day of _____, 2021.

Signed by:

Charles Perry, President, Montville Township Board of Health

In the presence of:

Amanda Rizzo, Secretary, Montville Township Board of Health