

RESOLUTION 2023-19

**RESOLUTION OF THE TOWNSHIP OF
STAFFORD, COUNTY OF OCEAN, STATE OF
NEW JERSEY, AUTHORIZING THE
APPOINTMENT OF STEVEN A. ZABARSKY,
ESQ., OF THE FIRM CITTA, HOLZAPFEL &
ZABARSKY AS MUNICIPAL PROSECUTOR,
FOR THE TOWNSHIP OF STAFFORD**

WHEREAS, there exists a need for legal services as Prosecutor for the Township of Stafford; and; and

WHEREAS, although the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq., authorizes the award of contracts for “Professional Services” without competitive bids, the Township issued a request for proposals for professional service contracts in accordance with the competitive negotiation procedure as delineated within Chapter 23, Article 4, of the Township Code of the Township of Stafford entitled “Competitive negotiations for professional services contract”; and

WHEREAS, a determination of value has been made by the Township that said contract shall be a value in excess of \$17,500; and

WHEREAS, said competitive negotiation procedure satisfies the requirements of a fair and open process under N.J.S.A. 19:44A:20.2 et seq.; and

WHEREAS, all proposals were to be submitted to the Office of the Township Purchasing Agent by October 27 ,2022; and

WHEREAS, the Township Administrator and the Purchasing Agent have reviewed the proposals submitted and recommend the Firm Citta, Holzaphel & Zabarsky as Municipal Prosecutor, and

WHEREAS, the Firm of Citta, Holzapfel & Zabarsky, are duly qualified to serve as Municipal Prosecutor, and

WHEREAS, it is the desire of the Mayor and Township Council to appoint the Firm Citta, Holzapfel & Zabarsky, as Municipal Prosecutor, pursuant to N.J.S.A. 2B:25-4(f) to have authority over other Prosecutors serving that Court with respect to the performance of their duties; and

WHEREAS, the maximum amount of the contracts to be awarded under this resolution is set forth in the 2023 municipal budget for prosecutorial services; and

WHEREAS, the Chief Financial Officer has certified that there are funds available for these contracts, which certification is annexed hereto; and

WHEREAS, the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq., authorizes the award of contracts for "Professional Services" and requires that the resolution and contract be made available for public inspection.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Township Council of the Township of Stafford, County of Ocean, State of New Jersey, as follows:

1. That the Firm Citta, Holzapfel & Zabarsky, is hereby appointed as Municipal Prosecutor for the Township of Stafford, commencing January 1, 2023, and ending December 31, 2023, in accordance with the provisions of N.J.S.A. 2B:12-27, in an amount not to exceed \$48,000.00, to be paid monthly in an amount not to exceed \$4000.00 per month.

2. That the Mayor is hereby authorized to execute and the Township Clerk to attest to the attached agreement with the Firm Citta, Holzapfel & Zabarsky.

3. That these contracts are awarded as a "Professional Service" in accordance with N.J.S.A. 40A:11-5(1)(a)(i) of the Local Public Contracts Law because they are for services to be performed by person(s) authorized by law to practice a recognized profession.

4. That a notice of this action shall be printed once in the official newspaper of the Township of Stafford.

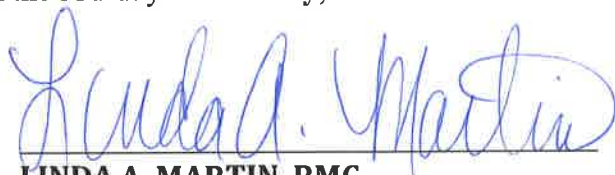
6. That this resolution shall take effect immediately.

7. That the agreements shall be open-ended contracts with funds being encumbered contingent upon the availability of funds in the budget year. No services shall be rendered under the contract until the Chief Financial Officer has certified the availability of funds for such services.

8. That a certified copy of this resolution, together with a copy of the contract between the parties, shall be provided by the Township Clerk to the Chief Financial Officer and the Firm Citta, Holzapfel & Zabarsky.

CERTIFICATION

I, **LINDA A. MARTIN, MUNICIPAL CLERK**, of Stafford Township, do hereby certify that the foregoing resolution was duly adopted by the Stafford Township Council at a meeting held on the **3rd** day of **January, 2023**.



LINDA A. MARTIN, RMC
STAFFORD TOWNSHIP MUNICIPAL CLERK

CERTIFICATE OF AVAILABILITY OF FUNDS

I, **DOUGLAS R. GANNON**, Chief Financial Officer of the Township of Stafford, do hereby certify that no amount shall be chargeable or certified until such time as goods or services are ordered. Prior to incurring the liability by placing the order, the certification of available funds shall be issued and attached to the file copy of the purchase order or other such document. Per RFP Specifications-Yearly rate for Prosecutor Position set by Stafford Township: Yearly Fee \$48,000.00-Monthly Fee-\$4000.00



DOUGLAS R. GANNON
Chief Financial Officer, Stafford Township
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