

RESOLUTION 2023-35

**RESOLUTION OF THE BOARD OF FIRE
COMMISSIONERS, PENNINGTON BOROUGH
DISTRICT NO. 1, COUNTY OF MERCER, STATE
OF NEW JERSEY, APPOINTING MELANIE SZUBA
APPLEBY, ESQ AND MATTHEW DONOHUE, ESQ AS
FIRE DISTRICT ATTORNEY FOR 2024**

WHEREAS, the Board of Fire Commissioners, Pennington Borough, District No. 1 have determined a need to retain the services of a fire district attorney; and

WHEREAS, the Board relies on the advice and expertise of its attorney when conducting its affairs and making decisions that affect the fire district; and

WHEREAS, said appointment is made as professional services exception under the Local Public Contracts Law under a non-fair and open process; and

WHEREAS, the Board recognizes the knowledge and experience of Melanie Szuba Appleby, Esq. and Matthew J. Donohue, Esq. of the firm Rothstein, Mandell, Strohm, Halm & Cipriani, PA in the field of laws pertaining to the operation of a fire district in New Jersey, and also her familiarity with the business of this fire district and its relationship with those districts with whom it interacts.

NOW, THEREFORE BE IT RESOLVED, by the Board of Fire Commissioners, Pennington Borough, District No. 1, as follows:

1. Melanie Szuba Appleby, Esq. and Matthew J. Donohue of the firm Rothstein, Mandell, Strohm, Halm & Cipriani, PA be retained as attorney for the fire district for the calendar year 2024 at a fee of \$1,500 per month, plus expenses. Board Attorney will provide transcription and document preparation services at a monthly fee of \$300.00. In addition, Board Attorney is authorized to prepare and develop Bylaws with the Board, to be billed separately from the flat fee, at \$150.00 an hour, in an amount not to exceed \$1500.00. In the event the Board Attorney requests additional compensation for preparation



Rothstein, Mandell, Strohm,
Halm & Cipriani, P.A.
ATTORNEYS AT LAW

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of Bylaws and/or other outside projects, same must be authorized by Resolution of the Board.

2. The contract is awarded without competitive bidding under a non-fair and open and as a Professional Service in accordance with N.J.S.A. 40A:11-5(1)(a) of Local Public Contracts Law and a copy of the contract is on file and available for public inspection at the fire district offices.

3. If required, the contract shall be accompanied by the submission of a Business Entity Disclosure Certification and Political Contribution Disclosure Form pursuant to N.J.S.A. 19:44A-20.26.

<u>Roll Call Vote</u>	<u>Yes</u>	<u>No</u>	<u>Abstain</u>	<u>Absent</u>
Chairman Brian Hofacker	X			
Commissioner Robert DiFalco	X			
Commissioner John O'Connor	X			
Commissioner Sandra Radice	X			
Commissioner Scott Schaub				X

CERTIFICATION

I, John O'Connor, Clerk of the Pennington Borough Board of Fire Commissioners, District No. 1, in the County of Mercer, State of New Jersey, do hereby certify the above to be a true copy of a Resolution duly adopted at its meeting held on December 19, 2023.

/s/ John O'Connor
Secretary, PBBFC District No.1

December 19, 2023
Date



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