

**TOWNSHIP OF WASHINGTON
BERGEN COUNTY, NEW JERSEY
PLANNING BOARD**

RESOLUTION NO. PB-19-4

Special Planning Board Attorney

WHEREAS, the Planning Board has determined that it is necessary and desirable to have special counsel appointed to render professional services to the Planning Board in connection with the application of James A. Viviano (American Dream Project) (the "Applicant") involving Lot 2, Block 1306 and Lot 1.05, Block 1305, and related matters, and the Planning Board has determined to appoint Allen M. Bell, Esq. of the firm Jacobs and Bell, P.A. as such special counsel; and

WHEREAS, public bidding is not required as the services to be rendered are professional services under *N.J.S.A. 40A:11-5(1)*; the contract for such services is not being awarded under what is termed the fair and open contract provisions as defined in *N.J.S.A. 19:44A-20.5*; and the professional legal services of such special counsel may be in excess of \$17,500; and

WHEREAS, Allen M. Bell, Esq. has submitted a proposal of \$135.00 per hour as the rate for said professional services to be rendered to the Planning Board for the year 2019; and

WHEREAS, Allen M. Bell, Esq. of the firm Jacobs and Bell, P.A. has completed and submitted a Business Entity Disclosure Certification which certifies it has not made any reportable contributions to a political or candidate committee in the Township of Washington in the previous one year, or made any contribution not in accordance with the terms of the applicable Township ordinance, and has agreed that the terms of appointment will prohibit Allen M. Bell, Esq. of the firm Jacobs and Bell, P.A. from making any reportable contributions during the term of the contract or making any contribution not in conformity with the terms of the applicable Township ordinance; and

WHEREAS, the availability of funds for such services are available from escrow funds posted and to be posted from time to time by the Applicant;

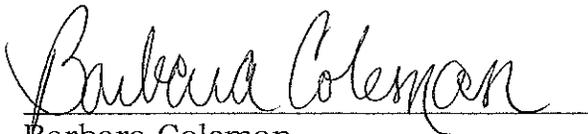
NOW, THEREFORE, BE IT RESOLVED that the Planning Board of the Township of Washington hereby designates Allen M. Bell, Esq. of the firm Jacobs and Bell, P.A. as special counsel for the aforesaid purposes, with professional services to be rendered at the rate of \$135.00 per hour;

BE IT FURTHER RESOLVED that the position set forth herein was not filled through the "fair and open process" as defined under *N.J.S.A. 19:44A-20.4 et seq.* As such, it has been attested that Allen M. Bell, Esq. and Jacobs and Bell, P.A., and any subsidiaries, assigns or principals controlling in excess of 10% of said company has neither made a contribution that is reportable pursuant to the Election Law Enforcement Commission pursuant to *N.J.S.A. 19:44A-8* or *19:44A-16*, in the one (1) year period preceding the appointment that would, pursuant to P.L. 2004, c.19, affect the eligibility to perform under the appointment, nor will it make a reportable contribution during the term of the contract to any political party committee in the Township of Washington, County of Bergen, or make any contribution which is not in conformity with Township ordinance, when the contract is awarded, or to any candidate committee of any person servicing in an elective public office of said municipality when the contract is awarded;

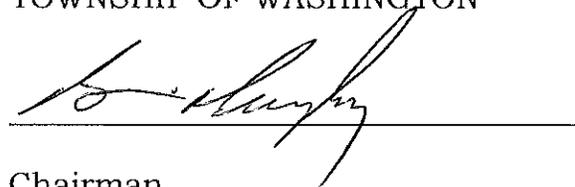
BE IT FURTHER RESOLVED, that the Business Disclosure Entity Certification be placed on file with this resolution, and that a notice of the award of said contract shall be published in accordance with law.

ATTEST:

APPROVED:
PLANNING BOARD
TOWNSHIP OF WASHINGTON



Barbara Coleman
Planning Board Secretary



Chairman

DATED: January 2, 2019

Member	Motion	Second	Aye	Nay	Abstain	Absent
Golick						X
Murphy			X			
Pinnick	X		X			
Sabino				X		
Sears				X		
Vinagre		X	X			
Scudieri						
Cumming			X			
Calamari			X			