

**PINE VALLEY BOROUGH
MINUTES OF SPECIAL MEETING OF AUGUST 1, 2019
MAYOR MICHAEL B. KENNEDY PRESIDING**

CALL TO ORDER - Mayor Kennedy called the meeting to order at 8:30 am with a Salute to the Flag.

OPEN PUBLIC MEETINGS ACT - Adequate notice of this meeting was given by emailing the Courier Post and Philadelphia Inquirer on July 26, 2019 and posting on the bulletin board at the Borough Hall.

ROLL CALL - recorded as present was Mayor Kennedy, Commissioner Clark and Commissioner Kennedy.

MATTERS REQUIRING OFFICIAL ACTION:

RESOLUTIONS

- #045-2019 - APPOINTING SPECIAL LEGAL COUNSEL

WHEREAS, The Board of Commissioners of the Borough of Pine Valley have determined that it is in the best interest of the Borough residents to engage a qualified legal counsel, and the Borough is authorized pursuant to the Local Public Contracts Law, N.J.S.A. 40S:11-1 et seq. ("Local Contracts Law") to contract for "professional services" as it may require; and

WHEREAS, Chiesa, Shahinian & Giantomasi, PC, 156 W. State Street, Trenton, NJ 08608 ("Counsel") has an excellent reputation in the area of Civil Rights Law and sufficient legal staff to handle any such matters should they arise from time to time in the Borough; and

WHEREAS, for these reasons the Board of Commissioners of the Borough of Pine Valley recommend Counsel for the position of Borough Special Counsel for matters where a Civil Rights matter or other matters as they may arise and seek to enter a contract for legal services with Counsel for 2019 to provide the same; and

WHEREAS, the Local Contract Law, more specifically N.J.S.A. 40A:11-5 (A)(1)(i), permits contracts for "professional services" to be negotiated and awarded by the governing body without public advertising for bids and requires that the resolution authorizing the award of a contract for professional services without competitive bids and the contract itself be available for public inspection; and

WHEREAS, pursuant to N.J.A.C. 5:34-9.5(b) the professional appointment is also estimated to be less than \$12,500, and therefore, not subject to this aspect of the published notice requirement; and

WHEREAS, during the course of this contract, the said Municipal Attorney will comply with the Affirmative Action provisions of P.L. 1975, c.127 N.J.A.C. 17:27);

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the Borough of Pine Valley, County of Camden, State of New Jersey, that Chiesa, Shahinian & Giantomasi, PC, 156 W. State Street

Trenton, NJ 08608 be, and the same is hereby appointed as, Special Legal Counsel for the Borough of Pine Valley effective July 29, 2019 and shall be paid at a fixed hourly rate of \$400, not to exceed \$12,500 for the calendar year without further authorization by the Borough Commissioners; and

BE IT FURTHER RESOLVED, that the Mayor and Borough Clerk are hereby authorized and directed to execute the services contract with Counsel for its representation of the Borough as Special Civil Rights Counsel and Special Legal Counsel if the need should arise.

- Mayor Kennedy explained this action is preparation for an August 27, 2019 meeting. A meeting has been set for August 27, 2019 with the State, not knowing what the issue is precisely. The meeting is with New Jersey Civil Rights and he has agreed to discuss matters regarding Pine Valley and housing issues. There will be a number of issues with areas of Land Development to be considered and records that these attorneys will want to review.

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- The motion to approve by Commissioner Clark, was seconded by Commissioner Kennedy with Mayor Kennedy, Commissioner Clark and Commissioner Kennedy in favor, none opposed and no abstentions.

FLOOR OPEN TO THE PUBLIC – Mayor Kennedy opened the floor to the Public for comments or questions. Hearing none he closed the meeting to the public.

ANNOUNCEMENTS – it was requested that the next Borough Meeting be rescheduled to be held on Tuesday, August 20, 2019, 4:30 pm in the Borough Hall.

MOTION TO ADJOURN - The motion to adjourn at 8:35 am by Commissioner Kennedy was seconded by Commissioner Clark, with all in favor, none opposed and no abstentions.

Respectfully submitted,

Dawn T. Amadio, RMC, Municipal Clerk