

October 25, 2023

**BOROUGH OF BRADLEY BEACH
MONMOUTH COUNTY**

RESOLUTION 2023-260

**A RESOLUTION AUTHORIZING THE RETENTION OF SPECIAL COUNSEL
TO CONDUCT AN INDEPENDENT INVESTIGATION INTO THE FACTS AND
CIRCUMSTANCES SURROUNDING CERTAIN COLLECTIVE BARGAINING
NEGOTIATIONS CONDUCTED BY THE BOROUGH IN 2022**

_____ offered the following Resolution and moved its adoption:

WHEREAS, the Borough Council of the Borough of Bradley Beach, County of Monmouth, State of New Jersey (the “Borough”) is authorized to conduct municipal investigations into any affairs and/or operations of the Borough; and

WHEREAS, the Borough holds the public trust in the highest regard and has an obligation to serve the public with transparency and with the utmost integrity, and

WHEREAS, during certain collective bargaining negotiations, roles were assigned to individuals who would serve to objectively represent the Borough, as fiduciaries to the public; and

WHEREAS, the ethical implications of those assignments has been questioned; and

WHEREAS, the Borough resolved to investigate the matter to ensure the legitimacy of the negotiation process and to implement corrective action(s), if necessary; and

WHEREAS, the Borough obtained a Proposal from Scott Salmon, Esq., of Jardim, Meisner & Susser, P.C. at the rate of \$225.00 per hour, which is attached hereto as Exhibit A, to investigate the aforementioned matter; and

WHEREAS, the Borough seeks to retain Mr. Salmon as Special Counsel to the Borough to performed said investigation; and

WHEREAS, the Chief Financial Officer has certified as to the sufficiency of funds;

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Bradley Beach, County of Monmouth, State of New Jersey, that:

- (1) The Borough hereby awards a professional services contract to Scott Salmon, Esq., of Jardim, Meisner & Susser, P.C. as Special Counsel, at the rate of \$225.00 per hour, in an amount not to exceed \$4,500.00; and

- (2) The Borough shall provide notice that the retention of Jardim, Meisner & Susser, P.C. is being awarded under a non-fair and open process in accordance with New Jersey's Pay-to-Play law; and
- (3) The Borough shall publish notice of this contract award in the designated official newspapers as required by law within ten (10) days of this Resolution; and
- (4) The Borough shall require that Jardim, Meisner & Susser, P.C. submit a Business Entity Disclosure Certification which certifies compliance with New Jersey's Pay-to-Play law; and
- (5) A certified copy of this resolution shall be forwarded to the Chief Financial Officer, Borough Clerk, and Scott Salmon, Esq., of Jardim, Meisner & Susser, P.C.

Seconded by Councilperson _____ and adopted upon the following vote:

AYES NAYS ABSTAIN ABSENT

Ms. DeNoble
 Mr. Gubitosi
 Ms. Mahoney
 Mr. Weber
 Mayor Fox

CERTIFICATION

I, Erica Kostyz, Borough Clerk of the Borough of Bradley Beach, Monmouth County, New Jersey, do hereby certify that the foregoing resolution was duly adopted by the Mayor and Council at the October 25, 2023 meeting.

 Erica Kostyz, RMC, CMR
 Municipal Clerk