

RESOLUTION 2019 – 387

RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF BARNEGAT, COUNTY OF OCEAN, STATE OF NEW JERSEY, APPOINTING ART THIBAUT, ESQUIRE TO SERVE AS SPECIAL COUNSEL WITH REGARD TO CERTAIN EMPLOYMENT MATTERS INVOLVING THE TOWNSHIP OF BARNEGAT.

WHEREAS, the Township Committee of the Township of Barnegat, County of Ocean, State of New Jersey (hereinafter referred to as the “Township”) has advised/will advise an employee of a fitness for duty finding; and

WHEREAS, the employee may invoke his/her right to dispute the fitness for duty finding; and

WHEREAS, the potential invocation by the employee of his/her right to dispute the fitness for duty finding necessitates the appointment of special counsel; and

WHEREAS, the Township has selected Art Thibault, Esquire of Apruzzese, McDermott, Mastro & Murphy, PC, to serve as special counsel in this matter; and

NOW, THEREFORE, BE IT RESOLVED this 3rd day of December, 2019 by the Township Committee of the Township of Barnegat, County of Ocean, State of New Jersey as follows:

1. Art Thibault, Esquire of Apruzzese, McDermott, Mastro & Murphy, PC is hereby appointed as special counsel for the Township of Barnegat at an hourly rate not to exceed \$200.00 per hour with regard to the potential pending employee dispute involving a fitness for duty finding.

2. The Township Committee hereby authorizes and directs the Mayor, Township Administrator and Township Clerk to execute any and all necessary documents, including a contract for legal services, to be prepared by Art Thibault, Esquire.

3. Award of contract is made to Art Thibault, Esquire based upon his merits and abilities as a long standing labor counsel who specializes in “fit for duty” disputes. This contract award is not made through the “fair and open process” pursuant to N.J.S.A. 19:44A-20.4 et seq. This contract is not anticipated to exceed \$17,500.00. Should the contract exceed \$17,500.00, then Art Thibault, Esquire shall certify to the Township that neither he, his subsidiaries, assigns or principals have made any contribution that is reportable pursuant to the Election Law Enforcement Commission, pursuant to N.J.S.A. 19:44A-8 or N.J.S.A. 19:44A-16 within one (1) year preceding the award of this contract.

4. That a copy of the necessary notice shall be published in an official newspaper as required by law within ten (10) days of the date hereof.

5. A copy of this Resolution will be forwarded by the Township Clerk to the following:

- (a) Honorable Alfonso Cirulli, Mayor;
- (b) Martin Lisella, Township Administrator;
- (c) Christopher Dasti, Esquire;
- (d) Tom Lombarski, CFO, Township of Barnegat; and
- (e) Art Thibault, Esquire.

CERTIFICATION

I certify that the foregoing Resolution was duly adopted by the Township of Barnegat at a meeting held on December 3, 2019, a quorum being present and voting in the majority.

**_____
MICHELE RIVERS, RMC, TOWNSHIP CLERK**

Prepared by:

THE LAW OFFICES OF SUSAN MCCABE
Barnegat, New Jersey 08005

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SUSAN MCCABE**

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BARNEGAT, N.J. 08005