

RESOLUTION 11-36
Commissioners of Fire District No. 1
Franklin Township • Somerset County • New Jersey
MUTUALLY TERMINATING THE CURRENT PROFESSIONAL SERVICES CONTRACT WITH
DORSEY & SEMRAU, LLC AND AUTHORIZING THE AWARD OF A PROFESSIONAL SERVICES
CONTRACT WITHOUT COMPETITIVE BIDDING TO DOMINIC P. DIYANNI, ESQ. OF DAVENPORT &
SPIOTTI, LLC FOR THE POSITION OF LEGAL COUNSEL FOR THE DISTRICT

WHEREAS, Franklin Township Fire District No. 1, Somerset County, is currently under contract with the firm of Dorsey & Semrau, LLC to provide professional legal services to the Board of Commissioners for a period to terminate March 7, 2012; and

WHEREAS, the parties have mutually agreed to terminate the contract without any penalty to one another; and

WHEREAS, since the parties have agreed to mutually terminate the professional services contract effective November 30, 2011, Franklin Township Fire District No. 1, Somerset County, will have a need to appoint an Attorney for the District for the remainder of its year until March 7, 2012; and

WHEREAS, Franklin Township Fire District No. 1, Somerset County, wishes to retain Dominic P. DiYanni, Esq. of Davenport & Spiotti, LLC for the purpose of providing the professional legal services sought by the Board at an hourly rate of \$140.00; and

WHEREAS, the term for a contract for this professional service shall be from December 1, 2011 until March 7, 2012; and


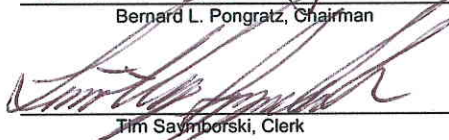
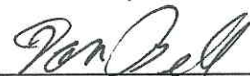
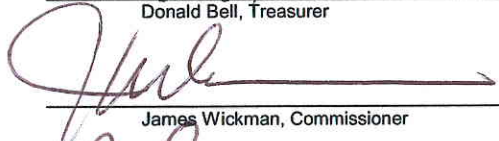
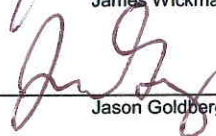
WHEREAS, funds are available for this purpose; and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:11-1, et seq.) requires that the resolution authorizing the award of contracts for "professional services" without competitive bid and the contract itself must be made available for public inspection.

NOW, THEREFORE, BE IT RESOLVED by the Board of Fire Commissioners, District No.1, Township of Franklin, County of Somerset, State of New Jersey as follows:

1. The current professional services agreement with Dorsey & Semrau, LLC is hereby mutually terminated as of November 30, 2011.
2. The Board hereby awards and authorizes the necessary individuals to execute an agreement with Dominic P. DiYanni, Esq. of Davenport & Spiotti, LLC with offices located at 815 Boulevard, P.O. Box 97, Seaside Heights, NJ, 08751, as Attorney for the Board from December 1, 2011 until March 7, 2012.
3. This contract is awarded without competitive bidding as a professional service in accordance with the provisions of the Local Public Contracts Law because said services are performed by a person authorized by law to practice a recognized profession.

4. Notice of this action shall be published once in the Board's official newspaper as required by law.

 _____ Bernard L. Pongratz, Chairman	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	<input type="checkbox"/> ABSTAIN
 _____ Tim Szymborski, Clerk	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	<input type="checkbox"/> ABSTAIN
 _____ Donald Bell, Treasurer	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	<input type="checkbox"/> ABSTAIN
 _____ James Wickman, Commissioner	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	<input type="checkbox"/> ABSTAIN
 _____ Jason Goldberg, Commissioner	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	<input type="checkbox"/> ABSTAIN

I HEREBY CERTIFY THAT THIS IS A TRUE COPY OF THE RESOLUTION APPROVED BY THE COMMISSIONERS OF FIRE DISTRICT NO. 1, FRANKLIN TOWNSHIP, SOMERSET COUNTY, NEW JERSEY AT THEIR REGULAR MEETING HELD ON NOVEMBER 28, 2011



TIM SZYMBORSKI, CLERK