

**RESOLUTION NO. 24-**

**TOWNSHIP OF MIDDLETOWN  
COUNTY OF MONMOUTH**

**RESOLUTION AWARDING PROFESSIONAL SERVICE  
CONTRACTS FOR GENERAL SPECIAL COUNSEL**

**WHEREAS**, pursuant to § 4-32E of the Code of the Township of Middletown there exists a need to appoint individuals or law firms to serve as special counsel to the Township of Middletown to handle general litigation, transactions and other legal representation as may be needed; and

**WHEREAS**, while the Local Public Contracts Law (N.J.S.A. 40A:11-5(1)(a)) does not require competitive bidding for this position it was nevertheless advertised pursuant to the Fair and Open Process (N.J.S.A. 19:44A-20.5); and

**WHEREAS**, subject to the certification of availability of funds by the Chief Financial Officer, the law firm of Spiro, Harrison, & Nelson LLC, 2 Bridge Avenue, Suite 322 Red Bank, NJ 07701 is qualified and agrees to handle general litigation, transactions and other legal representation as needed for a flat fee of \$390,000.00 for 2024, with additional total NTEs of \$60,000 for Affordable Housing , \$150,000 for Condemnation matters, and \$120,000 for Port Monmouth Flood Control matters, and other escrowed matters being set by applicable project escrow agreements, exclusive of fees for witnesses, experts, filing fees, legal research, title work, or other reasonable allowable expenses.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Middletown in the County of Monmouth, State of New Jersey that the law firm of Spiro Harrison & Nelson is hereby awarded a professional service contract for the provision of legal services as General Special Counsel to the Township to handle general litigation, transactions, and provide other legal representation as needed for a flat fee of \$390,000 (exclusive of allowable expenses) for 2024.

**BE IT FURTHER RESOLVED** that the law firm of Spiro Harrison & Nelson may also charge a blended hourly rate of \$195 per hour for affordable housing related matters to be paid from the Township's Affordable Housing Trust Fund in an amount estimated not to exceed \$60,000 exclusive of allowable expenses.

**BE IT FURTHER RESOLVED** that the law firm of Spiro Harrison & Nelson may also charge a blended hourly rate of \$195 per hour for Port Monmouth Flood Control matters in an amount estimated not to exceed \$120,000 exclusive of allowable expenses.

**BE IT FURTHER RESOLVED** that the law firm of Spiro Harrison & Nelson may also charge a blended hourly rate of \$195 per hour for open space condemnation matters in an amount estimated not to exceed \$150,000 exclusive of allowable expenses.

**BE IT FURTHER RESOLVED** that the Mayor and the Clerk are hereby authorized and directed to execute an Agreement for the provision of such professional services, copies of which shall be maintained by the Clerk and advertised in the Township's official newspaper pursuant to law.