

May 24, 2023

**BOROUGH OF BRADLEY BEACH  
COUNTY OF MONMOUTH**

**RESOLUTION 2023-174**

**RESOLUTION AWARDING A FAIR AND OPEN PROFESSIONAL SERVICES  
CONTRACT TO SOBEL HAN & CANNON, LLP AS OPRA ATTORNEY  
FOR THE REMAINDER OF CALENDAR YEAR 2023**

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\_\_\_\_\_ offered the following Resolution and moved its adoption:

**WHEREAS**, the Borough of Bradley Beach (the “Borough”), requires the services of an OPRA Attorney to assist the records custodian of the Borough in fulfilling the requirements of the New Jersey Open Public Records Act; and

**WHEREAS**, after a fair-and-open process that advertised a request for proposals for professional services to fulfill said vacant position for the calendar year 2023, on January 25, 2023, the Borough’s Mayor made a nomination for the position of OPRA Attorney; and

**WHEREAS**, the Borough Council rejected said nomination, and therefore, the Borough’s Mayor appointed Eric M. Bernstein & Associates, LLC as Acting OPRA Attorney for a period of ninety (90) days, pursuant to the Mayor’s authority under Borough Code Section 5-14(J); and

**WHEREAS**, pursuant to Borough Code Section 5-14(J), the ninety-day term for said acting appointment expired on April 25, 2023; and

**WHEREAS**, upon the expiration of the term of such acting appointment, the Mayor is required to make a permanent nomination for said position within ten (10) days thereof; and

**WHEREAS**, under Borough Code Section 5-14(J), should the Borough’s Mayor fail to make such permanent nomination or the Mayor’s permanent nomination fails to be confirmed by the Borough Council, then the Council is empowered to appoint said position by Resolution;

**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 Mayor and/or Administrator are authorized to enter into a professional services contract with Sobel Han & Cannon, LLP to serve as OPRA Attorney for the remainder of 2023, with said contract to expire on December 31, 2023.
2. The engagement of Sobel Han & Cannon, LLP is exempt from public bidding as a professional service under N.J.S.A. 40A:11-5.1(a)(i), and is being awarded under a “fair and open” process in accordance with New Jersey’ Pay-to-Play Law.

3. Notice of this Resolution shall be published in the designated official newspapers as required by law within ten (10) days of the passage of this Resolution.
4. A certified copy of this Resolution be forwarded to the Borough Administrator, Borough CFO, Eric M. Bernstein & Associates, LLC, and Sobel Han & Cannon, LLP.

Seconded by Councilperson \_\_\_\_\_ and adopted upon the following vote:

	<b>AYES</b>	<b>NAYS</b>	<b>ABSTAIN</b>	<b>ABSENT</b>
Ms. DeMarco				
Ms. DeNoble				
Mr. Gubitosi				
Mr. Weber				
Mayor Fox				

**CERTIFICATION**

I, Erica Kostyz, Municipal Clerk of the Borough of Bradley Beach, Monmouth County, New Jersey, do hereby certify that the foregoing resolution was duly adopted by the Governing Body at the May 24, 2023 Council Business Meeting.

\_\_\_\_\_  
Erica Kostyz, RMC, CMR  
Municipal Clerk