

February 14, 2024

BOROUGH OF BRADLEY BEACH, MONMOUTH COUNTY

RESOLUTION 2024-248

**RESOLUTION AUTHORIZING THE RETENTION OF PLOSIA COHEN, LLC TO
DEFEND COUNCILMAN ALAN GUBITOSI IN THE MATTER OF
HUMPHREY v. BRADLEY BEACH, ET AL. – DOCKET NO. MON-L-258-24**

Mayor Fox offered the following Resolution and moved its adoption:

WHEREAS, Councilmember Alan Gubitosi of the Borough of Bradley Beach (the “Borough”) is named as a defendant in litigation entitled Humphrey v. Bradley Beach, et al. – Docket No. MON-L-258-24 (the “Action”), which Action arises from the performance of said Councilmember’s official duties; and

WHEREAS, pursuant to Borough Code Chapter 34, Councilmember Alan Gubitosi has timely requested that the Borough provide him with personal counsel, as well as indemnification and defense, in connection with the Action; and

WHEREAS, in accordance with the Borough’s policies, the Borough must approve of the selection of such counsel in order to reimburse Councilmember Alan Gubitosi for legal fees incurred in the defense of the Action; and

WHEREAS, the Borough’s reimbursement shall be limited to the rate of \$150.00 per hour, and the Borough reserves the right to limit the total expenditure to a reasonable cost, and the Borough reserves the right to cease reimbursement of such legal expenses in accordance with Borough Code Chapter 34; and

WHEREAS, Councilmember Alan Gubitosi seeks to retain the firm of Plosia Cohen, LLC at the rate of \$150.00 per hour, in an amount not to exceed \$10,000.00; and

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

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

- (1) The Borough retains the law firm of Plosia Cohen, LLC at the rate of \$150.00 per hour, in an amount not to exceed \$10,000.00, to defend Councilmember Alan Gubitosi in the Action; and
- (2) The Borough shall provide notice that the retention of Plosia Cohen, LLC 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 Plosia Cohen, LLC 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 Plosia Cohen, LLC.

Seconded by _____ and adopted upon the following vote:

	AYES	NAYS	ABSTAIN	ABSENT
Ms. DeNoble				
Mr. Gubitosi				
Ms. Mahoney				
Mr. Weber				
Mayor Fox				

CERTIFICATION

I, Erica Kostyz, Municipal Clerk, Borough of Bradley Beach, Monmouth County, New Jersey, do hereby certify that the foregoing resolution was duly adopted by the Governing Body at the February 14, 2024 Council Business Meeting.

Erica Kostyz, RMC, CMR
Municipal Clerk