

February 14, 2024

**BOROUGH OF BRADLEY BEACH, MONMOUTH COUNTY**

**RESOLUTION 2024-49**

**RESOLUTION AUTHORIZING THE RETENTION OF MICHAEL L. COLLINS, ESQ. OF KING MOENCH & COLLINS, LLP TO REPRESENT THE BOROUGH COUNCIL IN THE MATTER OF FOX v. DEMARCO, ET AL. – DOCKET NO. MON-L-1595-23**

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Mayor Fox offered the following Resolution and moved its adoption:

**WHEREAS**, Councilmembers Jane DeNoble, Al Gubitosi, Kristen Mahoney, and John Weber of the Borough of Bradley Beach (the “Borough”) have been named as defendants in the matter of Fox v. DeMarco, et al. – Docket No. MON-L-1595-23 (the “Action”) by Plaintiff/Mayor Larry Fox; and

**WHEREAS**, Meredith DeMarco was a member of the Borough Council and a defendant in the Action until her recent appointment as Administrator of the Borough, whereupon she has now retained her own attorney and objected to the continued participation of the Borough Attorney in the Action; and

**WHEREAS**, given Ms. DeMarco’s objection, the Borough Attorney must withdraw from representation in the Action; and

**WHEREAS**, Councilmembers Jane DeNoble, Al Gubitosi, Kristen Mahoney, and John Weber now require substitute representation in the Action; and

**WHEREAS**, the Borough Councilmembers obtained a Proposal from Michael L. Collins, Esq., of King Moench & Collins, LLP at the rate of \$175.00 per hour, which is attached hereto as Exhibit A; 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 hereby awards a professional services contract to Michael L. Collins, Esq., of King Moench & Collins, LLP, at the rate of \$175.00 per hour, in an amount not to exceed \$10,000.00; and
- (2) The Borough shall provide notice that the retention of King Moench & Collins, LLP 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 King Moench & Collins, LLP 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 Michael L. Collins, Esq., of King Moench & Collins, LLP.

Seconded by Councilperson \_\_\_\_\_ 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.

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Erica Kostyz, RMC, CMR  
Municipal Clerk