

March 13, 2024

**BOROUGH OF BRADLEY BEACH
MONMOUTH COUNTY**

RESOLUTION 2024-69

**A RESOLUTION AUTHORIZING AND ASSIGNING SPECIAL COUNSEL,
JARDIM, MEISNER & SUSSER, P.C., TO CONDUCT AN INDEPENDENT
INVESTIGATION INTO THE CIRCUMSTANCES SURROUNDING THE
COLLECTIVE BARGAINING NEGOTIATIONS BETWEEN
THE BOROUGH AND UFCW LOCAL NO. 152**

_____ offered the following Resolution and moved its adoption:

WHEREAS, the Borough Council of the Borough of Bradley Beach, County of Monmouth, State of New Jersey (the “Borough”) is authorized to conduct municipal investigations into any affairs and/or operations of the Borough; and

WHEREAS, despite the Borough Council’s best efforts to obtain information pertaining to the collective bargaining negotiations between the Borough and UFCW Local No. 152, to date, neither the Labor Attorney, nor the Borough’s administration has provided such information to the Borough Council; and

WHEREAS, it has now been brought to the Borough Council’s attention that the conduct of collective bargaining negotiations between the Borough and UFCW Local No. 152 may not be progressing appropriately or effectively, to the detriment of the Borough; and

WHEREAS, the Borough Council has resolved to investigate the matter to ensure the appropriateness of the negotiation process and to implement corrective action(s), if necessary; and

WHEREAS, the Borough obtained a Proposal from Scott Salmon, Esq., of Jardim, Meisner & Susser, P.C., which is attached hereto as Exhibit A, at the hourly rate of \$225.00 to perform such an investigation; and

WHEREAS, the Borough seeks to retain Mr. Salmon as Special Counsel to the Borough to performed said investigation; and

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

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 Borough hereby awards a professional services contract to Scott Salmon, Esq., of Jardim, Meisner & Susser, P.C. as Special Counsel, at the rate of \$225.00 per hour, in an amount not to exceed \$4,500.00; and

- (2) The Borough shall provide notice that the retention of Jardim, Meisner & Susser, P.C. 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 Jardim, Meisner & Susser, P.C. 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, Municipal Clerk, and Scott Salmon, Esq., of Jardim, Meisner & Susser, P.C.

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, Borough Clerk of the Borough of Bradley Beach, Monmouth County, New Jersey, do hereby certify that the foregoing resolution was duly adopted by the Mayor and Council at the March 13, 2024 meeting.

Erica Kostyz
Municipal Clerk