

RESOLUTION OF THE BOROUGH OF LAVALLETTE, COUNTY OF OCEAN, STATE OF NEW JERSEY APPOINTING HARTMAN/DUFF AS BOROUGH ATTORNEY

Resolution Number: 2026-02
Date: January 5, 2026

WHEREAS, there exists a need for legal services for the Borough of Lavallette; and

WHEREAS, the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq., authorizes the award of contracts for “Professional Services” without competitive bids; and

WHEREAS, a determination of value has been made by the Borough of Lavallette that said contract shall be in excess of \$17,500; and

WHEREAS, the Mayor, with advice and consent of the Borough Council, desires to appoint the law firm HARTMAN/DUFF; as Borough Attorney; and

WHEREAS, William Burns, Esq. from the firm will be the primary Attorney as well as Brian Duff, Esq. as the primary back-up Attorney for the Borough of Lavallette; and

WHEREAS, the maximum amount of the contract to be awarded under this resolution is as set forth in the 2026 municipal budget for legal services; and

WHEREAS, the Chief Financial Officer has certified that there are funds available for this contract, which certification is annexed hereto; and

WHEREAS, the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq., requires that the resolution and contract be made available for public inspection.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Lavallette, County of Ocean, State of New Jersey as follows:

1. That HARTMAN/DUFF is hereby appointed as Borough Attorney for a term of one year and shall perform all legal services for the Borough of Lavallette under the contract authorized herein, commencing January 1, 2026 and ending December 31, 2026.

2. That the Mayor is hereby authorized to execute and the Municipal Clerk to attest to the attached agreement with Hartman/Duff.

3. That this contract is awarded as a “Professional Service” in accordance with N.J.S.A. 40A:11-5 (1)(a)(i) of the Local Public Contracts Law because it is for services to be performed by person(s) authorized by law to practice a recognized profession.

4. That Hartman/Duff shall enter into a written contract which shall include the following mandatory language pursuant to law:

During the performance of this contract, Hartman/Duff agrees as follows:

- a. Hartman/Duff will not discriminate against any applicant for employment because of age, race, creed, color, national origin, ancestry, marital status or sex. The Law Firm will take affirmative action to ensure that such applicants are recruited and employed, and that employees are treated during employment, without regard to their age, race, creed, color, national origin, ancestry, marital status or sex. Such action shall include, but be limited to the following: employment, upgrading, demotion or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and, selection for training, including apprenticeship. The Law Firm agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the public agency compliance officer setting forth provisions of this non-discrimination cause;
- b. Hartman/Duff will, in all solicitations or advertisements for employees placed by or on behalf of the Law Firm, state that all qualified applicants will receive consideration for employment without regard to age, race, creed, color, national origin, ancestry, marital status or sex;
- c. Hartman/Duff will send each labor union or representative or workers with which it has a collective bargaining agreement or other contract or understanding, a notice, to be provided by the agency contracting officer advising the labor union or workers' representative of the Law Firm's commitments under this Act and shall post copies of the notice in conspicuous places available for employees and applicants for employment.
- d. Hartman/Duff agrees to comply with any regulations promulgated by the State Treasurer, pursuant to P.L. 1975, c. 127, as amended and supplemented from time to time.
- e. Hartman/Duff agrees to attempt in good faith to employ minority and female workers consistent with applicable county employment goals prescribed by N.J.A.C. 17:27-5.2, promulgated by the State Treasurer, pursuant to P.L. 1975, c. 127, as amended and supplemented from time to time or in accordance with the binding determination of the applicable county employment goals of the affirmative action office, pursuant to N.J.A.C. 17:27-5.2, promulgated by the State Treasurer, pursuant to P.L. 1975, c. 127, as amended and supplemented from time to time.
- f. Hartman/Duff to inform, in writing, appropriate recruitment agencies in the area, including employment agencies, placement bureaus, colleges, universities, and labor unions, that it does not discriminate on the basis of age, creed, color, national origin, ancestry, marital status or sex, and that it will discontinue the use of any recruitment agency which engages in any direct or indirect discriminatory practices.
- g. Hartman/Duff agrees to revise any of its testing procedures, if necessary, to assure that all personal testing conforms with the principals of job-related testing, as established by the statutes and court decisions of the State of New Jersey and as established by applicable Federal law and applicable Federal court decisions.

h. Hartman/Duff agrees to review all procedures relating to transfer, upgrading, downgrading and layoff to ensure that all such actions are taken without regard to age, creed, color, national origin, ancestry, marital status or sex, and conform with the applicable employment goals, consistent with the statutes and court decisions of the State of New Jersey and applicable Federal law and applicable Federal court decisions.

5. That a notice of this action shall be printed once in the official newspaper of the Borough of Lavallette.

6. That this resolution shall take effect immediately.

7. That a certified copy of this resolution shall be provided by the Municipal Clerk to the Chief Financial Officer.

8. That a certificate of availability of funds executed by the Chief Financial Officer is annexed hereto. The following are the line item appropriations or ordinances which constitute the availability of funds for this contract: 2026 Budget - 2026 Budget — Legal Services and Costs.

CERTIFICATION

I, Donnelly Amico, Municipal Clerk of the Borough of Lavallette, County of Ocean, State of New Jersey do hereby certify that the foregoing is a true copy of a resolution adopted by the Mayor and Council of the Borough of Lavallette at their Reorganization Meeting held on the **5th** day of **January 2026**.

Donnelly Amico
Municipal Clerk