

STRATFORD BOROUGH COUNCIL
SPECIAL MEETING AGENDA
DECEMBER 17, 2020
6:00 P.M.

CALL TO ORDER: THE STRATFORD SPECIAL COUNCIL MEETING FOR DECEMBER 17, 2020

PLEDGE OF ALLEGIANCE AND PRAYER:

STATEMENT OF ADVERTISEMENT:

Notice of this meeting has been provided to the Courier Post and The Retrospect and is posted on the Borough Hall Bulletin Board stating the time and the place of the meeting.

ROLL CALL:

MAYOR JOSH KEENAN	STUART PLATT, BOROUGH SOLICITOR
COUNCIL PRESIDENT LINDA HALL	RON MORELLO, POLICE CHIEF
COUNCILMAN STEPHEN GANDY	JOHN D. KEENAN JR., ACTING BOROUGH ADMINISTRATOR
COUNCILMAN PATRICK GILLIGAN	MICHAELA BOSLER, ACTING BOROUGH CLERK
COUNCILMAN PATRICK GREEN	
COUNCILWOMAN TINA LOMANNO	
COUNCILMAN MICHAEL TOLOMEO	

PUBLIC PORTION FOR AGENDA ITEMS ONLY:

Motion to go to open public portion on agenda items only:

Motion: _____ Second: _____ Voice Vote: _____

Motion to close public portion on agenda items:

Motion: _____ Second: _____ Voice Vote: _____

OLD BUSINESS: NONE

NEW BUSINESS: NONE

RESOLUTIONS:

RESOLUTIONS 2020:232 THROUGH 2020:233 WILL BE DONE AS A CONSENT AGENDA

Council can at this time request to remove any of the resolutions from the consent agenda and they can be voted on separately.

RES. 2020:232 RESOLUTION PROVIDING FOR A MEETING NOT OPEN TO THE PUBLIC IN ACCORDANCE WITH THE PROVISIONS OF THE NEW JERSEY OPEN PUBLIC MEETINGS ACT, NJSA 10:4-12
The matter for executive session will pertain to matters relating to litigation, contract negotiations, or the Attorney-Client Privilege re: Stratford Square Redevelopment

RES. 2020:233 BUDGET TRANSFERS

Motion: _____ Second: _____ RCV: _____

COUNCIL COMMENTS:

GOOD AND WELFARE:

Motion to open the meeting to the public for Good and Welfare:

Motion: _____ Second: _____ Voice Vote: _____

Motion to close the public portion for Good and Welfare:

Motion: _____ Second: _____ Voice Vote: _____

EXECUTIVE SESSION:

Motion to go into Executive Session:

Motion: _____ Second: _____ Voice Vote: _____

Motion to leave Executive Session:

Motion: _____ Second: _____ Voice Vote: _____

RES. 2020:234

RESOLUTION OF THE BOROUGH COUNCIL OF THE BOROUGH OF STRATFORD
APPOINTING SPECIAL COUNSEL FOR PENDING LITIGATION THROUGH AN AWARD OF
A NON-FAIR AND OPEN PROCESS

Motion: _____ Second: _____ RCV: _____

ADJOURN:

Motion: _____ Second: _____ Voice Vote: _____

RESOLUTION 2020:232
RESOLUTION PROVIDING FOR A MEETING NOT OPEN TO THE PUBLIC IN
ACCORDANCE WITH THE PROVISIONS OF THE NEW JERSEY OPEN PUBLIC MEETINGS
ACT, NJSA 10:4-12

WHEREAS, the Governing Body of the Borough of Stratford is subject to certain requirements of the *Open Public Meetings Act*, NJSA 10:4-6 et seq., and

WHEREAS, the *Open Public Meetings Act*, NJSA 10:4-12, provides that an Executive Session, not open to the public, may be held for certain specified purposes when authorized by Resolution, and

WHEREAS, it is necessary for the Governing Body of the Borough of Stratford to discuss in a session not open to the public certain matters relating to the item or items authorized by NJSA 10:4-12b and designated below:

_____ (1) ***Matters required by Law to be Confidential:*** Any matter which, by express provision of Federal law or State statute or rule of court shall be rendered confidential or excluded from the provisions of the Open Public Meetings Act.

_____ (2) ***Matters Where the Release of Information Would Impair the Right to Receive Funds:*** Any matter in which the release of information would impair a right to receive funds from the Government of the United States.

_____ (3) ***Matters Involving Individual Privacy:*** Any material the disclosure of which constitutes an unwarranted invasion of individual privacy such as any records, data, reports, recommendations, or other personal material of any educational, training, social service, medical, health, custodial, child protection, rehabilitation, legal defense, welfare, housing, relocation, insurance and similar program or institution operated by a public body pertaining to any specific individual admitted to or served by such institution or program, including, but not limited to information relative to the individual's personal and family circumstances, and any material pertaining to admission, discharge, treatment, progress or condition of any individual, unless the individual concerned (or, in the case of a minor or incompetent, his guardian) shall request in writing that the same be disclosed publicly.

_____ (4) ***Matters Relating to Collective Bargaining Agreements:*** Any collective bargaining agreement, or the terms and conditions which are proposed for inclusion in any collective bargaining agreement, including the negotiation of the terms and conditions thereof with employees or representatives of employees of the public body.

_____ (5) ***Matters Relating to the Purchase, Lease or Acquisition of Real Property or the Investment of Public Funds:*** Any matter involving the purchase, lease, or acquisition of real property with public funds, the setting of banking rates or investment of public funds, where it could adversely affect the public interest if discussion of such matters were disclosed.

_____ (6) ***Matters Relating to Public Safety and Property:*** Any tactics and techniques utilized in protecting the safety and property of the public, provided that their disclosure could impair such protection. Any investigations of violations of possible violations of the law.

 X (7) ***Matters Relating to Litigation, Negotiations and the Attorney-Client Privilege:*** The topic of discussion is related to Attorney/Client Privilege. These items are for #7 of the Executive Session Resolution for matter relating to litigation, contract negotiations, or the Attorney-Client Privilege.

_____ (8) **Matters Relating to the Employment Relationship:** Any matter involving the employment, appointment, termination of employment, terms and conditions of employment, evaluation of the performance of promotion or disciplining of any specific prospective public officer or employee or current public officer or employee employed or appointed by the public body, unless all the individual employees or appointees whose rights could be adversely affected request in writing that such matter or matters be discussed at a public meeting.

_____ (9) **Matters Relating to the Potential Imposition of a Penalty:** Any deliberations of a public body occurring after a public hearing that may result in the imposition of a specific civil penalty upon the responding party or the suspension or loss of a license or permit belonging to the responding party bears responsibility.

NOW, THEREFORE BE IT RESOLVED by the Governing Body of the Borough of Stratford, assembled in public session on December 17, 2020 that an Executive Session closed to the public shall be held on December 17, 2020 at approximately 6:00 p.m. in the Justice Facility, 315 Union Avenue, Stratford, NJ or through telecommunications for the discussion of matters relating to the specified items designated above. It is anticipated that the deliberations conducted in Closed Session may be disclosed to the public upon the determination of the Governing Body that public interest will no longer be served by such confidentiality.

BY: _____
JOSH KEENAN, MAYOR

ATTEST: _____
MICHAELA BOSLER,
ACTING BOROUGH CLERK

I, Michaela Bosler, Acting Borough Clerk, do hereby certify the foregoing Resolution to be a true and complete copy of a Resolution duly adopted at a public meeting of the Governing Body of the Borough of Stratford held on December 17, 2020.

MICHAELA BOSLER,
ACTING BOROUGH CLERK

RESOLUTION 2020:233

BUDGET TRANSFERS

DECEMBER 17, 2020

FROM:

Insurance & Surety	1,700.00
A & E OE	300.00
Finance OE	200.00
Tax Collector OE	200.00
Tax Assessor OE	300.00
Public Works OE	1,000.00
Property OE	1,000.00
Environmental OE	362.69
Gasoline OE	800.00

TO:

Group Insurance OE	5,862.69
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BY:

JOSH KEENAN, MAYOR

ATTEST:

MICHAELA BOSLER,
ACTING BOROUGH CLERK

I, Michaela Bosler, Acting Borough Clerk, do hereby certify the foregoing Resolution to be a true and complete copy of a Resolution duly adopted at a public meeting of the Governing Body of the Borough of Stratford held on December 17, 2020.

MICHAELA BOSLER,
ACTING BOROUGH CLERK

RESOLUTION 2020:234

RESOLUTION OF THE BOROUGH COUNCIL OF THE BOROUGH OF STRATFORD APPOINTING SPECIAL COUNSEL FOR PENDING LITIGATION THROUGH AN AWARD OF A NON-FAIR AND OPEN PROCESS

WHEREAS, the Borough of Stratford is in need of Special Counsel legal services related to a pending Condemnation lawsuit filed by the County of Camden regarding the former Bradlees Site known as Block 62 Lot 2 on State Route 30 ("Litigation"); and

WHEREAS, Anthony Dellapelle, Esq. of McKirdy, Riskin, Olson, & Dellapelle, PC is able to provide said legal services; and

WHEREAS it is expected that the value of the legal services will exceed \$17,500; and

WHEREAS, the Borough has the need to acquire the professional services from Anthony Dellapelle, Esq. of McKirdy, Riskin, Olson, & Dellapelle, PC to be provided hereunder as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.4 or 20.5; and

WHEREAS, Anthony Dellapelle, Esq. of McKirdy, Riskin, Olson, & Dellapelle, PC has certified that it did not make a reportable campaign contribution during the one-year preceding the award of the contract pursuant to N.J.S.A. 19:44A-20.8; and

WHEREAS, Anthony Dellapelle, Esq. of McKirdy, Riskin, Olson, & Dellapelle, PC has completed a Business Entity Disclosure Certification which certifies that it has not made any reportable contributions to a political or candidate committee in the Borough of Stratford in the previous one (1) year and that the contract will prohibit Anthony Dellapelle, Esq. of McKirdy, Riskin, Olson, & Dellapelle, PC from making any reportable contributions through the term of the contract; and

NOW, THEREFORE, BE IT RESOLVED, by Mayor and Council of the Borough of Stratford, County of Camden and State of New Jersey, that the Borough hereby appoints Anthony Dellapelle, Esq. of McKirdy, Riskin, Olson, & Dellapelle, PC as Special Counsel to represent the Borough in the Litigation; and

BE IT FURTHER RESOLVED that the Mayor is authorized to sign a professional services agreement for the service to be provided herein; and

BE IT FURTHER RESOLVED that the Business Entity Disclosure Certification be placed on file with the Resolution; and

BE IT FURTHER RESOLVED that the Clerk shall publish such notice, if any, as required under the law.

BY: _____
JOSH KEENAN, MAYOR

ATTEST: _____
MICHAELA BOSLER,
ACTING BOROUGH CLERK

I, Michaela Bosler, Acting Borough Clerk, do hereby certify the foregoing Resolution to be a true and complete copy of a Resolution duly adopted at a public meeting of the Governing Body of the Borough of Stratford held on December 17, 2020.

MICHAELA BOSLER,
ACTING BOROUGH CLERK

AGREEMENT FOR PROFESSIONAL SERVICES

THIS AGREEMENT, made this _____ day of December, 2020,

WITNESSETH:

WHEREAS, McKirdy, Riskin, Olson & DellaPelle, P.C. (hereafter the “Contractor”) is a New Jersey Professional Corporation and a firm of attorneys licensed to practice law in the State of New Jersey; and

WHEREAS, the services to be performed under this Contract are services rendered or performed by a person authorized by law to practice a recognized profession; and

WHEREAS, the services to be performed under this Contract are services to be rendered or performed by a person whose practice is regulated by law; and

WHEREAS, the Contractor has represented, by its signature on this Agreement, that it is ready, willing and able to perform all services in the time and manner called for in this Agreement, and that it presently holds in good standing all of the necessary licenses for the lawful performance of said services within the State of New Jersey; and

WHEREAS, the Borough of Stratford (“Borough”) desires to retain the services of the contractor as set forth in the subsequent portions of this Agreement and has authorized retaining the services of Contractor by its Resolution duly adopted on _____, 2020;

THEREFORE, it is hereby agreed as follows:

A. PARTIES AND APPLICABLE LAW.

1. The parties acknowledge that the Borough is a public entity of the State of New Jersey and is subject to all laws and regulations governing contracts of public entities, which laws and regulations, as presently exist and as may be amended and supplemented during the terms of this Agreement, are made a part hereof. The parties agree that this Agreement shall be governed in all respects by the laws of the State of New Jersey.

2. The lawful name of Contractor is McKirdy, Riskin, Olson & DellaPelle, P.C., which is a professional corporation of attorneys formed and existing under the laws of the State of New Jersey. Its principal place of business is located at 201 Littleton Road, Suite 135, Morris Plains, New Jersey 07950.

3. All notices addressed to Contractor regarding any matter shall be sent to the Contractor at 201 Littleton Road, Suite 135, Morris Plains, New Jersey 07950, Attention: Anthony F. Della Pelle. All notices addressed to the Borough regarding any matter shall be sent to the Borough c/o Stuart Platt, Esq., Platt & Riso, P.C., 40 Berlin Avenue, Stratford, New Jersey 08084.

B. TERM OF AGREEMENT.

This Agreement shall run for a period of one (1) year from the date above set forth, and shall be renewable for one-year terms thereafter upon mutual agreement of the parties.

C. SCOPE OF SERVICES.

Contractor agrees to represent Borough, under the direction of its Mayor and Council, as special counsel in all matters pertaining to the acquisition of a portion of lands designated by the County of Camden for acquisition via voluntary agreement or eminent domain; specifically the lands designated as a portion of Lot 2, Block 62, on the tax map of Stratford Borough also known as 222 South White Horse Pike, Stratford, New Jersey (“the Property”); and as the same may be amended and supplemented, and to perform the usual and customary legal services incident to such representation.

D. COMPENSATION.

1. The parties agree that the total compensation due from Borough to Contractor for the services set forth in this Agreement shall be based upon the time expended, and that the hourly billing rate for the attorneys involved shall be as follows, unless otherwise expressly authorized by duly adopted Resolution of the Borough and mutually agreed upon between the Borough and Contractor for services rendered in connection with the acquisition of the lands described in Section C above, at the following hourly billing rates:

Harry J. Riskin	\$375.00/hour
John H. Buonocore, Jr.....	\$375.00/hour
Thomas Olson	\$375.00/hour
Anthony F. Della Pelle.....	\$375.00/hour
Joseph W. Grather.....	\$325.00/hour
Richard P. De Angelis, Jr.....	\$325.00/hour
Allan C. Zhang.....	\$225.00/hour
Paralegals.....	\$75.00/hour

2. Payment will be made upon the submission of the Contractor’s invoice and any additional documents deemed reasonably necessary by Borough. Contractor agrees to keep complete and accurate records with respect to the manner of computation of all billings, including but not limited to, accurate time records for all persons billed to Borough on an hourly rate, and to make said records available on reasonable request to Borough.

E. QUALITY OF WORK.

Contractor agrees that it will perform all services hereunder in a proper and professionally competent manner.

F. AGENCY RELATIONSHIP.

1. Contractor shall at all times and for all purposes be deemed an independent principal and not an agent or employee of Borough for any purpose.

2. Contractor agrees not to assign this Agreement or any rights hereunder, or to subcontract any service or work without the prior approval of the Borough by duly adopted Resolution expressly consenting to said assignment or subcontracting.

G. POLITICAL CONTRIBUTION DICLOSURE.

This contract has been awarded to Contractor based on the merits and abilities of Contractor to provided the goods or services as described herein. The Contract was not awarded through a “fair and open process” pursuant to *N.J.S.A. 19:44-20.4* et seq. As such, the undersigned does hereby attest that Contractor, its subsidiaries, assigns or principals controlling in excess of 10% of the company has neither made a contribution that is reportable pursuant to the Election Law Enforcement Commission pursuant to *N.J.S.A. 19:44A-8* or *19:44A-16*, in the one (1) year period preceding the award of the contract that would, pursuant to *P.L. 2004, c.19*, affect its eligibility to perform this contract, nor will it make a reportable contribution during the term of the contract to any political party committee in the municipality/county when the contract is awarded, or to any candidate committee of any person serving in an elective public office of that municipality/county when the contract is awarded.

H. ENTIRE AGREEMENT; MEANING OF TERMS; SEVERABILITY.

1. The parties recognize that this Agreement constitutes the entire agreement of the parties and that no provision hereunder may be waived or modified orally and, in the case of Borough, without passage of a Resolution authorizing said modifications.

2. The parties recognize that in construing this Agreement all words denoting gender are deemed to refer to the masculine, feminine and neutral, and that all words and phrases are to be given their commonly accepted meanings unless the context specifically indicates otherwise.

3. This Agreement is deemed severable; in the event that any part of this Agreement is deemed to be illegal, void or against public policy, the remainder of this Agreement shall continue in full force and effect unless its purpose will be frustrated by removal of the offending part, in which event, the parties shall be placed as nearly as possible at the *status quo ante*.

IN WITNESS WHEREOF, the parties have placed their hands and seals on the day and year first above written.

FOR CONTRACTOR:

McKIRDY, RISKIN, OLSON
& DELLA PELLE, P.C.

Dated: _____

By: _____

ANTHONY F. DELLA PELLE

FOR BOROUGH:

BOROUGH OF STRATFORD

Dated: _____

By: _____