

**A RESOLUTION OF THE TOWNSHIP COUNCIL OF NORTH BRUNSWICK
AUTHORIZING A PROFESSIONAL SERVICE AGREEMENT WITH
JAMES SHAMY, ESQ.
TO SERVE AS PUBLIC DEFENDER**

WHEREAS, on January 3, 2023, pursuant to Resolution 2-1.23, Michael Policastro, Esq. was contracted to serve as Public Defender for the North Brunswick Municipal Court in accordance with contract PRO23005, with an authorization not-to-exceed \$17,500.00 for calendar year 2023; and

WHEREAS, Michael Policastro, Esq. has provided notice to the Township he is unable to serve as Public Defender for the remainder of calendar year 2023;

WHEREAS, having previously served as Conflict Public Defender, James Shamy, Esq. has agreed to serve as Public Defender for the remainder of calendar year 2023; and

WHEREAS, it is in the best interest of the Township of North Brunswick to enter into an agreement with James Shamy, Esq. (178 Livingston Avenue, New Brunswick, New Jersey 08901) to serve in the position as Public Defender; and

WHEREAS, compensation for said services shall be paid at a rate of \$200.00 per session, for regular and special sessions as scheduled by the Court Administrator, \$50.00 per Court Administration approved consultation, and reimbursable expenses in an amount not-to-exceed \$12,000.00 for the remainder of calendar year 2023; and

WHEREAS, the Chief Financial Officer has certified that \$12,000.00 is available for this purpose in trust account D-33-56-850-006-002 for services ending June 30, 2023 and the balance of funds authorized shall be certified upon the appropriation of funds in FY2024; and

WHEREAS, the Local Public Contracts Law, N.J.S.A. 40A:11-5(1)(a)(i), provides for the award of professional services, without engaging in the bidding process, to a person(s) authorized by law to practice a recognized profession; and

WHEREAS, the Local Public Contracts Law, N.J.S.A. 40A:11-2 declares that a “professional service” means services performed by 1) a person authorized by law to practice a recognize profession, 2) whose practice is regulated by law, 3) and the performance of which services requires knowledge of an advanced type in a field of learning acquired by a prolonged formal course of specialized instruction and study; and

WHEREAS, James Shamy, Esq. has completed and submitted a Business Entity Disclosure Certification which certifies that James Shamy, Esq. has not made any reportable contributions to a political or candidate committee in the Township of North Brunswick in the previous one year, and that the contract will prohibit James Shamy, Esq. from making any reportable contributions through the term of the contract; and

WHEREAS, in addition, James Shamy, Esq. has completed and submitted a C.271 Political Contribution Disclosure Form pursuant to N.J.S.A. 19:44A-20.26 et seq.

NOW, THEREFORE, BE IT RESOLVED on this 12th day of June 2023, that the Township Council of the Township of North Brunswick does hereby authorize the Mayor to execute and the Township Clerk to witness an agreement with James Shamy, Esq. to perform the duties as Public Defender in the North Brunswick Municipal Court in accordance with contract PRO23006, with an authorization not-to-exceed \$12,000.00 for the remainder of calendar year 2023.

BE IT FURTHER RESOLVED that the Business Disclosure Entity Certification and the Determination of Value shall be placed on file with this resolution; and

BE IT FURTHER RESOLVED notice of this action shall be published in the Home News & Tribune as required by law within 10 (ten) days after its passage.

CERTIFICATION

I, Cavel Gallimore, Chief Financial Officer, certify that \$12,000.00 is available for this purpose in trust account D-33-56-850-006-002 for services ending June 30, 2023 and the balance of funds authorized shall be certified upon the appropriation of funds in FY2024. Contract PRO23006

Cavel Gallimore
Chief Financial Officer

Justine Progebin
Business Administrator

Ronald Gordon, Esq.
Township Attorney
Approved as to legal form

RECORDED VOTE:

| COUNCIL MEMBER | YES | NO | ABSTAIN | NOTES |
|----------------|-----|----|---------|-------|
| HUTCHINSON | | | | |
| GUADAGNINO | | | | |
| ANDREWS | | | | |
| DAVIS | | | | |
| SOCIO | | | | |
| MEHTA | | | | |
| MAYOR WOMACK | | | | |

I hereby certify that the above Resolution was duly adopted by the Township Council of the Township of North Brunswick, County of Middlesex, at its meeting held on June 12, 2023.

Lisa Russo
Township Clerk