

CONTRACT

This agreement is entered into this day of March, 2023 by and between **Darryl W. Siss, Esq.** of the firm of **Teschon, Riccobene & Siss, PA** (“Attorney”) and the **Borough of Midland Park Planning Board** (“Board”).

RECITALS

WHEREAS, there exists a need for the retention of legal counsel to render professional advice to the Board; and

WHEREAS, the Board is authorized pursuant to N.J.S.A. 40:55D-24 et seq. to employ such experts as are required to perform statutory functions; and

WHEREAS, the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq. allows for the rewarding of such contracts without competitive bids; and

WHEREAS, the Board desires to retain Attorney for such purposes.

NOW, THEREFORE, in consideration of the terms and covenants contained herein, the parties agree as follows:

1. The Board hereby retains Attorney for the purposes set forth herein for the period effective January 1, 2023 until December 31, 2023.
2. Attorney shall be required to attend all Planning Board meetings and to render expert advice as required by the Board and to perform such other functions as may be required by the Board.
3. Attorney shall be paid in accordance with the following:
 - a. For attendance at all Board meetings - the sum of \$250.00 per meeting.
 - b. For any additional work requested or required by the Board - the sum of \$200.00 per hour for such work.

Attorney shall submit vouchers on a monthly basis for above services.

4. This contract may be terminated by either party upon 30 days notice.

Political Contribution Disclosure. This contract has been awarded to **Attorney** based on the merits and abilities of **Attorney** to provide the goods or services as described herein. This contract was not awarded through a “fair and open process” pursuant to N.J.S.A. 19:44A-20.4 *et seq.* As such, the undersigned does hereby attest that **Attorney**, 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.I. 2004, c.19, affect his 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 Borough of Midland Park if a member of that political party is serving in an elective public office of the Borough of Midland Park when the contract is awarded, or to any candidate committee of any person serving in an elective public office of the Borough of Midland Park when the contract is awarded.

IN WITNESS WHEREOF, the parties have entered into this agreement on the date and year first written above.

WITNESS/ATTEST:

MIDLAND PARK PLANNING BOARD

By: _____
Kent Rigg, Chairman

Darryl W. Siss, Esq.

**RESOLUTION AUTHORIZING CONTRACT WITH
DARRYL W. SISS, ESQ. FOR
PROFESSIONAL SERVICES**

WHEREAS, there exists a need for the retention of Darryl W. Siss, Esq., a member of the law firm of Teschon, Riccobene & Siss, P.A., to render professional advice to the Planning Board; and

WHEREAS, the Planning Board is authorized pursuant to N.J.S.A. 40:55D-24, et seq., to employ such experts as are required to perform its statutory functions; and

WHEREAS, the contract provides for a per meeting fee of \$250.00 as compensation for attending the Planning Board's regular and special meetings, with provision for reimbursement for additional work as required by the Planning Board at the rate of \$200.00 per hour; and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A-11-1, et seq.) requires that the resolution authorizing the award of the contracts for "professional services" without competitive bids on the contract itself must be available for public inspection.

NOW, THEREFORE, BE IT RESOLVED by the Midland Park Planning Board as follows:

1. The chairman and secretary of the Planning Board are hereby authorized and directed to execute the attached contract with Darryl W. Siss, Esq.
2. The contract is awarded without competitive bidding as a "professional service" in accordance with N.J.S.A. 40A:11-5(1)(a) of the Local Public Contracts Law because Darryl W. Siss, Esq. has represented that he is an attorney-at-law of the State of New Jersey in good standing; and for other good and sufficient cause shown.

3. A notice of this action shall be printed once in the official newspaper recognized by the Planning Board.

ATTEST:

MIDLAND PARK PLANNING BOARD

Kent Rigg, Chairman

Dated: March 20, 2023

DRAFT