



# New Jersey Libertarian Party

Open Government Advocacy Project

*John Paff, Chairman*

*P.O. Box 5424*

*Somerset, NJ 08875*

*Phone: 732-873-1251 - Fax: 908-325-0129*

*Email: [lpsmc@pobox.com](mailto:lpsmc@pobox.com)*

April 16, 2008

Hon. Mayor Marianne Van Deursen, Mayor and Members of Council  
Borough of Washington  
100 Belvidere Ave  
Washington, NJ 07882-1426 *(via Fax to 908-689-9485)*

Dear Mayor Van Deursen and Council members:

I write, both individually and in my capacity as Chairman of the New Jersey Libertarian Party's Open Government Advocacy Project to question the manner in which the Borough drafts its legal advertisements that disclose the award of professional services and extraordinary unspecifiable services contracts.

N.J.S.A. 40A:11-5(1)(a) requires the Council to publish the "nature, duration, service and amount of" such contracts after they are awarded. Attached as Exhibit A is a publication from the January 11, 2008 Star-Gazette that purports to satisfy N.J.S.A. 40A:11-5(1)(a) regarding the appointment of the Borough's Municipal Public Defender.

It appears to me that Washington Borough's notice is deficient because it does not state the "amount of" the contract. Do you agree? If so, would you please inform me in writing that the Council's future no-bid contract publications will comply with the statute?

I appreciate your time and look forward to receiving your response.

Sincerely,

John Paff

cc. Richard Cushing, Esq., via email to [rcushing@gklegal.com](mailto:rcushing@gklegal.com)

## Exhibit A

*BOROUGH OF WASHINGTON  
RESOLUTION #9-2008  
MUNICIPAL PUBLIC DEFENDER*

*WHEREAS, there exists a need for legal services to be rendered to the Borough of Washington, Warren County, New Jersey, and;*

*WHEREAS, P.L. 1997, Chapter 256 requires the governing body of the municipality which has a Municipal Court to appoint a Municipal Public Defender for a one year term from the date of his or her appointment; and*

*WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:1-1 et seq.) requires that the Resolution authorizing the award of contracts for professional services without competitive bidding must be publicly advertised.*

*NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Common Council of the Borough of Washington, Warren County, New Jersey, as follows:*

- 1. That the Mayor and Common Council hereby appoint Scott Wilhelm, Esq. Municipal Public Defender, as provided for in P.L. 1997, Chapter 2356 and in accordance with Chapter 3, Article VI, S3-41.1 of the Code of the Borough of Washington.*
- 2. This appointment is made without competitive bidding as a professional service under the provisions of the Local Public Contracts Law because: 'The service to be rendered by the Municipal Public Defender can only be rendered by a person that meets the qualification standards of the New Jersey State Bar and is further subject to the rules and procedures of the courts of the State of New Jersey; and further, the services which are of such a qualitative nature as will not reasonably permit the drawing of specifications or the receipt of competitive bids.'*
- 3. A copy of this Resolution shall be published in the Star Gazette as required by Law within ten (10) days of its passage.*

*The above Resolution was moved by Turner, seconded by Higgins, voted and carried this 2nd day of January, 2008.*

*Roll Call: Ayes: 5  
Nays: 1 (Oakley)  
Abstained: 0  
Kristine Blanchard,  
Borough Clerk*