

**BOROUGH OF RED BANK**

**COUNTY OF MONMOUTH**

**RESOLUTION NO. 08-89**

**A RESOLUTION AUTHORIZING APPOINTMENT OF SPECIAL COUNSEL**

Ms. Horgan offered the following resolution and moved its adoption:

**WHEREAS**, the Borough's Rent Leveling Board has learned of a proposed condominium conversion at the Colony House Apartments, and

**WHEREAS**, the current residents at Colony House, mainly senior citizens, appear to be entitled to Protected Tenant status under Senior Citizens and Disabled Persons Protection Act (hereinafter, "the Act"); and

**WHEREAS**, Gene Anthony, Esq., counsel for the Rent Leveling Board has demanded that the owners of Colony House follow the appropriate procedures under the Act for establishing protected tenancy status for the eligible residents of Colony House; and

**WHEREAS**, the Act provides for daily penalties for property owners who fail to comply with its provisions; and

**WHEREAS**, the Mayor and Council believe that there is a compelling need and governmental interest in ensuring that the elderly and disabled residents of Colony House be designated as "Protected Tenants" under the Act; and

**WHEREAS**, Mr. Anthony has expertise with the Act and familiarity with the underlying facts of this case; and

**WHEREAS**, Gene Anthony, Esq., is available and willing to accept this appointment;

**NOW, THEREFORE, BE IT RESOLVED** that the Mayor and Council of the Borough of Red Bank hereby appoints Gene Anthony, Esq. as Special Counsel for the Borough of Red Bank for the matter of Colony House Condominium conversion and to ensure the establishment of protected tenancy status, or its legal equivalent, for all eligible residents of that apartment building;

**BE IT FURTHER RESOLVED** that Mr. Anthony shall be compensated at a rate of \$130.00 per hour with total billings not to exceed \$3,500.00; and

**BE IT FURTHER RESOLVED** this appointment is made without bidding as a "Professional Service" in accordance with N.J.S.A. §40A:11-5(1)(a) of the Local Public Contracts Law, because it is a service rendered or performed by a person authorized by law to practice in a field of learning acquired by prolonged formal course of specialized instruction, distinguished from general academic instruction or apprenticeship or training; and

**BE IT FURTHER RESOLVED** that this appointment is contingent upon compliance with Section 2-75 of the Revised General Ordinances of the Borough of Red Bank entitled, "Restrictions on Award of Professional Contracts"; and

**BE IT FURTHER RESOLVED** that a copy of this resolution be published in the Courier, as required by law, within ten days of its passage.

Seconded by Ms. Cangemi and adopted on roll call by the following vote:

	Yes	No	Abstain	Absent
Mr. Curley	( x )	( )	( )	( )
Mr. Murphy	( )	( )	( )	( x )
Ms. Lee	( x )	( )	( )	( )
Mr. DuPont	( x )	( )	( )	( )
Ms. Cangemi	( x )	( )	( )	( )
Ms. Horgan	( x )	( )	( )	( )

Dated: April 14, 2008