

**BOROUGH OF RED BANK
COUNTY OF MONMOUTH
RESOLUTION NO. 20-251**

**A RESOLUTION TO AUTHORIZE A PROFESSIONAL SERVICES CONTRACT WITH THE
HONORABLE FRANK BUCZYNSKI, JR. (RET.) OF BENCHMARK LEGAL SERVICES, LLC
FOR MEDIATION LEGAL SERVICES IN CONNECTION WITH THE MATTER OF
*RED BANK v. RIVERVIEW MEDICAL CENTER, ET AL.***

WHEREAS, the Borough is presently prosecuting litigation entitled Red Bank v. Riverview Medical Center, et al. – Docket No. MON-L-360-19 (the “Action”) in the Superior Court of New Jersey, Monmouth County, seeking to collect amounts due and owing from the defendants therein arising from an unregistered water meter discovered upon defendants’ premises within the Borough; and

WHEREAS, pursuant to N.J.S.A. 40A:11-1 *et seq.*, and as agreed between the Borough and the defendants in the Action, the Borough desires to retain the services of the Honorable Frank A. Buczynski, Jr. (Ret.) of Benchmark Legal Services, LLC to serve as a Mediator between the parties in an attempted amicable resolution of the parties’ dispute, pursuant to the directions of the Superior Court’s most recent case management order entered in the Action; and

WHEREAS, the value of the services to be provided by the Honorable Frank A. Buczynski, Jr. (Ret.) of Benchmark Legal Services, LLC is not expected to, but may exceed \$17,500.00; and

WHEREAS, the term of the Borough’s contract with the Honorable Frank A. Buczynski, Jr. (Ret.) of Benchmark Legal Services, LLC shall, if not renewed, terminate within one-year of the date of this Resolution in accordance with N.J.S.A. 40A:11-1 *et seq.*; and

WHEREAS, the Honorable Frank A. Buczynski, Jr. (Ret.) of Benchmark Legal Services, LLC shall be required to complete and submit a Business Entity Disclosure Certification which certifies that he has not made any reportable contributions to a political or candidate committee in the Borough of Red Bank in the previous one year, and that the contract will prohibit the him from making any reportable contributions during the term of the contract;

NOW, THEREFORE, BE IT RESOLVED by Governing Body of the Borough of Red Bank, County of Monmouth, State of New Jersey, that the Borough Attorney is hereby authorized to execute the Mediation Retainer Agreement, attached hereto as Exhibit A, on behalf of the Borough with Honorable Frank A. Buczynski, Jr. (Ret.) of Benchmark Legal Services, LLC to provide Mediation Legal Services in the Action; and

BE IT FURTHER RESOLVED that the Borough Administrator and Borough CFO are hereby authorized to remit the initial payment due under the Mediation Retainer Agreement in the amount of \$2,500.00 to the Honorable Frank A. Buczynski, Jr. (Ret.) of Benchmark Legal Services, LLC; and

BE IT FURTHER RESOLVED that this contract is awarded without bidding as a “Professional Services Contract: in accordance with N.J.S.A. 40A:11-5(1)(a)(1) of the Local Public Contracts Law; and

BE IT FURTHER RESOLVED that the Chief Financial Officer hereby certifies that the account number to be charged is 0-05-55-501-205.

	Motion	Yes	No	Abstain	Absent
Councilman Yassin	Motion	X			
Councilwoman Triggiano		X			
Councilman Ballard					X
Councilman Yngstrom		X			
Councilman Zipprich	Second	X			
Councilwoman Horgan		X			

Dated: October 28, 2020

I hereby certify the above to be a true copy of a resolution adopted by the Council of the Borough of Red Bank, in the County of Monmouth, at a meeting held on October 28, 2020.

Pamela Borghi

Pamela Borghi, Municipal Clerk