

BOROUGH OF RED BANK  
COUNTY OF MONMOUTH  
RESOLUTION NO. 22-77

A RESOLUTION TO AUTHORIZE A PROFESSIONAL SERVICES CONTRACT WITH DANIEL J. O’HERN, JR., ESQ., INDIVIDUALLY, AND BYRNES, O’HERN & HEUGLE AS DEFENSE COUNSEL FOR THE BOROUGH OF RED BANK IN THE MATTER OF HORGAN, ET AL. v. BOROUGH OF RED BANK, ET AL. – MON-L-542-22

Councilman Ballard offered the following ordinance and moved its introduction:

**WHEREAS**, pursuant to N.J.S.A. 40A:11-1 *et seq.*, the Borough desires to retain Daniel J. O’Hern, Jr., Esq. of the law firm of Byrnes, O’Hern & Heugle as Defense Counsel for the Borough of Red Bank in the matter of Horgan, et al. v. Borough of Red Bank, et al. (the “Action”); and

**WHEREAS**, the value of the services to be provided by Daniel J. O’Hern, Jr., Esq. and Byrnes, O’Hern & Heugle is not expected to, but may exceed \$17,500.00; and

**WHEREAS**, the term of the Borough’s contract with Daniel J. O’Hern, Jr., Esq. and Byrnes, O’Hern & Heugle 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**, Byrnes, O’Hern & Heugle shall be required to complete and submit a Business Entity Disclosure Certification which certifies that Byrnes, O’Hern & Heugle 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 Byrnes, O’Hern & Heugle from making any reportable contributions during the term of the contract; and

**NOW, THEREFORE, BE IT RESOLVED** by Governing Body of the Borough of Red Bank, County of Monmouth, State of New Jersey, that the Mayor and Borough Clerk are hereby authorized to execute a retention agreement with Daniel J. O’Hern, Jr., Esq. and Byrnes, O’Hern & Heugle, as defense counsel for the Borough of Red Bank in the Action, at an hourly rate not to exceed \$210.00, with an initial total amount not to exceed \$7,500.00; 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 2-01-20-712-207 - Legal Services.

Seconded by Councilwoman Triggiano and approved on roll call by the following vote:

	Yes	No	Abstain	Absent
Councilwoman Mirandi	( )	( )	( x )	( )
Councilwoman Sturdivant	( x )	( )	( )	( )
Councilwoman Triggiano	( x )	( )	( )	( )
Councilman Ballard	( x )	( )	( )	( )
Councilman Zipprich	( )	( )	( x )	( )
Councilwoman Horgan	( )	( )	( )	( x )

Dated: March 18, 2022

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 March 18, 2022.

Bonnie K. Thomas  
Bonnie K. Thomas, Acting Municipal Clerk