

BOROUGH OF RED BANK

COUNTY OF MONMOUTH

RESOLUTION NO. 16-14

**A RESOLUTION AWARDING A PROFESSIONAL SERVICES CONTRACT TO
MATTHEW C. MOENCH, ESQ., AS MUNICIPAL PROSECUTOR PURSUANT TO NON-
FAIR AND OPEN PROCESS ESTABLISHED BY N.J.S.A. 19:44A:20.4**

Councilwoman Schwabenbauer offered the following resolution and moved its adoption:

WHEREAS, there exists a need for a Municipal Prosecutor for the Borough of Red Bank; and

WHEREAS, the Purchasing Agent has determined and certified in writing that the value of these services are anticipated to be higher than \$17,500; and

WHEREAS, the need exists to contract for Municipal Prosecutor as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A:20.4; and

WHEREAS, the performance of these services require knowledge of an advanced type in a field of learning pursuant to N.J.S.A. 40A:11-2, and the Borough has determined that Matthew C. Moench, Esq. has the ability and expertise to perform the Municipal services required by the Borough and is duly qualified to serve as Municipal Prosecutor; and

WHEREAS, Matthew C. Moench, Esq. has completed and submitted a Business Entity Disclosure Certification which certifies that the firm has not made any reportable contributions to a political candidate committee in the Borough of Red Bank in the previous one year, and that the contract will prohibit Matthew C. Moench, Esq. from making any reportable contributions to a political or candidate committee in the Borough of Red Bank through the term of the contract; and

WHEREAS, it is the desire of the governing body to appoint Matthew C. Moench, Esq. as Municipal Prosecutor; and

WHEREAS, the Chief Financial Officer has certified that there are funds available for this contract, which certification is attached hereto; and

WHEREAS, the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq., authorizes the award of contracts for "Professional Services" and requires that the resolution and contract be made available for public inspection.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Red Bank, County of Monmouth, State of New Jersey as follows:

1. That Matthew C. Moench, Esq. is hereby appointed as Municipal Prosecutor.
2. That the Mayor is hereby authorized to execute and the Borough Clerk to attest to, respectively, the attached agreement with Matthew C. Moench, Esq., in accordance with the provisions of this resolution.
3. That this contract is awarded as a "Professional Service" in accordance with N.J.S.A. 40A:11-5(1)(a)(i) of the Local Public Contracts Law because it is for services to be performed by a person or persons authorized by law to practice a recognized profession.
4. That the Business Disclosure Entity Certification on file with the Borough for Matthew C. Moench, Esq. shall be placed with this resolution.

- 5. That a notice of this action shall be printed once in the official newspaper of the Borough of Red Bank.
- 6. That a copy of the written determination of value by the Purchasing Agent shall be placed on file with this resolution.
- 7. That this resolution shall take effect immediately.
- 8. That a certified copy of this resolution shall be provided by the Borough Clerk to the Purchasing Agent, the Chief Financial Officer and Matthew C. Moench, Esq..
- 9. That a certificate of availability of funds executed by the Chief Financial Officer is annexed hereto. The following are the line item appropriations or ordinances which constitute the availability of funds for this contract: 6-01-42-857-201.

Seconded by Councilwoman Horgan and adopted on roll call by the following vote:

	Yes	No	Abstain	Absent
Councilwoman Burnham	(x)	()	()	()
Councilman Zipprich	(x)	()	()	()
Councilwoman Horgan	(x)	()	()	()
Councilwoman Schwabenbauer	(x)	()	()	()
Councilman Taylor	(x)	()	()	()
Councilman Whelan	(x)	()	()	()

Dated: January 2, 2016

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 January 2, 2016.

Pamela Borghi, Municipal Clerk