

**BOROUGH OF RED BANK**  
**COUNTY OF MONMOUTH**  
**RESOLUTION NO. 16-54**

**A RESOLUTION APPOINTING JAMES N. BUTLER, JR., ESQUIRE,  
AS MUNICIPAL PROSECUTOR FOR THE BOROUGH OF RED BANK**

Councilman Zipprich offered the following resolution and moved its adoption:

**WHEREAS**, there exists a need for legal services as Prosecutor for the Borough of Red Bank;  
and

**WHEREAS**, it is the desire of the Mayor, with the advice and consent of the Borough Council, to appoint James Butler, Jr., Esquire, as Municipal Prosecutor for the Borough of Red Bank; and

**WHEREAS**, the Borough Administrator has determined and certified in writing that the anticipated value of the contract will exceed \$17,500; and

**WHEREAS**, although the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq., authorizes the award of contracts for "Professional Services" without competitive bids, the Borough issued a request for proposals for professional service contracts in compliance with Ch. 19, P.L. 2004; and

**WHEREAS**, all proposals were to be submitted to the Office of the Borough Clerk by December 15, 2015; and

**WHEREAS**, James N. Butler, Jr., Esq. submitted such a proposal and was previously appointed as Conflict Municipal Prosecutor; and

**WHEREAS**, the appointed Municipal Prosecutor has withdrawn from such position and the Borough has determined that James N. Butler, Jr., Esq. has the ability and expertise to perform the legal services required by the Borough for the position of Municipal Prosecutor; and

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

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

1. That James N. Butler, Jr., Esq., is hereby appointed as Municipal Prosecutor for the Borough of Red Bank for a term commencing immediately and ending December 31, 2016.
2. The Mayor is hereby authorized to execute and the Borough Clerk to attest to, respectively, an agreement with James N. Butler, Jr., Esq. in accordance with the provisions of this resolution.
3. This contract is awarded pursuant to a fair and open public solicitation process in compliance with Ch. 19, P.L. 2004 and a notice of this action shall be printed once in the official newspaper of the Borough of Red Bank.
4. That a copy of the written determination of value by the Borough Administrator shall be placed on file with this resolution.
5. That a certified copy of this resolution shall be provided by the Borough Clerk to the Chief Financial Officer, James N. Butler, Jr., Esq.

Seconded by Councilman Taylor 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: February 10, 2016