

BOROUGH OF RED BANK

COUNTY OF MONMOUTH

RESOLUTION NO. 13-188

**A RESOLUTION AUTHORIZING THE RETENTION OF GARY C. ZEITZ, L.L.C.
TO PROVIDE EXPERT LEGAL SERVICES FOR THE PURPOSES OF
AN IN-REM FORECLOSURE ACTION**

Mr. DuPont offered the following resolution and moved its adoption:

WHEREAS, the Local Public Contracts Law, N.J.S.A. 40A:11-1, et. Seq., requires that the award of a contract for “Professional Services” without competitive bids must be made by resolution authorizing the award of said contract and setting forth the nature, duration, service and amount of the contract and further requires that such resolution be publicly advertised; and

WHEREAS, the Borough of Red Bank has held annual tax sales, but certain properties had no bidders therefore causing the tax sale certificates to be struck off to the Borough; and

WHEREAS, the Borough requires expert legal services pertaining to the In-Rem foreclosure action; and

WHEREAS, Gary C. Zeitz, Esq. of the firm Gary C. Zeitz, LLC, 1105 Laurel Oak Road, Suite 136, Voorhees, New Jersey, has substantial experience in the field of tax foreclosures and is available and willing to accept this appointment;

NOW, THEREFORE, BE IT RESOLVED as follows:

- a. The Borough of Red Bank hereby retains Gary C. Zeitz, LLC to provide expert consultation, analysis and legal representation with regards to the In-Rem foreclosure of all eligible tax sale certificates currently held by the Borough of Red Bank at a sum of \$1,000.00 for the first property and \$500.00 for each additional property in the action; not to exceed \$2,000.00.
- b. Compensation for contested cases, cases involving unknown owners and other services shall be at the hourly rate of \$200.00, per hour.
- c. Compensation for out-of-pocket expenses must be paid in addition to the legal fees. Filing fees, fees for service of process, and recording fees must be paid by the Borough. All receipts from the Taxes Costs as determined by the Court will be collected and retained by the Borough.

BE IT FURTHER RESOLVED that this appointment is made without bidding as an “Extraordinary Unspecifiable Service” in accordance with N.J.S.A. 40A:11-5(1)(a)(ii) of the Local Public Contracts Law, because it is a service which is specialized and qualitative in nature requiring expertise, extensive training and proven reputation in the field of endeavor.

BE IT FURTHER RESOLVED that this appointment is contingent upon compliance with Section 25-12 of the Revised General Ordinances of the Borough of Red Bank entitled “Prohibition on Awarding Contracts.”

BE IT FURTHER RESOLVED that this award is subject to the availability of sufficient funds.

BE IT FURTHER RESOLVED that the Borough Clerk shall publish a brief notice of this award pursuant to N.J.S.A. 40A:11-5(1)(a).

BE IT FURTHER RESOLVED that the Clerk forward a certified true copy of this resolution to the Tax Collector.

Seconded by Mr. Murphy and adopted on roll call by the following vote:

	Yes	No	Abstain	Absent
Ms. Lewis	(x)	()	()	()
Mr. Zipprich	(x)	()	()	()
Mr. DuPont	(x)	()	()	()
Ms. Horgan	(x)	()	()	()
Ms. Lee	(x)	()	()	()
Mr. Murphy	(x)	()	()	()

Dated: August 14, 2013