

BOROUGH OF RED BANK

COUNTY OF MONMOUTH

RESOLUTION NO. 11-84

A RESOLUTION AUTHORIZING APPOINTMENT OF SPECIAL COUNSEL

Ms. Lee offered the following resolution and moved its adoption:

WHEREAS, a lawsuit has been filed against the Borough in the Superior Court of New Jersey, Monmouth County, captioned *William E. Meyer, et al. v. Mayor and Borough Council of the Borough of Red Bank, Borough of Red Bank and the Community YMCA*, Docket No. L-136-11 (the "Lawsuit"); and

WHEREAS the Lawsuit asserts challenges to, among other things, the settlement of the YMCA's lawsuit against the Borough concerning property located at 51 Monmouth Street (the "YMCA Lawsuit"); and

WHEREAS there is a need for Special Counsel to represent the Borough in the Lawsuit; and

WHEREAS, John L. Bonello, Esq. of the firm of Manna & Bonello, P.C. represented the Borough in the YMCA Lawsuit; and

WHEREAS, John L. Bonello, Esq. has the requisite expertise with respect to the legal issues involved in the Lawsuit and is available and willing to accept this appointment;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Red Bank hereby appoints the firm of Manna & Bonello, P.C. as Special Counsel to represent it in the Lawsuit;

BE IT FURTHER RESOLVED that the firm's attorneys shall be compensated at a rate of \$130.00 per hour; and

BE IT FURTHER RESOLVED this appointment is made without bidding as a "Professional Service" in accordance with N.J.S.A. §40A:11-5(1)(a) of the Local Public Contracts Law, because it is a service rendered or performed by a person authorized by law to practice in a field of learning acquired by prolonged formal course of specialized instruction, distinguished from general academic instruction or apprenticeship or training; and

BE IT FURTHER RESOLVED that this appointment is contingent upon compliance with Section 2-75 of the Revised General Ordinances of the Borough of Red Bank entitled, "Restrictions on Award of Professional Contracts"; and

BE IT FURTHER RESOLVED that a copy of this resolution be published in the Asbury Park Press, as required by law, within ten days of its passage.

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

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

Dated: April 26, 2011