

BOROUGH OF RED BANK

COUNTY OF MONMOUTH

RESOLUTION NO. 09-22

A RESOLUTION AUTHORIZING APPOINTMENT OF SPECIAL LABOR COUNSEL

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

WHEREAS, the Borough of Red Bank has solicited proposals through a fair and open process in accordance with N.J.S.A. 19:44A-20.5 et seq., which requires that award of contract for "Professional Services" through the fair and open process must be made by resolution authorizing the award of said contract and must be publicly advertised; and

WHEREAS, there exists a need for specialized legal services related to labor matters in the Borough of Red Bank, County of Monmouth; and

WHEREAS, funds are or will be available for this purpose;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Red Bank hereby appoints James L. Plosia, Jr., Esq. of the firm Apruzzese, McDermott, Mastro & Murphy as Special Labor Counsel for the Borough of Red Bank from January 1, 2009 until December 31, 2009;

BE IT FURTHER RESOLVED that Mr. Plosia shall be compensated at a rate of \$160.00 per hour with total billings not to exceed \$25,000.00;

BE IT FURTHER RESOLVED that the Mayor and Clerk are authorized to sign and deliver on behalf of the Borough the contract for these professional services which is contingent upon the negotiation, execution and award of a final contract between the appointee and the Borough, to the extent necessary under the laws of the Borough and the State of New Jersey;

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 an official newspaper of the Borough, as required by law, within ten days of its passage.

Seconded by Mr. Zipprich 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: January 12, 2009