

**BOROUGH OF RED BANK**

**COUNTY OF MONMOUTH**

**RESOLUTION NO. 08-121**

**A RESOLUTION AUTHORIZING THE RETENTION OF PETER SOCKLER TO PROVIDE EXPERT CONSULTING SERVICES FOR THE DEFENSE OF CERTAIN TAX APPEALS FILED BY HOMEOWNERS IN THE NAVESINK POINTE DEVELOPMENT**

Ms. Horgan 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**, thirty-one homeowners in the Navesink Pointe development retained single counsel to file tax appeals against the Borough which are now pending in the Tax Court of the State of New Jersey; and

**WHEREAS**, the Borough requires expert services for the defense of these Tax Appeals; and

**WHEREAS**, the large number of appeals filed upon similar properties by a single attorney presents unique and extraordinary circumstances that justify the separate retention of an expert to analyze the assessed value of those properties in a consistent and cost-effective manner; and

**WHEREAS**, Peter Sockler, of the firm Sockler Realty Services Group, Inc., 1901 North Olden Avenue, Suite 44, Ewing, New Jersey 08618 both have substantial experience in the appraisal of real property and is available and willing to accept this appointment;

**NOW, THEREFORE, BE IT RESOLVED** as follows:

- a. The Borough of Red Bank hereby retains Peter Sockler to provide expert consultation and analysis, including the preparation of a grid analysis for each category of home within the development and further outlining comparable sales for each such category of home, which shall be used for case evaluation, settlement and negotiating purposes in the defense of Tax Appeals filed by thirty-one properties in the Navesink Pointe development at sum not to exceed \$3,750.00.
- b. Compensation for the preparation of appraisal reports and for trial preparation and testimony shall be subject to a separate proposal.

**BE IT FURTHER RESOLVED** 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; 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 this award is subject to the availability of sufficient funds; and

**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).

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

	Yes	No	Abstain	Absent
Mr. Curley	( x )	(   )	(   )	(   )
Mr. Murphy	( x )	(   )	(   )	(   )
Ms. Lee	( x )	(   )	(   )	(   )
Mr. DuPont	(   )	(   )	(   )	( x )
Ms. Cangemi	( x )	(   )	(   )	(   )
Ms. Horgan	( x )	(   )	(   )	(   )

Dated: May 27, 2008