

**BOROUGH OF RED BANK**

**COUNTY OF MONMOUTH**

**RESOLUTION NO. 08-122**

**A RESOLUTION AUTHORIZING THE RETENTION OF ROBERT GAGLIANO AND PETER SOCKLER TO PROVIDE EXPERT CONSULTING SERVICES FOR THE DEFENSE OF TAX APPEALS**

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**, the Borough requires expert services for the defense of Tax Appeals filed against the Borough; and

**WHEREAS**, Robert Gagliano, M.A.I., C.T.A. of the firm Gagliano Appraisal, L.L.C., 1129 Broad Street, Shrewsbury, New Jersey 07702 and 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; and

**NOW, THEREFORE, BE IT RESOLVED** that the Borough of Red Bank hereby retains Robert Gagliano and Peter Sockler to provide expert consulting services for the defense of Tax Appeals filed against the Borough under the following rate structure:

**Residential Properties and Multi-Family Dwellings of 4 Units, or Less:**

\$100.00 per hour for consultation, analysis, and preparation of summary appraisal reports, as needed, not to exceed \$1,500.00 per property;

\$135 per hour for post-report trial preparation, settlement negotiations and appearances at trial, not to exceed \$2,000.00 in total per property.

**Commercial and Industrial Properties and Multi-Family Dwellings of more than 4 Units:**

\$125 per hour for consultation, analysis, and preparation of summary appraisal reports, as needed, not to exceed \$4,000.00 per property;

\$135 per hour for post-report trial preparation, settlement negotiations and appearances at trial, not to exceed \$6,000.00 in total per property.

The foregoing caps on fees are subject to waiver in extraordinary or highly complex cases and a separate proposal will be required.

**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 Ms. Cangemi 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