

**BOROUGH OF RED BANK**

**COUNTY OF MONMOUTH**

**RESOLUTION NO. 14-38**

**A RESOLUTION AUTHORIZING THE RETENTION OF TO PROVIDE EXPERT CONSULTING SERVICES FOR THE DEFENSE OF TAX APPEALS FILED BY MORCO, LLC WITH RESPECT TO PROPERTY LOCATED AT 58-64 BROAD STREET**

Councilman 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**, Morco, LLC has filed tax appeals against the Borough with respect to property located at 58-64 Broad Street for the years 2010, 2011 and 2012 that are 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**, Timothy Hoffman of the firm of Timothy Hoffman Real Estate Appraisers, 1 Elm Street, Suite 1, Westfield, New Jersey has 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 Timothy Hoffman to provide expert consultation and analysis, including the preparation of a preliminary appraisal report (Phase I) which shall be used for case evaluation, settlement and negotiating purposes in the defense of Tax Appeals filed by Morco, LLC at a sum not to exceed \$1,875; and if necessary a Complete Trial Ready Report (Phase II) for sum not to exceed \$3,750.
- b. Compensation for Court time shall be at the hourly rate of \$125.00, plus expenses;
- c. Compensation for Settlement Meetings and Court preparation shall be at the hourly rate of \$125.00, plus expenses.

**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 25-12 of the Revised General Ordinances of the Borough of Red Bank entitled, “Prohibition on Awarding 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 Councilman Murphy and adopted on roll call by the following vote:

|                      | Yes   | No  | Abstain | Absent |
|----------------------|-------|-----|---------|--------|
| Councilman Murphy    | ( x ) | ( ) | ( )     | ( )    |
| Councilwoman Burnham | ( x ) | ( ) | ( )     | ( )    |
| Councilwoman Horgan  | ( x ) | ( ) | ( )     | ( )    |
| Councilwoman Lewis   | ( x ) | ( ) | ( )     | ( )    |
| Councilman Zipprich  | ( x ) | ( ) | ( )     | ( )    |
| Councilman DuPont    | ( x ) | ( ) | ( )     | ( )    |

Dated: February 12, 2014