

BOROUGH OF RED BANK

COUNTY OF MONMOUTH

RESOLUTION NO. 13-21

A RESOLUTION AUTHORIZING THE RETENTION OF PAMELA J. BRODOWSKI TO PROVIDE EXPERT CONSULTING SERVICES FOR THE DEFENSE OF TAX APPEALS FILED BY RB CAPITAL, LLC WITH RESPECT TO PROPERTY LOCATED AT 80 RECTOR PLACE

Mr. Zipprich 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, RBN Capital, LLC has filed tax appeals against the Borough with respect to property located at 80 Rector Place for the years 2010 and 2011 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, Pamela J. Brodowski, MAI, ASA, CTA, of the firm of BRB Valuation & Consulting Services, 22 Windham Drive, Eastampton, New Jersey, who has previously been retained by the Borough for defense of tax appeal services, and who 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 Pamela J. Brodowski to provide expert consultation and analysis, including the preparation of a Restricted appraisal report (Phase I) which shall be used for case evaluation, settlement and negotiating purposes in the defense of Tax Appeals filed by RB Capital, LLC at a sum not to exceed \$3,500.00; and if necessary a Complete Self Contained Appraisal Report (Phase II) for an additional sum not to exceed \$1,000.
- b. Compensation for Court time shall be at the hourly rate of \$135, plus expenses;
- c. Compensation for Settlement Meetings and Court preparation shall be at the hourly rate of \$125, 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 Ms. Lee 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 9, 2013