

**BOROUGH OF RED BANK
COUNTY OF MONMOUTH
RESOLUTION NO. 18-94**

**RESOLUTION APPOINTING BLAU & BLAU AS SPECIAL TAX APPEAL COUNSEL AND
AUTHORIZING THE FILING OF AFFIRMATIVE TAX APPEALS TO INCREASE THE
ASSESSMENTS OF CERTAIN COMMERCIAL PROPERTIES FOR 2018**

Councilwoman Horgan offered the following resolution and moved its approval:

WHEREAS, the Borough of Red Bank (the "Borough") has determined that certain commercial properties within the Borough appear to be under-assessed for 2018; and

WHEREAS, pursuant to N.J.S.A. 40A:11-1 *et seq.*, the Borough desires to retain the law firm of Blau & Blau as Special Tax Appeal Counsel under the terms of a non-fair and open contract in order to pursue affirmative tax appeals against certain commercial properties for 2018; and

WHEREAS, the terms of the Borough's contract shall include that Blau & Blau will be compensated on a contingent-fee arrangement, under which the Borough will not incur any legal expenses unless successful in the anticipated affirmative tax appeals; and

WHEREAS, the value of the services to be provided by Blau & Blau under its contingent-fee arrangement may exceed \$17,500.00; and

WHEREAS, the term of the Borough's contract with Blau & Blau shall be effective for one-year in accordance with N.J.S.A. 40A:11-1 *et seq.*; and

WHEREAS, Blau & Blau shall be required to complete and submit a Business Entity Disclosure Certification which certifies that Blau & Blau has not made any reportable contributions to a political or candidate committee in the Borough of Red Bank in the previous one year, and that the contract will prohibit Blau & Blau from making any reportable contributions during the term of the contract; and

WHEREAS, the Local Public Contracts Law, N.J.S.A. 40 A: 11-5(1)(a)(i), requires the public advertisement of notice with respect to contracts for professional services awarded without competitive bids;

NOW THEREFORE, BE IT RESOLVED, that the Mayor & Council of the Borough of Red Bank hereby authorizes the Mayor and Borough Clerk to enter into a contract with Blau & Blau in accordance with the foregoing parameters and the following terms:

1. The law firm of Blau & Blau shall serve as Special Tax Appeal Counsel to the Borough in connection with affirmative tax appeals to be filed against the commercial properties listed in Exhibit A, attached hereto.
2. The Mayor and Borough Clerk, on behalf of the Borough, are hereby authorized and directed to execute a contract with Blau & Blau for the prosecution of affirmative tax appeals to be filed against the commercial properties listed in Exhibit A, attached hereto.
3. No appropriation of funds is required at this time, with payment to Blau & Blau coming from the proceeds of any successful tax appeals.
4. The contract is awarded without competitive bidding as a professional service under the provisions of N.J.S.A. 40A: 11-5(1)(a)(i).
5. That a notice in accordance with this Resolution and the New Jersey Local Public Contracts Law shall be published at least one time in the Borough's official newspaper.
6. That a certified copy of this Resolution shall be provided to the Mayor, Borough CFO, Borough Tax Assessor, and Blau & Blau.

Seconded by Councilman Zipprich and adopted on roll call by the following vote:

	Yes	No	Abstain	Absent
Councilman Taylor	(X)	()	()	()
Councilman Whelan	(X)	()	()	()
Councilman Yngstrom	(X)	()	()	()
Councilman Ballard	(X)	()	()	()
Councilman Zipprich	(X)	()	()	()
Councilwoman Horgan	(X)	()	()	()

Dated: March 28, 2018

I hereby certify the above to be a true copy of a resolution adopted by the Council of the Borough of Red Bank, in the County of Monmouth, at a meeting held on March 28, 2018.

Pamela Borghi

Pamela Borghi, Municipal Clerk