

**RESOLUTION NO. 13-2020**  
**AWARD OF A FAIR AND OPEN CONTRACT**  
**SPECIAL TAX APPEAL ATTORNEY - MARTIN ALLEN, ESQUIRE**

Councilmember Birdsall introduced and offered the following Resolution for its adoption; seconded by Councilmember Keeler:

**WHEREAS**, pursuant to §31-12 of the Borough Code, there exists a need to appoint a qualified individual as Special Tax Appeal Attorney to provide tax appeal services for beach club appeals in the Borough of Sea Bright; and

**WHEREAS**, a request for proposals for Borough Tax Appeal Attorney was posted and advertised in the Asbury Park Press to be received on December 4, 2019; and,

**WHEREAS**, while the Local Public Contracts Law (N.J.S.A. 40A:11-5 (1)(a) does not require competitive bidding for this position, it was nevertheless advertised pursuant to the fair and open process (N.J.S.A. 19:44A-20.5); and

**WHEREAS**, four proposals for Tax Appeal Attorney were received on December 4, 2019 and evaluated by the Governing Body with due consideration as to qualifications, experience, compensation and other factors and criteria; and

**WHEREAS**, the proposal received from **Martin Allen, DeFrancesco, Bateman, Kunzman, Davis, Lehrer & Flaum, P.C. of Warren, New Jersey**, is being considered for Special Tax Appeal Attorney for Beach Club appeals for the term of one year commencing January 1, 2020 through December 31, 2020 at the rate of \$200.00 per hour; and

**CERTIFICATION OF FUNDS**

I, Michael J. Bascom, Chief Financial Officer, hereby certify that based on the amount of funds expended in the prior year for these services, it is estimated that the total 2020 appropriation for this contract will be \$22,000.00, said amount subject to unforeseen decreases or increases in litigation and other tax appeal matters. Funds will be provided for the first three months of 2020 in the 2020 Temporary Budget and funds for the balance of 2020 will be provided in the Budget for the year 2020, when finally adopted, in the appropriation entitled Legal #20-01-21-155-000.

  
**MICHAEL J. BASCOM, CFO**

**NOW, THEREFORE, BE IT RESOLVED** that the Borough Council of the Borough of Sea Bright, County of Monmouth, State of New Jersey, does hereby award a professional service contract to **MARTIN ALLEN, ESQ. of the Law Firm of DeFrancesco, Bateman, Kunzman, Davis, Lehrer & Flaum, P.C. of Warren, New Jersey** to serve as Borough Special Tax Appeal Attorney (Beach Club appeals) for one year commencing January 1, 2020 through December 31, 2020 pursuant to the rate provided in their proposal; and

**BE IT FURTHER RESOLVED** that the Mayor and Borough Clerk are hereby authorized and directed to execute an agreement for the provision of such professional service, a copy of which shall be maintained by the Borough Clerk; and

**BE IT FURTHER RESOLVED**, that the Borough Clerk is hereby authorized to advertise this award of contract according to law in the local newspaper and is further authorized to forward a certified copy of this resolution to the following:

1. Martin Allen, Esq., DeFrancesco, Bateman, Kunzman, Davis, Lehrer & Flaum, P.C.
2. Finance Manager

Roll Call: Birdsall, Catalano, Keeler, Leckstein, Rooney, Schwartz  
Yes Yes Yes Abstain Yes Absent

January 4, 2020

**CERTIFICATION**

I, Christine Pfeiffer, Borough Clerk do hereby certify that the foregoing is a Resolution adopted by the Borough Council of the Borough of Sea Bright, County of Monmouth, State of New Jersey, at a Council meeting held on January 4, 2020.

  
Christine Pfeiffer, Borough Clerk