



BOROUGH OF HIGHLANDS  
COUNTY OF MONMOUTH

## RESOLUTION 18-142

### RESOLUTION AMENDING APPOINTMENT OF SPECIAL COUNSEL FOR THE REPRESENTATION OF THE BOROUGH WITH REGARD TO THE FAIR HOUSING ACT AND THE COUNCIL ON AFFORDABLE HOUSING (COAH) REGULATIONS

**WHEREAS**, by way of Resolution 16-168, the Borough retained Gluck Walrath, LLP to provide professional legal services to the Borough of Highlands with regard to the Fair Housing Act and the Council on Affordable Housing (COAH) Regulations; and

**WHEREAS**, by way of Resolution 16-216, the Borough authorized Special Counsel representing the Borough with regard to the Fair Housing Act and Council on Affordable Regulations (COAH) to proceed with the filing of a Complaint in the Superior Court of New Jersey seeking a declaration of approval of the Borough's Housing Element and Fair Share Plan; and

**WHEREAS**, the aforesaid Complaint was filed in the Superior Court of New Jersey by Andrew Bayer Esq. and the said matter is currently pending; and

**WHEREAS**, Andrew Bayer, Esq. changed law firms and is now affiliated with the law firm of Pashman, Stein, Walder, Hayden, P.C.; and

**WHEREAS**, the law firm of Pashman, Stein, Walder, Hayden, P.C. has completed and submitted a Political Contribution Disclosure form in accordance with P.L. 2005, c271; and

**WHEREAS**, in light of the aforesaid Special Counsel's change in law firms, the governing body wishes to amend and replace the award of contract so as to reflect Special Counsel's new law firm; and

**WHEREAS**, this amended contract is awarded to Andrew Bayer, Esq. of the law firm of Pashman, Stein, Walder, Hayden, P.C.; and

**WHEREAS**, this amended contract is awarded as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5 for an amount not to exceed \$15,000.00 for the aforesaid Professional Legal Services provided to the Borough at an hourly rate of \$175 per hour; and

**WHEREAS**, the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq. requires that notice with respect to contracts for professional services awarded without competitive bids must be publicly advertised.

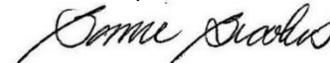
**NOW, THEREFORE, BE IT RESOLVED**, by the Borough of Highlands governing body as follows:

1. Resolution 16-168 be and is hereby amended to reflect that Andrew Bayer, Esq. of the law firm of Pashman, Stein, Walder, Hayden, P.C. is hereby retained to provide professional legal services as described above for an amount not to exceed \$15,000.00.
2. This contract is awarded without competitive bidding as a “Professional Service” in accordance with the Local Public Contracts Law, N.J.S.A. 40A:11-5(1)(a)(i) because it is for services performed by persons authorized by law to practice a recognized profession.
3. A copy of this Resolution as well as the contract shall be placed on file with the Borough Clerk.
4. The Borough Clerk is hereby directed to publish notice of this award as required by law.

**Motion to Approve R-18-142:**

	INTROUCED	SECONDED	AYE	NAY	ABSTAIN	ABSENT
BRASWELL			X			
BROULLON	X		X			
D'ARRIGO			X			
RYAN		X	X			
O'NEIL						X

I, Bonnie Brookes, Municipal Clerk of the Borough of Highlands, in the County of Monmouth, State of New Jersey, hereby certify this to be a true copy of the action of the Governing Body, at its Council Meeting, held June 20, 2018. WITNESS my hand this 21st day of June 2018.



Bonnie Brookes, RMC  
Municipal Clerk