



BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH

RESOLUTION 19-039

RESOLUTION APPOINTING SPECIAL COUNSEL FOR THE CONTINUED REPRESENTATION OF THE BOROUGH OF HIGHLANDS WITH REGARD TO ENVIRONMENTAL LITIGATION AND AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN CONTRACT FOR PROFESSIONAL LEGAL SERVICES

WHEREAS, the Borough of Highlands and the Borough of Atlantic Highlands previously awarded a contract to the law firm of Scarinci Hollenbeck, LLC to provide professional legal services for environmental litigation concerning a matter which arose with the Atlantic Highlands/Highlands Regional Sewerage Authority, in connection with damages claimed related to the installation of a replacement sewer force main along Navesink Avenue and Monmouth Avenue in and around 2013; and

WHEREAS, in accordance with Resolution R-16-108, duly adopted April 20, 2016, Patrick J. McNamara, Esq. of the law firm of Scarinci Hollenbeck, LLC was retained to provide professional specialized legal services for the aforesaid environmental litigation; and

WHEREAS, the Borough of Atlantic Highlands and the Borough of Highlands have a cost sharing arrangement, wherein the Borough of Highlands is responsible for 55.05% of the costs and the Borough of Atlantic Highlands is responsible for 44.95% of the costs, in connection with the legal services referenced above; and

WHEREAS, any recovery of costs and expenses by the Borough of Atlantic Highlands and the Borough of Highlands, in connection with the said environmental litigation, is subject to the same percentage of allocation as noted above; and

WHEREAS, a Complaint was filed in the Superior Court of New Jersey, Monmouth County, in connection with the aforesaid litigation and the said matter is currently pending; and

WHEREAS, in light of the aforesaid continued litigation, the governing body wishes to award a contract to the law firm of Scarinci Hollenbeck, LLC to continue with the said environmental litigation; and

WHEREAS, the law firm of Scarinci Hollenbeck, LLC has completed and submitted a Political Contribution Disclosure form in accordance with P.L. 2005, c271; 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 \$65,000.00 for the aforesaid Professional Legal Services at an hourly rate of \$150.00 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.

WHEREAS, a certification of availability of funds is hereby provided by the Chief Financial Officer of the Borough of Highlands.

I hereby certify funds are available as follows:

Account: 9-05-55-502-142

Amount: \$3,578,250.00



 Patrick DeBlasio, Chief Financial Officer

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

1. The law firm of Scarinci Hollenbeck, LLC is hereby retained to provide professional legal services as described above for an amount not to exceed \$65,000.00.
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 Resolution 19-039:

	INTROUCED	SECONDED	AYE	NAY	ABSTAIN	ABSENT
BRASWELL			X			
BROULLON	X		X			
MAZZOLA			X			
RYAN			X			
O'NEIL		X	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 January 1, 2019. WITNESS my hand this 2nd day of January 2019.


 Bonnie Brookes, RMC
 Municipal Clerk