



BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH

R-19-222

**RESOLUTION AUTHORIZING THE AWARD OF A NON-FAIR AND
OPEN CONTRACT FOR PROFESSIONAL SERVICES FOR A LICENSED
PLANNER TO PREPARE AN AMENDED HOUSING ELEMENT AND
FAIR SHARE PLAN AND SUPPORTING DOCUMENTS, A SPENDING
PLAN, AFFIRMATIVE MARKETING PLAN AS WELL AS OTHER
REQUIRED ITEMS**

WHEREAS, by way of Resolution 16-168, duly adopted on August 17, 2016 and amended by way of Resolution 18-142, duly adopted on June 20, 2018, 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, Law Division-Monmouth County, Docket No. MON-L-0012-17 captioned In the Matter of the Application of the Borough of Highlands (the "Mt. Laurel Litigation"); and

WHEREAS, the Court appointed Michael P. Bolan, P.P., AICP to serve as the Special Master in the Mt. Laurel Litigation to advise the Court and the parties on affordable housing compliance issues; and

WHEREAS, the Fair Share Housing Center ("FSHC") is a Supreme Court designated interested party in the aforesaid Mt. Laurel Litigation to advise the Court and the parties on affordable housing compliance issues; and

WHEREAS, by way of Resolution 19-174, duly adopted on June 19, 2019, the Borough Council of the Borough of Highlands authorized execution of a Settlement Agreement with the Fair Share Housing Center; and

WHEREAS, a fairness Hearing was held on August 9, 2019, wherein the Court approved the settlement agreement between the FSHC and the Borough in this matter; and

WHEREAS, in order to implement the terms of the settlement agreement there are a number of actions which the Borough must undertake based upon the Court Master's report; and

WHEREAS, in light of the above, the Borough is in need of Professional Planning Services from a licensed Professional in order to prepare an amended Housing Element and Fair Share Plan and supporting documents, a Spending Plan, an Affirmative

Marketing Plan as well as other required items which is consistent with the above referenced settlement; and

WHEREAS, in order to achieve the Borough's objectives, Heyer, Gruel & Associates will prepare the aforesaid amended Housing Element and Fair Share Plan and supporting documents, the Spending Plan, the Affirmative Marketing Plan as well as assist with all of the other required items, as more specifically set forth in their proposal dated August 15, 2019, for a fee not to exceed \$17,000; and

WHEREAS, such professional planning services can only be provided by licensed professionals and the firm of Heyer, Gruel & Associates, 236 Broad Street, Red Bank, NJ 07701 is so recognized; and

WHEREAS, this contract is to be awarded for an amount not to exceed \$17,000 for the aforesaid Professional Planning Services; and

WHEREAS, Heyer, Gruel & Associates has completed and submitted a Business Entity Disclosure Certification which certifies that Heyer, Gruel & Associates has not made any reportable contributions to a political or candidate committee in the Borough of Highlands in the previous one year and that the contract will prohibit Heyer, Gruel & Associates from making any reportable contributions through the term of the contract; and

WHEREAS, Heyer, Gruel & Associates has completed and submitted a Political Contribution Disclosure form in accordance with P.L. 2005, c 271; and

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

I hereby certify that funds are available as follows:

Local OE 9-01-20-155-000-251



Patrick DeBlasio, Chief Financial Officer

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 Council of the Borough of Highlands as follows:

1. Heyer, Gruel & Associates are hereby retained to provide professional planning services as described above for an amount not to exceed \$17,000.00.
2. The 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) because it is for services performed by persons authorized by law to practice a

recognized profession. The Mayor and Borough Clerk are hereby authorized to sign said contract.

3. A copy of the Resolution as well as the contract shall be placed on file with the Borough Clerk of the Borough of Highlands.
4. The Borough Clerk is hereby directed to publish notice of this award as required by law.