

Mr. Nolan offered the following Resolution and moved on its adoption:

**R-08-193**  
**RESOLUTION AMENDING RESOLUTION R-08-60**  
**PROFESSIONAL ENGINEERING SERVICES OF A NON-FAIR AND OPEN**  
**CONTRACT**  
**SURVEY, DESIGN AND INSPECTION**  
**FOR THE REHABILITATION OF SANITARY SEWERS IN BASIN 2**  
**T & M ASSOCIATES**

**WHEREAS**, there exists the need for Professional Engineering Services for the survey, design and inspection of the rehabilitation of sanitary sewers in Basin 2 of the Borough's sanitary sewer system as a non fair and open contract pursuant to the provisions of N.J.S.A.19:44A-20.5; and

**WHEREAS**, such Professional Engineering Services can only be provided by licensed professionals and T & M Associates, 11 Tindall Road, Middletown, NJ 07748 is so recognized; and

**WHEREAS**, a contract was awarded on March 19, 2008 for an amount not to exceed \$52,750 plus reimbursable expenses for the Professional Engineering Services for the survey, design and inspection of the rehabilitation of sanitary sewers in Basin 2 of the Borough's sanitary sewer system; and

**WHEREAS**, T & M Associates has requested per their letter dated October 30, 2008, that the remaining balance of \$14,091 from the Basin 2 Sanitary Sewer Infiltration/Inflow Physical Investigation contract be combined with the above contract for an amended contract amount not to exceed \$66,841 plus reimbursable expenses; and

**Certification of Funds: Sewer Utility Appropriation Reserve**

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**Stephen Pfeffer, Chief Financial Officer**

**WHEREAS**, T&M Associates has completed and submitted a Business Entity Disclosure Certification which certifies that T&M 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 T&M Associates from making any reportable contributions through the term of the contract, and

**WHEREAS**, the determination of value has been placed on file with this resolution with the Borough Clerk; and

**WHEREAS**, T & M Associates has submitted the C.271 Political Contribution Disclosure Form in accordance with N.J.S.A. 19:44A-20.26 (P.L. 2005,c271, s2).

**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 Mayor and Council of the Borough of Highlands of the following:

1. T & M Associates' contract for professional engineering services is hereby increased by \$14,091 for an amount not to exceed \$66,841 plus reimbursable expenses.
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) because it is for services performed by person 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 of the Borough of Highlands.
4. The Borough Clerk is hereby directed to publish notice of this award as required by law.

Seconded by Mrs. Burton and adopted on the following roll call vote:

**ROLL CALL:**

**AYES:** Mrs. Burton, Mr. Urbanski, Mr. Nolan, Mayor Little

**NAYES:** None

**ABSENT:** Mr. Caizza

**ABSTAIN:** None

**DATE:** November 12, 2008

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**NINA LIGHT FLANNERY, Borough Clerk**

I hereby certify this to be a true copy of the Resolution adopted by the Mayor and Council of the Borough of Highlands on November 12, 2008.

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**BOROUGH CLERK/DEPUTY CLERK**

BOROUGH OF HIGHLANDS  
171 BAY AVENUE  
HIGHLANDS, N.J. 07732

November 12, 2008

To: Nina Flannery  
Borough Clerk

Re: Resolutions Professional Services – T & M Associates  
Amending R-08-60 Survey, Design and Inspection – Rehabilitation of Sanitary Sewers  
Basin 2

This is to certify that the firm of T & M Associates provide engineering services for the Borough of Highlands. The costs associated with these services will exceed \$17,500. This contract will be awarded as a Non-Fair and Open Contract under the provisions of N.J.S.A. 19:44A-20-4.

Stephen Pfeffer  
Chief Financial Officer