

Mr. Francy offered the following Resolution and moved its adoption:

**BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH**

R-09-33

**RESOLUTION AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN
CONTRACT FOR PROFESSIONAL LEGAL SERVICES
THE ARNETTE LAW FIRM, LLC**

WHEREAS, the Borough of Highlands has a need for professional legal services 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 the Arnette Law Firm, LLC, 830 Broad Street, Shrewsbury, N.J. 07702 is so recognized; and

WHEREAS, the Chief Financial Officer has determined and certified in writing that the value of the contract will exceed \$17,500; and

WHEREAS, this contract is to be awarded for an amount not to exceed \$49,000 plus reimbursable expenses for Professional Legal Services provided to the Borough of Highlands for the period January 1, 2009 through June 30, 2009 per the attached contract:

Retainer \$4,129.05 per month
Hourly Rate for additional services outside of retainer \$125

WHEREAS, the Arnette Law Firm LLC has completed and submitted a Business Entity Disclosure Certification which certifies that the Arnette Law Firm 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 the Arnette Law Firm LLC from making any reportable contributions through the term of the contract, and

WHEREAS, the Arnette Law Firm LLC 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 as follows :

I hereby certify funds are available as follows for January 1, 2009 through June 30, 2009:

Legal Other Expenses
Sewer Utility Other Expenses

Funds for July 1, 2009 through December 31, 2009 are subject to appropriation by the Governing Body in the SFY 2010 Budget and will be certified by Chief Financial Officer at the appropriate time.

Stephen Pfeffer, 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. The Arnette Law Firm, LLC is hereby retained to provide professional legal services as described above for an amount not to exceed \$49,000 plus reimbursable expenses.
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 authorized to sign the 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.

Seconded by Ms. Kane and adopted on the following roll call vote:

ROLL CALL:

AYES: Mr. Francy, Ms. Kane, Mr. Caizza, Mr. Urbanski, Mayor Little

NAYES: None

ABSENT: None

ABSTAIN: None

Date: January 21, 2009

NINA LIGHT FLANNERY, BOROUGH CLERK

I hereby certify that the above Resolution was duly adopted by the Governing Body of the Borough of Highlands at a meeting held January 21, 2009.

BOROUGH CLERK/DEPUTY CLERK