

Ms. Kane offered the following Resolution and moved on its adoption:

**R-09-123**

**RESOLUTION AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN  
CONTRACT FOR PROFESSIONAL AUDITING SERVICES  
FALLON & LARSEN LLP**

**WHEREAS**, the Borough of Highlands has a need for professional auditing services; and

**WHEREAS**, such professional auditing services can only be provided by licensed professionals and of the firm of Fallon & Larsen LLP, 1390 Route 36 Suite 102, Hazlet, NJ 07730-1716 is so recognized; and

**WHEREAS**, this contract is to be awarded for an amount not to exceed \$50,100 plus reimbursable expenses for professional auditing services for the Borough of Highlands for the SFY 2009 audit; and

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

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

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

**WHEREAS**, certification of availability of funds is hereby provided by the Chief Financial Officer of the Borough of Highlands contingent upon adoption of the following SFY 2008 Municipal Budget:

|                             |                 |
|-----------------------------|-----------------|
| <b>Account # 1030A-3551</b> | <b>\$31,900</b> |
| <b>3008-4000</b>            | <b>\$18,000</b> |

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**Stephen Pfeffer, Chief Financial Officer**

**WHEREAS**, the Local Public Contracts Law, N.J.S.A. 40A:1101 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 Governing Body of the Borough of Highlands as follows:

1. The firm of Fallon & Larsen LLP is hereby retained to provide professional auditing services as described above for an amount not to exceed \$50,100.00 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.
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 Mr. Caizza 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: July 15, 2009**

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NINA LIGHT FLANNERY  
Borough Clerk

I, \_\_\_\_\_, Clerk/Deputy Clerk, do hereby certify this to be a true copy of the Resolution adopted by the Governing Body of the Borough of Highlands on July 15, 2009.