

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

**BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH**

R-09-32

**RESOLUTION AMENDING RESOLUTION 08-201
AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN CONTRACT FOR
PROFESSIONAL LABOR RELATIONS COUNSEL
APRUZZESE, McDERMOTT, MASTRO & MURPHY**

WHEREAS, the Borough of Highlands adopted Resolution R-08-201 at a meeting held on November 12, 2008 awarding the above contract to Apruzzese, McDermott, Mastro & Murphy, 25 Independence Boulevard, P.O. Box 112, Liberty Corner, New Jersey 07938 for an amount not to exceed \$7,500 plus reimbursable expenses for professional labor relations counsel; and

WHEREAS, a discrepancy over the hourly rate necessitates that this contract be amended to increase the hourly rate charged by Apruzzese, McDermott, Mastro and Murphy to \$170 per hour for an amount not to exceed \$7,500 plus reimbursable expenses for the period November 12, 2008 through December 31, 2008; and

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

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

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

SFY 2009 Budget:
Legal 1070-3755

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. Apruzzese, McDermott, Mastro & Murphy are hereby retained to provide professional labor relations counsel as described above for an hourly rate of \$170 for an amount not to exceed \$7,500 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 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.

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