

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

**BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH**

R-09-134

**RESOLUTION AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN
CONTRACT FOR SPECIAL COUNSEL SERVICES
APRUZZESE, McDERMOTT, MASTRO & MURPHY**

WHEREAS, the Borough of Highlands has a need for special counsel services for on going litigation related to the construction of the firehouse and other legal matters as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

WHEREAS, such professional legal services can only be provided by licensed professionals and the firm of Apruzzese, McDermott, Mastro & Murphy, 25 Independence Boulevard, P.O. Box 112, Liberty Corner, New Jersey 07938 is so recognized; and

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

WHEREAS, this contract is to be awarded at an hourly rate of \$170 for an amount not to exceed \$10,000 plus reimbursable expenses for special counsel services provided to the Borough of Highlands for the period July 1, 2009 through December 31, 2009, and

WHEREAS, the firm of Apruzzese, McDermott, Mastro & Murphy has completed and submitted a Business Entity Disclosure Certification which certifies that the firm of Apruzzese, McDermott, Mastro & Murphy 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 firm of Apruzzese, McDermott, Mastro & Murphy from making any reportable contributions through the term of the contract, and

WHEREAS, the firm of Apruzzese, McDermott, Mastro & Murphy 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 contingent upon adoption of the SFY 2010 municipal budget:

Current Fund: Legal
Bond Ordinance O-98-11 \$2,000
Current Budget – Legal \$8,000

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 firm of Apruzzese, McDermott, Mastro & Murphy are hereby retained to provide special counsel services as described above for an amount not to exceed \$10,000 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 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 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

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.

