

Mr. O'Neil offered the following Resolution and moved its adoption:

**BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH**

R-10-38

**RESOLUTION
AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN CONTRACT FOR
SPECIAL COUNSEL SERVICES
SCARINCI & HOLLENBECK, LLC**

WHEREAS, the Borough of Highlands has a need for special counsel services to perform any and all legal services in redevelopment, taxation, land use and environmental matters regarding the disposition of various properties in the Borough of Highlands including litigation if necessary; and

WHEREAS, such professional legal services can only be provided by licensed professionals and the firm of Scarinci & Hollenbeck, LLC, 1100 Valley Brook Avenue, P.O. Box 790, Lyndhurst, N.J. 07071-0790 is so recognized; and

WHEREAS, this contract is to be awarded at an hourly rate of \$135 for an amount not to exceed \$24,000 plus reimbursable expenses for special counsel services provided to the Borough of Highlands for the period January 1, 2010 through June 30, 2010; and

I hereby certify funds are available as follows contingent upon adoption of the SFY 2010 municipal budget:

Current Fund: Legal \$24,000

Stephen Pfeffer, Chief Financial Officer

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

WHEREAS, the firm of Scarinci & Hollenbeck, LLC has completed and submitted a Business Entity Disclosure Certification which certifies that Scarinci & Hollenbeck, LLC 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 Scarinci & Hollenbeck, LLC from making any reportable contributions through the term of the contract; and

WHEREAS, the firm of Scarinci & Hollenbeck, LLC has completed and submitted a Political Contribution Disclosure form in accordance with P.L. 2005, c.271; and

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. Scarinci & Hollenbeck, LLC are hereby retained to provide special counsel services as described above for an amount not to exceed \$24,000 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. Nolan and adopted on the following roll call vote:

ROLL CALL:

AYES: Mr. Nolan, Mr. O'Neil, Mr. Francy, Ms. Kane, Mayor Little

NAYES: None

ABSENT: None

ABSTAIN: None

Date: February 3, 2010

CAROLYN CUMMINS, 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 February 3, 2010.

BOROUGH CLERK/DEPUTY CLERK