

Mayor Nolan offered the following Resolution and moved in its adoption:

R-12-01

**RESOLUTION APPOINTING MUNICIPAL ATTORNEY FOR THE
CALENDAR YEAR 2012 &
AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN CONTRACT FOR
PROFESSIONAL LEGAL SERVICES CONTRACT**

WHEREAS, the Borough of Highlands has a need for professional legal services to be provided to the Borough of Highlands for the calendar year 2012 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 Mayor has offered the name of Bruce Padula, Esq. of the law office of Cleary, Giacobbe, Alfieri, Jacobs, LLC, 5 Ravine Drive, P.O. Box 533, Matawan, NJ 07747 and it is so recognized;

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

WHEREAS, the law office of Cleary, Giacobbe, Alfieri, Jacobs, LLC., has completed and submitted a Business Entity Disclosure Certification which certifies that the Law Office of Cleary, Giacobbe, Alfieri, Jacobs, LLC 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 provide prohibit the Law Office of Cleary, Giacobbe, Alfieri, Jacobs, LLC from making any reportable contributions through the term of the contract; and

WHEREAS, the Law Office of Cleary, Giacobbe, Alfieri, Jacobs has completed and submitted a Political Contribution Disclosure for in accordance with P.L 2005, c271; and

WHEREAS, this contract is awarded as a non-fair and open contract pursuant to the provisions of N.J.S.A.-19:44A-20.5 for an amount not to exceed \$21,000 plus reimbursable expenses for Professional Legal Services provided to the Borough for the period of March 1, 2012 through June 30, 2012 at rate of a monthly retainer in the amount of \$5,250.00 and an hourly rate of \$115.00 per hour for services outside of contract.

WHEREAS, Cleary, Giacobbe, Alfieri, Jacobs, LLC , Esq., has submitted the attached contract for Professional legal services for the calendar year 2012; and

WHEREAS, the Governing Body has reviewed the attached contract for Professional Engineering Services for 2012; and

WHEREAS, certification of the availability of funds is hereby provided in the SFY 2012 Budget by the Chief Financial Officer.

Legal Other Expenses
Sewer Utility Other expenses

Stephen Pfeffer, CFO

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 of Highlands Governing Body as follows:

1. Bruce Padula Esq.. of the Law Office of Cleary, Giacobbe, Alfieri, Jacobs, LLC is hereby appointed as Borough Attorney for the calendar 2012 and is awarded a professional service contract for an amount not to exceed \$21,000 for professional legal services provided for the period of March 1, 2012 through June 30, 2012.
2. The attached Professional legal services Contract is hereby approved and the Mayor and Borough Clerk are hereby authorized to sign the contract.
3. This contract is awarded without competitive bidding as "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.
4. A copy of the Resolution as well as the contract shall be placed on file with the Borough Clerk.
5. The Borough Clerk is hereby directed to publish notice of this award as required by law.

Seconded by Mr. Francy and adopted on the following roll call vote:

ROLL CALL:

AYES: Mr. Redmond, Mr. O'Neil, Mr. Francy, Ms. Kane, Mayor Nolan
NAYES: None
ABSTAIN: None

DATE: March 7, 2012

CAROLYN CUMMINS, Board Secretary

I hereby certify this to be a true copy of the Resolution adopted by the Borough of Highlands Planning Board on March 7, 2012.

BOARD SECRETARY