

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

**R-12-179**  
**RESOLUTION**  
**AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN CONTRACT FOR**  
**PROFESSIONAL LEGAL SERVICES**

**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 have previously appointed 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 \$31,500 plus reimbursable expenses for Professional Legal Services provided to the Borough for the period of July 1, 2012 through December 31, 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**, certification of the availability of funds is hereby provided by the Chief Financial Officer contingent upon the adoption of the Transitional Budget for the period of July 1, 2012 through December 31, 2012.

Legal Other Expenses  
Sewer Utility Other expenses

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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 awarded a professional legal service contract for the period of July 1, 2012 through December 31, 2012 for an amount not to exceed \$31,500 for professional legal services provided for the period of July 1, 2012 through December 31, 2012.
- 2.. 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.
3. 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. Redmond and adopted on the following roll call vote:

**ROLL CALL:**

**AYES:** Mr. Redmond, Mr. O'Neil, Mr. Francy

**NAYES:** None

**ABSTAIN:** None

**ABSENT:** Ms. Kane, Mayor Nolan

**DATE:** August 15, 2012

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**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 August 15, 2012.

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**BOARD SECRETARY**

