

Mr. Nolan offered the following resolution and moved its adoption:

**BOROUGH OF HIGHLANDS  
COUNTY OF MONMOUTH**

**R-07-56**

**RESOLUTION AMENDING RESOLUTION 06-152  
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-06-152 at a meeting held on September 6, 2006 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 \$30,000 plus reimbursable expenses for professional labor relations counsel; and

**WHEREAS**, ongoing labor negotiations and litigation necessitate that this contract be amended for an amount not to exceed an additional \$15,000 for professional labor relations counsel for a total contract not to exceed \$45,000 plus reimbursable expenses; 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:

Appropriation Reserve:  
Legal 1070-3755 \$15,000

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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 Governing Body 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 additional amount not to exceed \$15,000 for a total contract not to exceed \$45,000 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.
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. Urbanski and adopted on the following roll call vote:

**ROLL CALL:**

**AYES:** Mr. Nolan, Miss Thomas, Mr. Caizza, Mr. Urbanski, Mayor O'Neil  
**NAYES:** None  
**ABSENT:** None  
**ABSTAIN:** None

**Date:** April 4, 2007

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**NINA LIGHT FLANNERY, CLERK**

I, \_\_\_\_\_ Clerk/Deputy Clerk hereby certify that the above Resolution was duly adopted by the Governing Body of the Borough of Highlands at a meeting held April 4, 2007.

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**BOROUGH CLERK/DEPUTY CLERK**