

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

**BOROUGH OF HIGHLANDS  
COUNTY OF MONMOUTH**

**R-08-160**

**RESOLUTION AMENDING RESOLUTION 08-59  
AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN CONTRACT FOR  
PROFESSIONAL LEGAL SERVICES  
JOSEPH OXLEY OF  
THE FIRM SCARINCI & HOLLENBECK, LLC**

**WHEREAS**, the Borough of Highlands adopted Resolution R-08-59 at a meeting held on March 5, 2008 awarding the above contract to Joseph Oxley of the firm of Scarinci & Hollenbeck, LLC, 1100 Valley Brook Avenue, P.O. Box 790, Lyndhurst, N.J. 07071-0790 for an amount not to exceed \$71,548.65 plus reimbursable expenses for professional legal services and other special counsel services for the period February 6, 2008 through December 31, 2008; and

**WHEREAS**, the Borough of Highlands wishes to appoint the firm Scarinci & Hollenbeck, LLC as labor counsel for the period July 1, 2008 through December 31, 2008 and amend said contract accordingly; and

**WHEREAS**, ongoing litigation and labor negotiations necessitate that this contract be amended for an amount not to exceed an additional \$43,450 for professional legal services and labor relations counsel and other special counsel services for a total contract not to exceed \$114,998.65 plus reimbursable expenses; and

I hereby certify funds are available as follows:

Current Fund: Legal  
SFY 2008  
Current Legal \$39,450.00  
SFY 2009  
Current Legal \$73,548.65  
Sewer \$2,000.00

SFY 2009: contingent upon the necessary funds being appropriated by the Governing Body in the SFY 2009 municipal budget.

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Stephen Pfeffer, Chief Financial Officer

**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**, 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 professional legal services, labor relations counsel and other special counsel services as described above for an increased amount of \$43,450.00.
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 Mrs. Burton and adopted on the following roll call vote:

**ROLL CALL:**

**AYES:** Mrs. Burton, Mr. Caizza, Mr. Urbanski, Mr. Nolan, Mayor Little

**NAYES:** None

**ABSENT:** None

**ABSTAIN:** None

**Date: August 13, 2008**

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**NINA LIGHT FLANNERY, 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 August 13, 2008.

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**BOROUGH CLERK/DEPUTY CLERK**