

Mayor Little offered the following Resolution and moved its adoption:

**BOROUGH OF HIGHLANDS  
COUNTY OF MONMOUTH**

**R-09-119  
RESOLUTION AMENDING RESOLUTIONS 08-82, 08-96 AND 09-26  
PROFESSIONAL SPECIAL COUNSEL  
MCKENNA, DUPONT, HIGGINS & STONE**

**WHEREAS**, the Borough of Highlands adopted Resolution R-08-82 at a meeting held on April 16, 2008 awarding the above contract to Mckenna, Du Pont, Higgins & Stone, 229 Broad Street, Red Bank, N.J. 07701 for an amount not to exceed \$2,500 plus reimbursable expenses for professional special counsel services for litigation related to a zoning ordinance; and

**WHEREAS**, the Borough of Highlands adopted Resolution R-08-96 at a meeting held on May 21, 2008 amending Resolution R-08-82 for an additional \$2,500 for professional special counsel services for litigation related to a zoning ordinance for a total contract not to exceed \$5,000 plus reimbursable expenses; and

**WHEREAS**, the Borough of Highlands adopted Resolution R-09-26 at a meeting held on January 7, 2009 amending Resolution R-08-82 and for an additional \$2,028.75 for professional special counsel services for litigation related to a zoning ordinance for a total contract not to exceed \$7,028.75 plus reimbursable expenses and extending the contract through June 30, 2009; and

**WHEREAS**, ongoing litigation necessitates that this contract be amended for an amount not to exceed an additional \$5,000.00 for professional special counsel services for a total contract not to exceed \$12,028.75 plus reimbursable expenses; and

**WHEREAS**, certification of availability of funds is hereby provided by the Chief Financial Officer of the Borough of Highlands as follows:

I hereby certify funds are available as follows:

Current Fund: Legal – 1070-3755 \$5,000.00

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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 Borough Council of the Borough of Highlands as follows:

1. The firm of McKenna, Du Pont, Higgins & Stone are hereby retained to provide professional special counsel services as described above for an amended amount not to exceed \$12,028.75 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:** Ms. Kane, Mr. Urbanski, Mayor Little

**NAYES:** Mr. Francy

**ABSENT:** Mr. Caizza

**ABSTAIN:** None

**Date:** June 17, 2009

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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 June 17, 2009.

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**BOROUGH CLERK/DEPUTY CLERK**