

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

**BOROUGH OF HIGHLANDS  
COUNTY OF MONMOUTH**

**R-10-41**

**RESOLUTION AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN  
CONTRACT FOR SPECIAL COUNSEL SERVICES  
APRUZZESE, McDERMOTT, MASTRO & MURPHY**

**WHEREAS**, the Borough of Highlands has a need for special counsel services for on going litigation related to the construction of the firehouse and other legal matters as a non-fair and open contract 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 firm of Apruzzese, McDermott, Mastro & Murphy, 25 Independence Boulevard, P.O. Box 112, Liberty Corner, New Jersey 07938 is so recognized; and

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

**WHEREAS**, this contract is to be awarded at an hourly rate of \$170 for an amount not to exceed \$10,000 plus reimbursable expenses for special counsel services provided to the Borough of Highlands for the period January 2010 through June 30, 2010, and

**WHEREAS**, the firm of Apruzzese, McDermott, Mastro & Murphy has completed and submitted a Business Entity Disclosure Certification which certifies that the firm of Apruzzese, McDermott, Mastro & Murphy 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 prohibit the firm of Apruzzese, McDermott, Mastro & Murphy from making any reportable contributions through the term of the contract, and

**WHEREAS**, the firm of Apruzzese, McDermott, Mastro & Murphy has completed and submitted a Political Contribution Disclosure form in accordance with P.L. 2005, c 271; 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 contingent upon adoption of the SFY 2010 municipal budget:

Current Fund: Legal  
Bond Ordinance O-98-11 \$2,000  
Current Budget – Legal \$8,000

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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** Borough Council of the Borough of Highlands as follows:

1. The firm of Apruzzese, McDermott, Mastro & Murphy are hereby retained to provide special counsel services as described above for an amount not to exceed \$10,000 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. The Mayor and Borough Clerk are hereby authorized to sign said contract.
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 Ms. Kane and adopted on the following roll call vote:

**ROLL CALL:**

**AYES:** Mr. Nolan, Mr. O’Neil, Mr. Francy, Ms. Kane, Mayor Little

**NAYES:** None

**ABSENT:** None

**ABSTAIN:** None

**Date: February 3, 2010**

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**CAROLYN CUMMINS, 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 February 3, 2010.

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**BOROUGH CLERK/DEPUTY CLERK**