

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

**BOROUGH OF HIGHLANDS  
COUNTY OF MONMOUTH**

**R-11-51**

**RESOLUTION AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN  
CONTRACT FOR PROFESSIONAL LEGAL SERVICES  
MICHAEL HALFACRE, ATTORNEY AT LAW**

**WHEREAS**, the Borough of Highlands has a need for professional legal services 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 Law Office of Michael Halfacre, P.O. Box 299, Little Silver, NJ is so recognized; and

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

**WHEREAS**, this contract is to be awarded for an amount not to exceed \$36,666.70 plus reimbursable expenses for Professional Legal Services provided to the Borough of Highlands for the period February 2, 2011 through June 30, 2011 per the attached contract:

Retainer \$3,333.34 per month  
Hourly Rate for additional services outside of retainer \$115

**WHEREAS**, the Law Office of Michael Halfacre has completed and submitted a Business Entity Disclosure Certification which certifies that the Law Office of Michael Halfacre 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 Law Office of Michael Halfacre from making any reportable contributions through the term of the contract, and

**WHEREAS**, the Law Office of Michael Halfacre 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 2011 municipal budget:

Legal Other Expenses  
Sewer Utility Other Expenses

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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 Law Office of Michael Halfacre, Esq. is hereby retained to provide professional legal services as described above for an amount not to exceed \$36,666.70 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 authorized to sign the 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.
5. The Borough Clerk and Mayor are hereby authorized to execute 2011 Contract.

Seconded by Ms. Kane and adopted on the following roll call vote:

**ROLL CALL:**

**AYES:** Mr. Connelly, Mr. O'Neil, Mr. Francy, Ms. Kane, Mayor Nolan

**NAYES:** None

**ABSENT:** None

**ABSTAIN:** None

**Date:** February 2, 2011

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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 2, 2011.

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**BOROUGH CLERK/DEPUTY CLERK**