

Mayor Nolan offered the following Resolution and moved its adoption:

R-11-172

**RESOLUTION APPOINTING THE ARNETTE LAW FIRM, LLC
AS PROFESSIONAL LEGAL COUNSEL
THROUGH THE NON-FAIR AND OPEN PROCESS**

WHEREAS, the Borough of Highlands has a need for professional legal counsel services for tax appeal and tax litigation matters and special litigation matters: and

WHEREAS, such professional legal services can only be provided by licensed professionals and the firm the Arnette Law Firm, LLC, P.O. Box 7366, Shrewsbury, NJ 07702 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 as a non-fair and open contract pursuant to the provisions of N.J.S.A.-19:44A-20.5 through December 31, 2011 at an hourly rate of \$115.00 per hour for the period July 1, 2011 through December 31, 2011 in an amount not to exceed \$15,000 plus reimbursable expenses for professional legal counsel services for the Borough of Highlands. All rates based on the services utilized are provided for in the contract between The Arnette Law Firm, LLC and the Borough of Highlands; and

WHEREAS, the firm The Arnette Law Firm, LLC has completed and submitted a Business Entity Disclosure Certification which certifies that the Arnette Law Firm, LLC 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 Arnette Law Firm, LLC from making any reportable contributions through the term of the contract; and

WHEREAS, the Arnette Law Firm, LLC 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 contingent upon the adoption of the SFY 2012 Municipal Budget.

Current Fund Legal = \$15,000

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. That Scott Arnette, Esq., of The Arnette Law Firm, LLC is hereby appointed and retained to provide professional legal counsel services as described above for the period of July 1, 2011 through December 31, 2011.
2. That Scott Arnette, Esq., of The Arnette Law Firm, LLC is hereby retained at an hourly rate of \$115.00 per hour for the period February 1, 2011 through June 30, 2011, in an amount not to exceed \$15,000 plus reimbursable expenses for professional legal counsel services for the Borough of Highlands.
- 3 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.
- 4 A copy of the Resolution as well as the contract shall be placed on file with the Borough Clerk of the Borough of Highlands.
- 5 The Borough Clerk is hereby directed to publish notice of this award as required by law.

Seconded by Mr. Francy 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: July 20, 2011 _____

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 July 20, 2011.

BOROUGH CLERK/DEPUTY CLERK