

Mayor Nolan offered the following Resolution and moved its adoption:

R-11-178

**RESOLUTION PROFESSIONAL LABOR COUNSEL SERVICES
AS A NON-FAIR AND OPEN CONTRACT TO
CLEARY GIACOBBE ALFIERI JACOBS, LLC**

WHEREAS, the Borough of Highlands has a need for professional labor counsel 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 firm of Cleary Giacobbe Alfieri Jacobs, LLC, 7 James Street, Florham Park, NJ 07932 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 \$145.00 per hour for an amount not to exceed \$20,000 plus reimbursable expenses for professional bond counsel services for the Borough of Highlands for the period July 1, 2011 through December 31, 2011. All rates based on the services utilized are provided for in the contract between Cleary Giacobbe Alfieri Jacobs, LLC and the Borough of Highlands; and

WHEREAS, the firm of Cleary Giacobbe Alfieri Jacobs, LLC has completed and submitted a Business Entity Disclosure Certification which certifies that the firm of Cleary Giacobbe Alfieri Jacobs, 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 firm of Cleary Giacobbe Alfieri Jacobs, LLC from making any reportable contributions through the term of the contract; and

WHEREAS, the firm of Cleary Giacobbe Alfieri Jacobs, 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 = \$20,000

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 Matthew J. Giacobbe, Esq. of the firm of Cleary Giacobbe Alfieri Jacobs, LLC. is hereby retained to provide professional labor counsel services as described above for an amount not to exceed \$20,000 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 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.

Seconded by Mr. Connelly 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: August 17, 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 August 17, 2011.

BOROUGH CLERK/DEPUTY CLERK