



BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH

RESOLUTION 17-001

RESOLUTION APPOINTING MUNICIPAL ATTORNEY FOR THE CALENDAR YEAR 2017 & AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN CONTRACT FOR PROFESSIONAL LEGAL SERVICES CONTRACT

WHEREAS, the Borough of Highlands has a need for professional legal services to be provided to the Borough of Highlands for the calendar year 2017 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 Mayor has offered the name of Brian J. Chabarek, Esq. of the law firm of Dwyer, Bachman & Newman, LLC. and it is so recognized;

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

WHEREAS, the Law Firm of Dwyer, Bachman & Newman, LLC. has completed and submitted a Business Entity Disclosure Certification which certifies that their Law Office 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 provide to prohibit them from making any reportable contributions through the term of the contract; and

WHEREAS, the Law Firm of Dwyer, Bachman & Newman, LLC. has completed and submitted a Political Contribution Disclosure form in accordance with P.L 2005, c271; and

WHEREAS, this contract is awarded as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5 for an amount not to exceed \$66,000.00 plus reimbursable expenses for Professional Legal Services provided to the Borough for the period of January 1, 2017 through December 31, 2017 at the rate of a monthly retainer in the amount of \$5,500.00 and an hourly rate of \$150 per hour for services outside of the contract.

WHEREAS, Dwyer, Bachman & Newman, LLC., has submitted the attached contract for Professional Legal Services for the calendar year 2017; and

WHEREAS, the Governing Body has reviewed the attached contract for Professional Legal Services for 2017; and

WHEREAS, certification of the availability of funds has been provided by the

Chief Financial Officer contingent upon the adoption of the 2017 Budget.

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 of Highlands Governing Body as follows:

1. Brian J. Chabarek of the Law Firm of Dwyer, Bachman & Newman, LLC is hereby appointed Borough Attorney for the calendar 2017 and is awarded a professional service contract for an amount not to exceed \$66,000.00 for professional legal services provided for the period of January 1, 2017 through December 31, 2017.

2. The attached Professional legal services Contract is hereby approved and the Mayor and Borough Clerk are hereby authorized to sign the contract.

3. This contract is awarded without competitive bidding as "Professional Service" in accordance with the Local Public Contracts Law, N.J.S.A. 40A:11-5(l)(a) because it is for services performed by persons authorized by law to practice a recognized profession.

4. A copy of the Resolution as well as the contract shall be placed on file with the Borough Clerk.

5. The Borough Clerk is hereby directed to publish notice of this award as required by law.

	INTRODUCED	SECONDED	AYE	NAY	ABSTAIN	ABSENT
BROULLON		X	X			
CARD			X			
D'ARRIGO			X			
WELLS			X			
O'NEAL	X		X			

I, Dwayne M, Harris, Acting Municipal Clerk of the Borough of Highlands, in the County of Monmouth, State of New Jersey, hereby certify this to be a true copy of the action of the Governing Body, at its Reorganization Meeting, held January 01, 2017. WITNESS my hand this 5th day of January 2017.

Dwayne M. Harris, RMC
Acting Municipal Clerk