

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

**RESOLUTION AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN  
CONTRACT FOR PROFESSIONAL ENGINEERING SERVICES AND  
APPOINTING PLANNING BOARD ENGINEER**

**WHEREAS**, the Borough of Highlands Planning Board has a need for professional engineering 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 engineering services can only be provided by licensed professionals and Robert Keady, P.E. of the firm T & M Associates, 11 Tindall Road, Middletown, N.J. 07748 is so recognized; and

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

**WHEREAS**, T&M Associates has completed and submitted a Business Entity Disclosure Certification which certifies that T & M Associates 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 T & M Associates, Inc. from making any reportable contributions through the term of the contract, and

**WHEREAS**, T & M Associates Inc. has completed and submitted a Political Contribution Disclosure form in accordance with P.L. 2005, c 271; and

**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 the Highlands Planning Board as follows:

1. Robert Keady, P.E. of T & M Associates is hereby retained to provide professional engineering services as described above for a one year term to expire on 12/31/10.
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.
3. A copy of the Resolution as well as the contract shall be placed on file with the Board Secretary of the Borough of Highlands.
4. The Board Secretary is hereby directed to publish notice of this award as required by law.

Seconded by Mr. O'Neil and adopted on the following roll call vote:

**ROLL CALL:**

**AYES:** Mr. Mullen, Mr. O'Neil, Mr. Schoellner, Mayor Little, Mr. Roberts,  
Mr. Bentham, Ms. Peterson, Ms. Ruby, Mr. Stockton

**NAYES:** None

**ABSTAIN:** None

**Date: January 14, 2010**

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**CAROLYN CUMMINS, BOARD SECRETARY**

I do hereby certify this to be a true copy of the Resolution adopted by the Borough of Highlands Planning Board on January 14, 2010.

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**PLANNING BOARD SECRETARY**