

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

**RESOLUTION
BOROUGH OF HIGHLANDS ZONING BOARD
AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN CONTRACT FOR
PROFESSIONAL ENGINEERING SERVICES
FOR THE PERIOD OF JULY 1, 2008 THROUGH DECEMBER 31, 2008**

WHEREAS, the Borough of Highlands Zoning Board has a need for Professional Engineering Services; and

WHEREAS, such Professional Engineering services can only be provided by a licensed professional; and

WHEREAS, the Borough of Highlands Zoning Board memorialized a Resolution on January 3, 2008 appointing Joseph May, P.E. of CMZ, Inc. as Zoning Board Engineer for a (1) one year term expiring December 31, 2008; and

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

WHEREAS, CMX, Inc., has completed and submitted a Business Entity Disclosure Certification which certifies that CMX, Inc., 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 CMX, Inc. from making any reportable contributions through the term of the contract; and

WHEREAS, CMX, Inc., has completed and submitted a Political Contribution Disclosure Form in accordance with P.L. 2005, c271; and

WHEREAS, this contract is to be awarded for an amount not to exceed \$2,100.00 for Professional Engineering Services provided to the Borough of Highlands Zoning Board for the period of July 1, 2008 through December 31, 2008; and

WHEREAS, certification of availability of funds is hereby provided by the Chief Financial Officer contingent upon the Governing Body of the Borough of Highlands adopting the SFY 2009 Municipal Budget.

Planning Board Budget
Account #1141-3757 = \$2,100.00
July 1, 2008 – December 31, 2008

Stephen Pfeffer, Chief Financial Officer

WHEREAS, the Local Public Contracts Law, NJSA40A:11-1 et. Seq. requires that notice with respect to contract for Professional Services awarded without competitive bids must be publicly advertised.

NOW, THEREFORE, BE IT RESOLVED by the Borough of Highlands Planning Board as follows:

1. That Joseph May, P.E. of CMX, Inc., is hereby retained to provide Professional Engineering Services as described above for an amount not to exceed \$2,100 for the period of July 1, 2008 through December 31, 2008.
2. This contract is awarded without competitive bidding as a "Professional Service" in accordance with the Local Public Contracts Law, NJSA 40A:11-5(1)(a)(i) because it is for services performed by persons authorized by law to practice a recognized profession.
3. A copy of this Resolution shall be placed on file with the Zoning Board Secretary.
4. The Borough of Highlands Zoning Board Secretary is hereby directed to publish notice of this award as required by law.

Seconded by Mr. Fox and adopted on the following roll call vote:

ROLL CALL:

AYES: Mr. Francy, Mr. Fox, Mr. Anthony, Mr. Gallagher, Mr. Britton,
Ms. Solomon, Mr. Mullen

NAYES: None

ABSTAIN: None

DATE: July 17, 2008

CAROLYN CUMMINS, BOARD SECRETARY

I hereby certify this to be a true copy of the Resolution adopted by the Planning Board of the Borough of Highlands on July 17, 2008.

BOARD SECRETARY