

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

**RESOLUTION APPOINTING ZONING BOARD ATTORNEY
FOR THE CALENDAR YEAR 2009
ATHORIZING THE AWARD OF A NON-FAIR AND OPEN CONTRACT
FOR PROFESSIONAL LEGAL SERVICES**

WHEREAS, there exists the need for Professional Legal Services to be provided to the Zoning Board for the calendar year 2009; and

WHEREAS, such Professional Legal Services can only be provided by licensed professionals and Gregory Baxter, Esq. of Caruso & Baxter is so recognized; and

WHEREAS, the law office of Caruso & Baxter has completed and submitted a Business Entity Disclosure Certification which certifies that the law office of Caruso & Baxter 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 Caruso & Baxter from making any reportable contributions through the term of the contract, and

WHEREAS, the determination of value has been placed on file with this resolution with the Board Secretary; and

WHEREAS, Caruso & Baxter has submitted the C.271 Political Contribution Disclosure Form in accordance with N.J.S.A. 19:44A-20.26 (P.L. 2005,c271, s2).

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 Zoning Board of Adjustment of the following:

1. Gregory Baxter, Esq. of the law office of Caruso & Baxter is hereby appointed as Zoning Board Attorney for the period of January 1, 2009 through December 31, 2009 and said appointment is made as a non-fair and open contract.
2. This 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 person authorized by law to practice a recognized profession.
3. A copy of this Resolution shall be placed on file with the Zoning 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 Ms. Ryab and adopted on the following roll call vote:

ROLL CALL:

AYES: Ms. Ryan, Mr. Fox, Mr. Gallagher, Ms. Tierney, Mr. Britton,
Mr. Kutosh, Mr. Mullen

NAYES: None

ABSTAIN: None

DATE: January 15, 2009

Carolyn Cummins, Board Secretary

I hereby certify this to be a true copy of the Resolution adopted by the Zoning Board of Adjustment of the Borough of Highlands on January 15, 2009.

BOARD SECRETARY