

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

**RESOLUTION AWARDING CONTRACT  
A NON-FAIR AND OPEN CONTRACT  
FOR PROFESSIONAL LEGAL SERVICES  
TO GREGORY BAXTER, ESQ. OF THE FIRM OF CARUSO & BAXTER  
&  
APPROVING 2009 CONTRACT**

**WHEREAS**, there exists the need for Professional Legal Services to be provided to the Zoning Board of Adjustment for the period of January 1, 2009 through June 30, 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**, Gregory Baxter, Esq. of Caruso & Baxter was appointed as Zoning Board Attorney for the calendar year 2009 on January 15, 2009; and

**WHEREAS, Gregory Baxter**, Esq. of Caruso & Baxter has submitted the attached 2009 contract for approval; and

**WHEREAS**, the Zoning Board has reviewed and hereby approves of the attached contract.

**WHEREAS**, the law office of Caruso & Baxter has completed and submitted a Business Entity Disclosure Certification which certifies that 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 Borough Clerk; and

**WHEREAS**, the law office of 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; and

**WHEREAS**, certification of the availability of funds is hereby made as follows:

Account #1151 -3755           \$ 6,000.00

For Legal Services for the Period of January 1, 2009 through June 30, 2009.

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Stephen Pfeffer, CFO

**NOW, THEREFORE, BE IT RESOLVED** by the Zoning Board of the Borough of Highlands of the following:

1. Gregory Baxter, Esq. of the law office of Caruso & Baxter is hereby awarded a non-fair and open contract for professional legal services to be provided to the Zoning Board for the period of January 1, 2009 through June 30, 2009 for an amount not to exceed \$6,000.00 and that the attached contract for 2009 is hereby approved.
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 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 Ms. Ryan 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**

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**CAROLYN CUMMINS, Board Secretary**

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

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**BOARD SECRETARY**