

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

**RESOLUTION  
BOROUGH OF HIGHLANDS ZONING BOARD  
APPROVING PROFESSIONAL LEGAL SERVICES FOR THE PERIOD OF JULY 1,  
2011 THROUGH DECEMBER 31, 2011**

**WHEREAS**, the Borough of Highlands Zoning Board has a need for Professional Legal Services to be provided to the Zoning Board for the period of July 1, 2011 through December 31, 2011 pursuant to the provisions of N.J.S.A. 19:44A-20.4; 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 Borough of Highlands Zoning Board memorialized a Resolution in January 2011 appointing Gregory Baxter, Esq., of the firm of Caruso & Baxter as Zoning Board Attorney for a (1) one year term expiring December 31, 2011; and

**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 them from making any reportable contributions through the term of the contract; and

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

**WHEREAS**, the law office of Caruso & Baxter has submitted the C.271 Political Contribution Disclosure form in accordance with the NJSA 19:44A-20.26 (P.L. 2005,c271,s2).

**WHEREAS**, a certification of availability of funds is hereby provided by the Chief Financial Officer contingent upon adequate funding being provided by the Borough of Highlands Governing Body in the State Fiscal Year 2012 Budget:

Zoning Board Budget  
Account #1151-3755 \$5,205.00  
July 1, 2011 through December 31, 2011

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Stephen Pfeffer, CFO

**WHEREAS**, the Local Public Contracts Law, NJSA: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 Zoning Board as follows:

1. That Gregory Baxter, Esq., from the firm of Caruso & Baxter is hereby retained to provide Professional Legal Services as described above for an amount not to exceed \$5,205.00 for the period of July 1, 2011 through December 31, 2011.
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) 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 Board Secretary.
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, Mr. Britton, Mr. Knox  
Mr. Kutosh, Mr. Braswell

**NAYES:** None

**ABSTAIN:** None

**DATE:** August 4, 2011

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**CAROLYN CUMMINS, BOARD SECRETARY**

I hereby certify this to be a true copy of the Resolution adopted by the Borough of Highlands Zoning Board at its meeting on August 4, 2011.

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**BOARD SECRETARY**