



**BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH**

RESOLUTION 21-001

**A RESOLUTION APPOINTING MUNICIPAL ATTORNEY FOR THE CALENDAR YEAR 2021
& AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN CONTRACT FOR
PROFESSIONAL LEGAL SERVICES**

WHEREAS, the Borough of Highlands has a need for professional legal services to be provided to the Borough of Highlands for the calendar year 2021 pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

WHEREAS, such professional legal services can only be provided by licensed professionals and the Mayor has offered the name of Brian J. Chabarek, Esq. of the law firm of Davison, Eastman, Munoz, Paone, P.A. and it is so recognized; and

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

WHEREAS, the Law Firm of Davison, Eastman, Munoz, Paone, P.A. has completed and submitted a Business Entity Disclosure Certification which certifies that their Law Firm 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 Law Firm of Davison, Eastman, Munoz, Paone, P.A., has completed and submitted a Political Contribution Disclosure form in accordance with P.L. 2005, c. 271; and

WHEREAS, this contract is awarded as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5, at the rate of a monthly retainer in the amount of \$5,500.00 and an hourly rate of \$150 per hour plus reimbursable expenses for professional legal services outside of the retainer services as outlined in the contract, for the period of January 1, 2021 through December 31, 2021, for an amount not to exceed \$180,000.00; and

WHEREAS, certification of the availability of funds has been provided by the Chief Financial Officer contingent upon the adoption of the 2021 Budget; 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 Highlands Governing Body as follows:

1. Brian J. Chabarek of the Law Firm of Davison, Eastman, Munoz, Paone, P.A. is hereby appointed Borough Attorney for the calendar year 2021 and is awarded a professional services contract at the rate of a monthly retainer in the amount of \$5,500.00 and an hourly rate of \$150 per hour plus reimbursable expenses for professional legal services outside of the retainer services as outlined in the contract, for the period of January 1, 2021 through December 31, 2021, for an amount not to exceed \$180,000.00.

2. The Mayor and Borough Clerk are hereby authorized to sign the Professional Services Contract for the aforesaid services.
3. 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)(i) because it is for services performed by persons authorized by law to practice a recognized profession.
4. A copy of the Resolution as well as the contract shall be placed on file with the Borough Clerk
5. The Borough Clerk is hereby directed to publish notice of this award as required by law

Motion to Approve R-21-001:

	INTRODUCED	SECONDED	AYE	NAY	ABSTAIN	ABSENT
Martin			X			
Mazzola		X	X			
Melnyk			X			
Olszewski			X			
Broullon	X		X			

I, Michelle Hutchinson, Acting Municipal Clerk of the Borough of Highlands, in the County of Monmouth, State of New Jersey, hereby certify this to be a true copy of the action of the Governing Body, at its Council Meeting, held January 1, 2021.



Michelle Hutchinson
Acting Municipal Clerk