



BOROUGH OF HIGHLANDS  
COUNTY OF MONMOUTH

## **RESOLUTION 17- 048**

### **RESOLUTION AMENDING APPOINTMENT OF MUNICIPAL ATTORNEY FOR THE CALENDAR YEAR 2017 & AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN CONTRACT FOR PROFESSIONAL LEGAL SERVICES**

**WHEREAS**, by way of Resolution 17-001, the Borough set forth the need for professional legal services to be provided to the Borough of Highlands for the calendar year 2017 pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

**WHEREAS**, by way of Resolution R-17-001, the Mayor offered the name of Brian J. Chabarek, Esq. of the Law Firm of Dwyer, Bachman & Newman, LLC.; and

**WHEREAS**, by way of Resolution R-17-001, Brian J. Chabarek of the Law Firm of Dwyer, Bachman & Newman, LLC was appointed Borough Attorney for the calendar year 2017 and awarded a professional services contract for professional legal services provided for the period of January 1, 2017 through December 31, 2017; and

**WHEREAS**, by way of Resolution 17-001, the Chief Financial Officer determined and certified in writing that the value of the contract will exceed \$17,500; and

**WHEREAS**, effective January 30, 2017, Brian J. Chabarek, Esq. changed law firms and is affiliated with the law firm of Davison, Eastman, Munoz, Lederman & Paone, P.A.; and

**WHEREAS**, the Law Firm of Davison, Eastman, Munoz, Lederman & Paone, P.A. has completed and submitted a Business Entity Disclosure Certification which certifies that their Law Office 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 provide to prohibit them from making any reportable contributions through the term of the contract; and

**WHEREAS**, the Law Firm of Davison, Eastman, Munoz, Lederman & Paone, P.A. has completed and submitted a Political Contribution Disclosure form in accordance with P.L. 2005, c271; and

**WHEREAS**, in light of the Borough Attorney's change in law firms, the governing body wishes to amend and replace the award of contract so as to reflect the Borough Attorney's new law firm; and

**WHEREAS**, this amended contract is awarded to Brian J. Chabarek, Esq., of the law firm of Davison, Eastman, Munoz, Lederman & Paone, P.A. on the same terms and conditions as set forth in Resolution 17-001; and

**WHEREAS**, this amended contract is awarded as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5 for an amount not to exceed \$66,000.00 plus reimbursable expenses for Professional Legal Services provided to the Borough for the period of February 1, 2017 through December 31, 2017 at the rate of a monthly retainer in the amount of \$5,500.00 and an hourly rate of \$150 per hour for services outside of the contract; and

**WHEREAS**, Davison, Eastman, Munoz, Lederman & Paone, P.A. has submitted a contract for Professional Legal Services for the calendar year 2017;

**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. Resolution 17-001 is hereby amended to reflect that Brian J. Chabarek of the Law Firm of Davison, Eastman, Munoz, Lederman & Paone, P.A. is hereby appointed as Borough Attorney for the calendar year 2017 and is awarded a professional service contract for an amount not to exceed \$66,000.00 for professional legal services provided for the period of February 1, 2017 through December 31, 2017.

2. The Professional Legal Services Contract that was awarded by way of Resolution 17-001 is hereby amended and replaced with the aforesaid Legal Services Contract awarded to Brian J. Chabarek, Esq. of the Law Firm of Davison, Eastman, Munoz, Lederman & Paone, P.A. and the Mayor and Borough Clerk are hereby authorized to sign the amended Contract.

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 this 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.

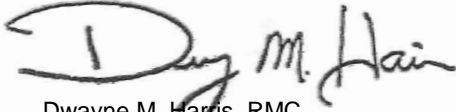
**Motion:** Approve Resolution, **moved** by Councilmember Broullon; **Seconded** by Councilmember D'Arrigo.

**Vote:** Motion carried by roll call vote (summary: Yes = 5; No = 0).

**Yes:** Councilmember Broullon, Councilmember Card, Councilmember D'Arrigo, Councilmember Wells, Councilmember Doyle, Mayor O'Neil

**No:** None

I, Dwayne M, Harris, 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 Meeting, held February 01, 2017. WITNESS my hand this 8th day of February 2017.

A handwritten signature in black ink that reads "Dwayne M. Harris". The signature is written in a cursive style with a large, looped initial "D".

Dwayne M. Harris, RMC  
Acting Municipal Clerk