



**BOROUGH OF HIGHLANDS  
COUNTY OF MONMOUTH  
RESOLUTION 19-247**

**A RESOLUTION INCREASING THE CONTRACT AMOUNT FOR  
SPECIAL COUNSEL WITH REGARD TO THE BOROUGH'S  
AFFORDABLE HOUSING OBLIGATIONS**

**WHEREAS**, by way of Resolution 16-168, the Borough retained Andrew Bayer, Esq., to serve as Special Counsel with regard to the Borough's affordable housing obligations; and

**WHEREAS**, by way of Resolution 16-216, the Borough authorized the aforesaid special counsel to proceed with the filing of a Complaint in the Superior Court of New Jersey seeking a declaration of approval of the Borough's Housing Element and Fair Share Plan; and

**WHEREAS**, the Borough of Highlands filed a declaratory judgment action captioned In the Matter of the Application of the Borough of Highlands, Superior Court of New Jersey, Law Division – Monmouth County, Docket No. MON-L-0012-17 (the "Mt. Laurel Litigation") in order to evaluate compliance with the Borough's Mt. Laurel obligations and to maintain immunity from builder's remedy litigation; and

**WHEREAS**, by way of Resolution 18-142, the appointment of Special Counsel was amended due to the fact that Andrew Bayer, Esq. changed law firms to become affiliated with the law firm of Pashman, Stein, Walder, Hayden, P.C.; and

**WHEREAS**, by way of Resolution 19-034, the aforesaid Special Counsel was awarded a fair and open contract to continue to provide such professional legal services for an amount not to exceed \$15,000; and

**WHEREAS**, by way of Resolution 19-174, the Borough authorized execution of a Settlement Agreement with the Fair Share Housing Center, an entity designated by the Supreme Court of New Jersey as an interested party to advocate on behalf of low and moderate income households in the State of New Jersey and the County of Monmouth; and

**WHEREAS**, in accordance with the pending Mt. Laurel litigation referenced above, on September 23, 2019, the Court executed an Order which, among other things, approved the aforesaid Settlement Agreement, wherein it set forth additional required actions of the Borough in conformance with the settlement of this matter and scheduled a Compliance Hearing for the Court to consider approval of the Borough's Housing Element and Fair Share Plan as well as

the issuance of a Judgment of Compliance and Repose and scheduled the same for December 23, 2019.

**WHEREAS**, by way of correspondence dated September 19, 2019, Special Counsel submitted a proposal requesting an increase in the contract amount by an additional \$12,500 for the remainder of 2019 in order to work towards finalizing the Mt. Laurel litigation and to complete the compliance documents that have been required by the Court.

**WHEREAS**, certification of availability of funds is hereby provided by the Chief Financial Officer of the Borough of Highlands;

I hereby certify that funds are available as follows:

  
Patrick DeBlasio, Chief Financial Officer

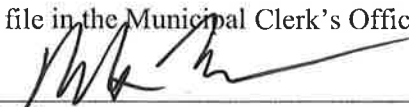
**NOW, THEREFORE BE IT RESOLVED**, by the Mayor and Council of the Borough of Highlands that the Contract awarded to Andrew Bayer, Esq. of Pashman, Stein, Walder, Hayden, P.C. to provide professional legal services with regard to the Borough's affordable housing obligations be and is hereby increased to an amount not to exceed \$27,500.

**BE IT FURTHER RESOLVED**, that the Borough Clerk is hereby directed to publish notice of this award as required by law.

	INTRODUC	SECOND	AYE	NAY	ABSTAIN	ABSENT
BRASWELL			X			
BROULLON	X		X			
MAZZOLA			X			
RYAN		X	X			
O'NEIL			X			



This is a Certified True copy of the Original Resolution on file in the Municipal Clerk's Office.  
DATE OF VOTE: 10/02/2019

  
Matthew Conlon, RMC, Municipal Clerk