



**BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH**

LAND USE BOARD RESOLUTION 2020-05

A Resolution Appointing a Land Use Board Attorney for the Calendar year 2020, Rejecting Proposals that were Received and Authorizing the Award of a Non-Fair and Open Contract for Professional Legal Services

WHEREAS, the Borough of Highlands Land Use Board has a need for professional legal services to be provided for the calendar year 2020 pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

WHEREAS, the Borough has, through the fair and open process, publicly advertised for a Request for Proposals and Qualifications and said requests for Professional Services – Land Use Board Attorney were received in the Office of the Municipal Clerk no later than 11:40 am on November 26, 2019; and

WHEREAS, the Land Use Board reviewed all proposals received and has made the determination to reject all proposals that were received and to instead to award a Non-Fair and Open Contract for the year of 2020; and

WHEREAS, such Professional Legal Services can only be provided by a licensed professional; and

WHEREAS, the Land Use Board wishes to appoint Greg Baxter, Esq. of the firm of Caruso & Baxter; and

WHEREAS, the Law Office of Caruso & Baxter has completed and submitted a Business Entity Disclosure Certification which certifies that the law office of 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 the law office of Caruso & Baxter from making any reportable contributions through the term of

the contract; 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.

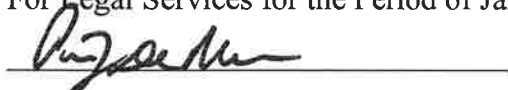
WHEREAS, the Chief Financial Officer has determined and certified in writing that the value of the contract will exceed \$17,500; and

WHEREAS, certification of the availability of funds is hereby made contingent upon the adoption of the 2020 Municipal Budget as follows:

Account # 001-21-180-000-242

Land Use Board Budget \$18,000.00

For Legal Services for the Period of January 1, 2020 through December 31, 2020.



Patrick DeBlasio, CFO

NOW, THEREFORE, BE IT RESOLVED by the Borough of Highlands Land Use Board that:

1. Greg Baxter, Esq. of the law office of Caruso & Baxter is hereby appointed as Land Use Board Attorney for the period of January 1, 2020 through December 31, 2020 and said appointment is made as a non-fair and open contract.
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 persons authorized by law to practice a recognized profession.
3. The Chairman and Board Secretary are hereby authorized to sign a contract for Professional Legal Services in accordance with this Resolution.
4. A copy of the Resolution as well as the contract shall be placed on file with the Board Secretary and the Borough Clerk.
5. The Board Secretary is hereby directed to publish notice of this award as required by law.

Vote on LUBR 20-05

Member and Class	Name:	Intro	2nd	Aye	Nay	Abstain	Absent
Mayor – Class I	Mayor Broullon			X			
Borough Official – Class II	Chief Burton			X			
Councilmember – Class III	Councilmember Mazzola						X
Member – Class IV	Mr. Stockton			X			
Member - Class IV	Mr. Kutosh		X	X			
Member – Class IV	Mr. Lee			X			
Member – Class IV	Mr. Knox	X		X			
Member – Class IV	Mr. Colby			X			
Member – Class IV	Ms. Larussa						X
Alternative 1	Ms. Walsh			X			
Alternative 2	Mr. Montecalvo						X
Alternative 3	Ms. Nash			X			
Alternative 4	Ms. Tierney						

I, Michelle Hutchinson, certify that this is a true and correct record of the actions of the Borough of Highlands Land Use Board on January 2, 2020



Michelle Hutchinson, Land Use Secretary