

## **R-16-108**

### **RESOLUTION AUTHORIZING PROFESSIONAL LEGAL SERVICES**

**WHEREAS**, the Borough of Highlands has a need for specialized legal services for environmental litigation concerning a matter which arose with the Atlantic Highlands/Highlands Regional Sewerage Authority, as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

**WHEREAS**, the Borough of Highlands intends to act jointly with the Atlantic Highlands, by and through said environmental litigation, in an effort to recover costs and expenses incurred in connection with the said matter which arose with the Atlantic Highlands/Highlands Regional Sewerage Authority; and

**WHEREAS**, the Atlantic Highlands/Highlands Regional Sewerage Authority was previously represented by Patrick J. McNamara, Esq. of the firm of Scarinci Hollenbeck; and

**WHEREAS**, by way of Resolution R-14-132, duly adopted by the governing body on May 7, 2014, the Borough previously retained Patrick J. McNamara, Esq., of the firm of Scarinci Hollenbeck, to perform a legal review of the aforementioned matter at the rate of \$150 per hour to be allocated in a cost sharing arrangement with Atlantic Highlands; and

**WHEREAS**, Atlantic Highlands and the Borough of Highlands have a cost sharing arrangement, wherein the Borough of Highlands is responsible for 55.05% of the costs and the Atlantic Highlands is responsible for 44.95% of the costs, in connection with the specialized legal services referenced above; and

**WHEREAS**, any recovery of costs and expenses by Atlantic Highlands and the Borough of Highlands, in connection with the environmental litigation referenced above, is subject to the same percentage of allocation as noted above; and

**WHEREAS**, such specialized legal services can only be provided by licensed professionals and the firm of Scarinci Hollenbeck 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**, based on the cost sharing arrangement with the Atlantic Highlands referenced above, this contract is to be awarded at an hourly rate of \$150 per hour for an amount not to exceed \$41,250.00 plus reimbursable expenses, for the period of April 20, 2016 through December 31, 2016; and

**WHEREAS**, Scarinci Hollenbeck has completed and submitted a Business Entity Disclosure Certification which certifies that the 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 the firm from making any reportable contributions through the term of the contract; and

**WHEREAS**, the firm of Scarinci Hollenbeck has completed and submitted a Political Contribution Disclosure form in accordance with P.L. 2005, c 271; and

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

Account Number# \_\_\_\_\_

I hereby certify funds are available as follows:

\_\_\_\_\_  
Patrick DeBlasio, Chief Financial Officer

**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 Council of the Borough of Highlands as follows:

1. Patrick J. McNamara, Esq. of the firm of Scarinci Hollenbeck is hereby retained to provide professional specialized legal services for environmental litigation, as described above, at an hourly rate of \$150 per hour for an amount not to exceed \$41,250.00 plus reimbursable expenses, for the period of April 20, 2016 through December 31, 2016.
2. This contract is awarded without competitive bidding as a “Professional Service” in accordance with 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. The Mayor and Borough Clerk are hereby authorized to sign said contract.
3. A copy of the Resolution as well as the contract shall be placed on file with the Borough Clerk of the Borough of Highlands.
4. The Borough Clerk is hereby directed to publish notice of this award as required by law.

	INTRODUCED	SECONDED	AYE	NAY	ABSTAIN	ABSENT
BROULLON			X			
CARD	X		X			
D'ARRIGO			X			
WELLS		X	X			
NOLAN						X
ON CONSENT AGENDA		X	YES	NO		

Date: April 20, 2016

\_\_\_\_\_  
Carolyn Cummins, Borough Clerk

I hereby certify that the above Resolution was duly adopted by the Governing Body of the Borough of Highlands at a meeting held April 20, 2016.

\_\_\_\_\_  
BOROUGH CLERK/DEPUTY CLERK

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