



BOROUGH OF HIGHLANDS  
COUNTY OF MONMOUTH

## **RESOLUTION 25-114**

### **AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN CONTRACT FOR PROFESSIONAL SERVICES FOR WIRELESS TELECOMMUNICATIONS CONSULTING SERVICES TO FSD ENTERPRISES, LLC**

**WHEREAS**, the Borough is in need of consulting services from a wireless telecommunications consultant; and

**WHEREAS**, said wireless telecommunications consulting services are professional services and therefore exempt from the formal bidding requirements of the New Jersey Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq.; and

**WHEREAS**, FSD Enterprises, LLC ("FSD") has set forth its proposed services in its written proposal dated April 25, 2025, a copy of which is available at the office of the Borough Clerk; and

**WHEREAS**, the proposed services include an initial investigation wherein FSD will perform an assessment of the municipal property that the Borough may have an interest in making available for the placement of a tower as well as an initial investigation of how the property may fit in with the needs of multiple wireless carriers; and

**WHEREAS**, the proposed services include reaching out to other wireless carriers that may be seeking coverage in Highlands in order to encourage carriers to locate on the Borough's target property and to facilitate any necessary on-site meetings with wireless carriers and work to evaluate their equipment and other technical needs; and

**WHEREAS**, the proposed services include the formulation of bid specifications, as well as working with the successful bidder(s) to see that leases are finalized and that the location of equipment on the site moves forward efficiently; and

**WHEREAS**, the proposed amount of the contract with FSD Enterprises, LLC is a \$2,500.00 initial retainer, and thirty-five percent (35%) of the first year lease payment from each wireless telecommunications tenant secured through FSD Enterprises, LLC's services; and

**WHEREAS**, the contract awarded to FSD Enterprises, LLC for the aforesaid services is for an amount not to exceed \$2,500.00 without further authorization of the governing body; and

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

**WHEREAS**, FSD Enterprises, LLC 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 of the Borough of Highlands:

I hereby certify that funds are available as follows:

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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. FSD Enterprises, LLC is hereby retained to provide professional wireless telecommunications consulting services as described above and in their proposal dated April 25, 2025, for a \$2,500.00 initial retainer and thirty-five percent (35%) of the first year lease payment from each wireless telecommunications tenant secured through FSD Enterprises, LLC's services.
2. The aforesaid contract awarded to FSD Enterprises, LLC is not to exceed \$2,500.00 without further authorization of the governing body.
3. The 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). The Mayor and Borough Clerk are hereby authorized to sign said contract.
4. A copy of the Resolution as well as the contract shall be placed on file with the Borough Clerk of the Borough of Highlands.
5. The Borough Clerk is hereby directed to publish notice of this award as required by law.

Motion to Approve R 25-114:

	INTRODUCED	SECOND	AYE	NAY	ABSTAIN	ABSENT
CERVANTES						
CHELAK						
MELNYK						
OLSZEWSKI						
BROULLON						

This is a Certified True copy of the Original Resolution on file in the Municipal Clerk's Office.

DATE OF VOTE: May 7, 2025

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Nancy Tran, Municipal Clerk  
Borough of Highlands