

**TOWNSHIP OF MAHWAH
SPECIAL MEETING AGENDA
FRIDAY, DECEMBER 1, 2017**

Council Chambers – Richard J. Martel Municipal Center
475 Corporate Drive, Mahwah, New Jersey

10:00AM

COUNCIL PRESIDENT'S STATEMENT

SALUTE TO THE FLAG

**MOMENT OF SILENCE FOR VETERANS AND THOSE SERVING IN THE
MILITARY**

(10:30am)

ROLL CALL: P Ariemma; P Ervin; P Hermansen; P May; P Sbarra;
 P Wong; P Wysocki (left 12:05PM)

PUBLIC PORTION

- Each speaker shall be limited to 5 minutes.
- Before speaking, each Speaker shall provide their Name and Address.
- Mahwah Residents shall speak first.
- This Public Portion is limited to subjects on this Agenda.
- This Public Portion shall be a maximum of 30 minutes.

CLOSED SESSION

C1. Advice from Special Counsel

RESOLUTIONS

#398-17 Emergency Appropriation; Legal
#400-17 Amendment to Resolution #334-17; Cleary Giacobbe Alfieri Jacobs LLC
#401-17 Amendment to Contract; Howell Schuster and Goldberg LLP
#404-17 Professional Services Agreement and Contract; Methfessel & Werbel
#405-17 Professional Services Agreement and Contract; Cleary Giacobbe Alfieri Jacobs
 LLC

ADJOURNMENT

THIS AGENDA IS SUBJECT TO CHANGE

RESOLUTION
TOWNSHIP OF MAHWAH
P.O. Box 733
MAHWAH, NJ 07430

Resolution #398-17

Date: December 1, 2017

Name	Motion	Second	Yes	No	Abstain	Absent
Ariemma			X			
Ervin			X			
May			X			
Sbarra			X			
Wong	X		X			
Wysocki						X
Hermansen		X	X			

See attached Emergency Appropriations, consisting of one (1) page (s).

I hereby certify that this resolution consisting of one page(s) was adopted at a meeting of the Township Council of the Township of Mahwah, on the 1st day of December, 2017.




Kathrine G. Coviello, RMC/CMC/MMC
Municipal Clerk

Robert Hermansen
Council President

RESOLUTION
TOWNSHIP OF MAHWAH
P.O. BOX 733
MAHWAH, NJ 07430

Resolution #400-17

Date: December 2, 2017

Name	Motion	Second	Yes	No	Abstain	Absent
Ariemma			x			
Ervin			x			
May			x			
Sbarra			x			
Wong	x		x			
Wysocki						x
Hermansen		x	x			

WHEREAS, the Township of Mahwah has recently become involved in litigation entitled *Bergen Rockland Eruv Association, Inc., Yisroel Friedman and S. Moshe Pinkasovits vs. The Township of Mahwah*; and

WHEREAS, Resolution #305-17 dated August 24, 2017 awarded a Professional Services contract to Cleary Giacobbe Alfieri Jacobs, LLC in the amount of \$50,000.00 to represent the Township in these litigation services; and

WHEREAS, Resolution #334-17 dated September 14, 2017 amended Resolution #305-17 decreasing the contract amount to \$30,000.00;

WHEREAS, said contract needs to be amended to increase the contract amount due to anticipated additional litigation services through year-end 2017;

NOW THEREFORE BE IT RESOLVED that the Mahwah Township Council does hereby amend said contract in the additional amount of \$40,000.00 for a total contract amount of \$70,000.00; and

BE IT FURTHER RESOLVED that a notice of this action be printed in the official newspaper of the Township of Mahwah; and

BE IT FURTHER RESOLVED that the Township Clerk shall keep a copy of this Resolution on file and available for inspection in the Office of the Township Clerk and that the Township Clerk shall forward a copy of this Resolution to the Business Administrator, Administrative Assistant/QPA, CFO, Accounts Payable, and Cleary Giacobbe Alfieri Jacobs, LLC, 955 State Route 34, Suite 200, Matawan, New Jersey 07747.

I hereby certify that this resolution consisting of two page(s), was adopted at a meeting of the Township Council of the Township of Mahwah, on the 1st day of December, 2017.

Kathrine Coviello RMC/CMC/MMC
Municipal Clerk

Robert Hermansen
Council President

TOWNSHIP OF MAHWAH

REQUEST FOR CERTIFICATE OF FUNDS

DATE: 11/28/17

TO: KEN SESHOLTZ

FROM: DENISE STORMS

RE: CERTIFICATION OF FUNDS FOR PROFESSIONAL SERVICES CONTRACT AMENDMENT No. 2 TO CLEARY GIACOBBE ALFIERI JACOBS, LLC BERGEN ROCKLAND ERUV ASSO., YISROEL FRIEDMAN & S. MOSHE PINKASOVITS VS. TWP. OF MAHWAH LITIGATION.

Please certify that the following account has sufficient funds for Professional Services Contract Amendment No. 2 to Cleary Giacobbe Alfieri Jacobs, LLC for Bergen Rockland Eruv Asso., Yisroel Friedman & S. Moshe Pinkasovits litigation increasing the contract by \$40,000.00 for final total amount not to exceed \$70,000.00.

Account: 7-01-B30-219 Amount: \$40,000.00

U/B \$56,377.61 (subject to adoption of emergency appropriation) *

This contract does exceed \$17,500.00. Contract is an alternate Non Fair and Open by Council Resolution

Quentin Wiest

DEPARTMENT HEAD

DO NOT WRITE BELOW THIS LINE

TOWNSHIP COUNCIL

Pursuant to N.J.A.C. 5:30 – 1.10, I hereby certify that as of 11/29/17

the free and unencumbered balance in the appropriation account (s) entitled

Director of Law - O.F. is \$ SEE ABOVE and that there are

adequate funds available for the proposed contract noted above.

[Signature]

Kenneth Sesholtz, C.F.O.

Resolution No.: 400-17

Ordinance No.: _____

This is to certify that the required funds needed in connection with the attached been or will be available in the 2017 Budget under Account #: _____

Dated: 11-28-17

Quentin Wiest

Quentin Wiest
Business Administrator

RESOLUTION
TOWNSHIP OF MAHWAH
P.O. BOX 733
MAHWAH, NJ 07430

Resolution #401-17

Date: December 1, 2017

Name	Motion	Second	Yes	No	Abstain	Absent
Ariemma			X			
Ervin			X			
May			X			
Sbarra			X			
Wong	X		X			
Wysocki						X
Hermansen		X	X			

WHEREAS, the Township of Mahwah has recently become involved in litigation entitled *Bergen Rockland Eruv Association, Inc., Yisroel Friedman and S. Moshe Pinkasovits vs. The Township of Mahwah*; and

WHEREAS, the Township Council adopted Resolution No. 304-17 on August 24, 2017 retaining the firm of Holwell, Shuster & Goldberg, LLP to represent the Township of Mahwah for said litigation at the rate not to exceed the sum of \$50,000.00; and

WHEREAS, Resolution No. 333-17, was adopted on September 14, 2017 amending the amount of the said contract to \$30,000.00; and

WHEREAS, Holwell, Shuster & Goldberg, LLP has indicated that due to the increased scope of the work that the contract, be increased to \$50,000.00; and

WHEREAS, the contract term is through January 31, 2018.

NOW THEREFORE, BE IT RESOLVED that the Township Council of the Township of Mahwah hereby authorizes the Mayor and Township Clerk to execute the Professional Services Agreement between the Township and Holwell, Shuster & Goldberg, LLP at the rate as set forth not to exceed the total sum of \$50,000.00, and that adoption of the Resolution is contingent upon the Township C.F.O. submitting a certificate as to the availability of funds, and the Township Clerk shall attach said certificate to the original of this Resolution.

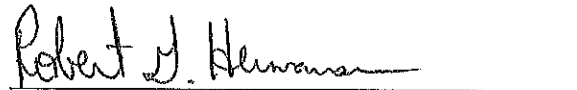
BE IT FURTHER RESOLVED that a notice of this action be printed in the official newspaper of the Township of Mahwah.

BE IT FURTHER RESOLVED, that the Township Clerk be and she is hereby authorized and directed to maintain a copy of the Agreement in her offices for public inspection, pursuant to law.

BE IT FURTHER RESOLVED that a certified copy of this resolution shall be provided to the Township Chief Financial Officer and the law firm of Holwell, Shuster & Goldberg, LLP, and copies to the Business Administrator, Administrative Assistant/QPA, and Township Attorney.

I hereby certify that this resolution consisting of two pages was adopted at a meeting of the Township Council of the Township of Mahwah, 1st day of December, 2017.


Kathrine Coviello RMC/CMC/MMC
Municipal Clerk


Robert Hermansen
Council President

TOWNSHIP OF MAHWAH

REQUEST FOR CERTIFICATE OF FUNDS

DATE: 11/28/17

TO: KEN SESHOLTZ

FROM: DENISE STORMS

RE: AMENDMENT NO. 2 CERTIFICATION OF FUNDS FOR PROFESSIONAL SERVICES CONTRACT TO HOLWELL, SHUSTER & GOLDBERG, LLP FOR BERGEN ROCKLAND ERUV ASSO., YISROEL FRIEDMAN & S. MOSHE PINKASOVITS VS. TWP. OF MAHWAH LITIGATION.

Please certify that the following account has sufficient funds for Professional Services Contract to **Holwell, Shuster & Goldberg, LLP** for Bergen Rockland Eruv Asso., Yisroel Friedman & S. Moshe Pinkasovits litigation **amendment No. 2** to increase from \$30,000 to \$50,000.00.

Account: 7-01-B30-219 Amount: \$20,000.00 U/B \$56,377.61 < \$50,000. Cleary..... less \$50,000 Methfessel, subject to adoption of emergency appropriation > *

This contract does exceed \$17,500.00. Contract is an alternate Non Fair and Open by Council Resolution

Quentin Wiest

DEPARTMENT HEAD

DO NOT WRITE BELOW THIS LINE

TOWNSHIP COUNCIL

Pursuant to N.J.A.C. 5:30 – 1.10, I hereby certify that as of 11/29/17

the free and unencumbered balance in the appropriation account (s) entitled

Shuster & Law - O.E. is \$ SEE ABOVE and that there are

adequate funds available for the proposed contract noted above.

[Signature]

Kenneth Sesholtz, C.F.O.

Resolution No.: 401-17
Ordinance No.: _____

This is to certify that the required funds needed in connection with the attached been or will be available in the 2017 Budget under Account #: _____

Dated: 11-28-17

Quentin Wiest

Quentin Wiest
Business Administrator

RESOLUTION
TOWNSHIP OF MAHWAH Resolution #404-17
P.O. BOX 733
MAHWAH, NJ 07430 Date: December 1, 2017

Name	Motion	Second	Yes	No	Abstain	Absent
Ariemma			X			
Ervin			X			
May			X			
Sbarra			X			
Wong	X		X			
Wysocki						X
Hermansen		X	X			

WHEREAS, the Township Council of the Township of Mahwah has recently become involved in litigation entitled *Attorney General of New Jersey vs. The Township Council of the Township of Mahwah*; and

WHEREAS, the Township Council believes that it would be in the best interest of the Township to retain counsel experienced in this type of litigation; and

WHEREAS, the Township Council desires to retain the firm of Methfessel & Werbel to represent the Township Council at the rates as set forth on the attached proposal for these services with a limit not to exceed the sum of \$30,000.00; and

WHEREAS, Methfessel & Werbel has indicated a willingness to perform the aforementioned services for the amount offered; and

WHEREAS, the Purchasing Agent has determined and certified in writing that the anticipated aggregate value of this professional service to Methfessel & Werbel will exceed \$17,500.00; and

WHEREAS, the Township Council is awarding this contract at this time without the submission of the Political Contribution Disclosure and other documents required ten (10) days in advance in accordance with N.J.S.A. 19:44A-20.4, et seq., as an exigency exists for these services as a result of the need for immediate legal assistance with respect to the above litigation; and

WHEREAS, Methfessel & Werbel will complete and submit a Business Entity Disclosure Certification, which certifies that Methfessel & Werbel has not made any reportable contributions to a political or candidate committee in the Township of Mahwah in the previous one year, and that it is prohibited from making any reportable contributions through the term of the contract; and

WHEREAS, the Township Council and Methfessel & Werbel will enter into a professional service contract for the services to be rendered with respect to the litigation entitled *Attorney General of New Jersey vs. The Township Council of the Township of Mahwah*;

NOW, THEREFORE BE IT RESOLVED that the Township Council of the Township of Mahwah hereby authorizes the Mayor and Township Clerk to execute the Agreement between the Township and Methfessel & Werbel at the rate and reimbursable fees as set forth on the attached proposal not to exceed the total sum of \$30,000.00, and that adoption of the Resolution is contingent upon the Township C.F.O. submitting a certificate as to the availability of funds, and the Township Clerk shall attach said certificate to the original of this Resolution.

BE IT FURTHER RESOLVED that the Township Council of the Township of Mahwah authorizes the Purchasing Agent to approve purchase orders to Methfessel & Werbel, as an alternate non-fair and open contract for professional services, as said.

BE IT FURTHER RESOLVED that Methfessel & Werbel shall submit a complete Business Entity Disclosure Certification within ten (10) days of adoption of this Resolution.

BE IT FURTHER RESOLVED that said Contract is being awarded pursuant to N.J.S.A. 40A:11.5 et seq. because the practice of Professional Legal Services are regulated by law and because it has been determined that the personnel of Methfessel & Werbel, attorneys-at-law, are authorized to practice said profession.


BE IT FURTHER RESOLVED that a notice of this action shall be printed in the official newspaper of the Township of Mahwah.

BE IT FURTHER RESOLVED, that the Township Clerk be and she is hereby authorized and directed to maintain a copy of the Agreement in her offices for public inspection, pursuant to law.

BE IT FURTHER RESOLVED that a certified copy of this resolution shall be provided to the Township Chief Financial Officer and the law firm of Methfessel & Werbel, and copies to the Business Administrator, Administrative Assistant/QPA, and Township Attorney.

I hereby certify that this resolution consisting of two pages was adopted at a meeting of the Township Council of the Township of Mahwah, 1st day of December, 2017.


Kathrine Coviello RMC/CMC/MMC
Municipal Clerk


Robert Hermansen
Council President

TOWNSHIP OF MAHWAH

REQUEST FOR CERTIFICATE OF FUNDS

DATE: 11/28/17

TO: KEN SESHOLTZ

FROM: DENISE STORMS

RE: CERTIFICATION OF FUNDS FOR PROFESSIONAL SERVICES CONTRACT TO METHFESSEL & WERBEL FOR ATTORNEY GENERAL OF NJ VS. TWP. OF MAHWAH TWP. COUNCIL LITIGATION.

Please certify that the following account has sufficient funds for Professional Services Contract to **Methfessel & Werbel** for Attorney General of NJ vs. **Twp. Council** litigation not to exceed \$30,000.00.

Account: 7-01-B30-219 61

Amount: \$30,000.00

U/B \$56,377.61 ✓

This contract does exceed \$17,500.00. Contract is an alternate Non Fair and Open by Council Resolution

Quentin Wiest

MANAGER

DEPARTMENT HEAD

DO NOT WRITE BELOW THIS LINE

TOWNSHIP COUNCIL

Pursuant to N.J.A.C. 5:30 - 1.10, I hereby certify that as of 11/29/17

the free and unencumbered balance in the appropriation account (s) entitled

Division of Law - O.E. is \$ 56,377.61 and that there are

adequate funds available for the proposed contract noted above.

[Signature]

Kenneth Sesholtz, C.F.O.

Resolution No.: 404-17

Ordinance No.: _____

This is to certify that the required funds needed in connection with the attached been or will be available in the 2017 Budget under Account #: _____

Dated: 11-28-17

Quentin Wiest

Quentin Wiest
Business Administrator

RESOLUTION
TOWNSHIP OF MAHWAH Resolution #405-17
P.O. BOX 733
MAHWAH, NJ 07430 Date: December 1, 2017

Name	Motion	Second	Yes	No	Abstain	Absent
Ariemma			X			
Ervin			X			
May			X			
Sbarra			X			
Wong	X		X			
Wysocki						X
Hermansen		X	X			

WHEREAS, the Township of Mahwah has recently become involved in litigation entitled *Porrino et al vs. The Township of Mahwah and Mahwah Township Council*; and

WHEREAS, the Township Council believes that it would be in the best interest of the Township to retain counsel experienced in this type of litigation; and

WHEREAS, the Township Council desires to retain the firm of Cleary Jacobbe Alfieri Jacobs, LLC at the rates as set forth on the attached proposal for these services to represent the Township of Mahwah with a limit not to exceed the sum of \$50,000.00; and

WHEREAS, Cleary Jacobbe Alfieri Jacobs, LLC has indicated a willingness to perform the aforementioned services for the amount offered; and

WHEREAS, the Purchasing Agent has determined and certified in writing that the anticipated aggregate value of this professional service to Cleary Jacobbe Alfieri Jacobs, LLC will exceed \$17,500.00; and

WHEREAS, Cleary Jacobbe Alfieri Jacobs, LLC has completed and submitted a Business Entity Disclosure Certification, which certifies that Cleary Jacobbe Alfieri Jacobs, LLC has not made any reportable contributions to a political or candidate committee in the Township of Mahwah in the previous one year, and that it is prohibited from making any reportable contributions through the term of the contract; and

WHEREAS, the Township of Mahwah and Cleary Giacobbe Alfieri Jacobs, LLC will enter into a professional service contract for the services to be rendered with respect to the litigation entitled *Porrino et al vs. The Township of Mahwah and Mahwah Township Council*.

NOW, THEREFORE BE IT RESOLVED that the Township Council of the Township of Mahwah hereby authorizes the Mayor and Township Clerk to execute the Agreement between the Township and Cleary Giacobbe Alfieri Jacobs, LLC at the rates as set forth on the attached proposal not to exceed the total sum of \$50,000.00, and that adoption of the Resolution is contingent upon the Township C.F.O. submitting a certificate as to the availability of funds, and the Township Clerk shall attach said certificate to the original of this Resolution.

BE IT FURTHER RESOLVED that the Township Council of the Township of Mahwah authorizes the Purchasing Agent to approve purchase orders to Cleary Giacobbe Alfieri Jacobs, LLC, as an alternate non-fair and open contract for professional services, as said.

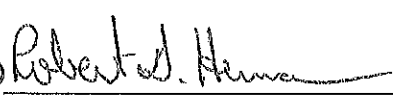
BE IT FURTHER RESOLVED that said Contract is being awarded pursuant to N.J.S.A. 40A:11.5 et seq. because the practice of Professional Legal Services are regulated by law and because it has been determined that the personnel of Cleary Giacobbe Alfieri Jacobs, LLC, attorneys-at-law, are authorized to practice said profession.

BE IT FURTHER RESOLVED that a notice of this action be printed in the official newspaper of the Township of Mahwah.

BE IT FURTHER RESOLVED, that the Township Clerk be and she is hereby authorized and directed to maintain a copy of the Agreement in her offices for public inspection, pursuant to law.

BE IT FURTHER RESOLVED that a certified copy of this resolution shall be provided to the Township Chief Financial Officer and the law firm of Cleary Giacobbe Alfieri Jacobs, LLC, and copies to the Business Administrator, Administrative Assistant/QPA, and Township Attorney.

I hereby certify that this resolution consisting of two pages was adopted at a meeting of the Township Council of the Township of Mahwah, 1ST day of December, 2017.


Kathrine Coviello RMC/CMC/MMC Robert Hermansen
Municipal Clerk Council President

TOWNSHIP OF MAHWAH

REQUEST FOR CERTIFICATE OF FUNDS

DATE: 11/28/17

TO: KEN SESHOLTZ

FROM: DENISE STORMS

RE: CERTIFICATION OF FUNDS FOR PROFESSIONAL SERVICES CONTRACT TO CLEARY GIACOBBE ALIFERI JACOBS,LLC, FOR ATTORNEY GENERAL OF NJ (PORRINO) VS. TWP. OF MAHWAH LITIGATION.

Please certify that the following account has sufficient funds for Professional Services Contract to Cleary Giacobbe Aliferi Jacobs, LLC for Attorney General of NJ (Porrino) vs. Township of Mahwah litigation not to exceed \$50,000.00.

Account: 7-01-B30-219:000 Amount: \$50,000.00 to U/B\$56,377.61<\$50,000.Methfessel.....subject to emergency appropriations adoption>

This contract does exceed \$17,500.00. Contract is an alternate Non Fair and Open by Council Resolution

Quentin Wiest
DEPARTMENT HEAD

DO NOT WRITE BELOW THIS LINE

TOWNSHIP COUNCIL

Pursuant to N.J.A.C. 5:30 – 1.10, I hereby certify that as of 11/29/17,

the free and unencumbered balance in the appropriation account (s) entitled

Division of Law - O.E. is \$ SEE ABOVE and that there are

adequate funds available for the proposed contract noted above.

[Signature]
Kenneth Sesholtz, C.F.O.

Resolution No.: 405-17
Ordinance No.: _____

This is to certify that the required funds needed in connection with the attached been or will be available in the 2017 Budget under Account #: _____

Dated: 11-28-17

Quentin Wiest
Quentin Wiest
Business Administrator