

RESOLUTION  
TOWNSHIP OF MAHWAH Resolution #405-17  
P.O. BOX 733  
MAHWAH, NJ 07430 Date: November 30, 2017

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

**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 Giacobbe 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 Giacobbe 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 Giacobbe Alfieri Jacobs, LLC will exceed \$17,500.00; and

**WHEREAS**, Cleary Giacobbe Alfieri Jacobs, LLC has completed and submitted a Business Entity Disclosure Certification, which certifies that Cleary Giacobbe 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, 30<sup>th</sup> day of November, 2017.

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Kathrine Coviello RMC/CMC/MMC  
Municipal Clerk

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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 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 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.I.E. is \$ SEE ABOVE and that there are

adequate funds available for the proposed contract noted above.

Kenneth Sesholtz  
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