



**BOROUGH OF MONTVALE
BERGEN COUNTY, NEW JERSEY
RESOLUTION NO. 67-2018**

RE: Resolution Approving a Settlement Agreement in the Litigation Captioned *Bergen Rockland Eruv Association, Sarah Berger, Moses Berger, Chaim Breuer, Joel Friedman, Arya Rabinovits, Yosef Rosen and Tzvi Schonfeld v. The Borough of Montvale*, No. 2:17-cv-08632 and Authorizing the Mayor to Execute Said Agreement

Whereas, in 2017, litigation was filed captioned *Bergen Rockland Eruv Association, Sarah Berger, Moses Berger, Chaim Breuer, Joel Friedman, Arya Rabinovits, Yosef Rosen and Tzvi Schonfeld ("Plaintiffs") v. The Borough of Montvale*, No. 2:17-cv-08632; and

Whereas, Plaintiffs asserted a constitutional right to erect and maintain an eruv within the territorial boundaries of the Borough of Montvale and made certain other allegations concerning the Borough of Montvale; and

Whereas, the Borough has denied or otherwise disputed the allegations asserted by Plaintiffs, in whole or in part; and

Whereas, Bergen Rockland Eruv Association ("BREA") filed similar litigation against the Township of Mahwah and the Borough of Upper Saddle River; and

Whereas, Upper Saddle River moved to dismiss the complaint in its litigation on numerous grounds similar to those at issue in Montvale's Litigation, and BREA moved for injunctive relief against Upper Saddle River to compel the erection of the eruv referenced in the complaint; and

Whereas, during a preliminary hearing on said motions, United States District Court Judge John Michael Vazquez, U.S.D.J. strongly urged BREA and Upper Saddle River, as well as Mahwah and Montvale, to "sit down and try and reach an amicable resolution," and he further stated that all parties should be able to reach a resolution "if they're willing to be reasonable"; and

Whereas, in order to avoid the cost and uncertainty of litigation, the parties have engaged in settlement discussions over the course of many months in an attempt to reach an amicable resolution of the Litigation; and

Whereas, the Mayor and Council have been advised of the terms of a Settlement Agreement with the Plaintiffs that would settle the Litigation between the Plaintiffs and the Borough of Montvale; and

Whereas, the Governing Body is desirous of approving the terms of said Settlement Agreement and authorizing the Mayor to execute same on behalf of the Borough of Montvale.

Now, Therefore, Be It Resolved that the Governing Body does hereby approve the terms of the Settlement Agreement discussed, subject to approval as to form by the Borough Attorney; and

Be It Further Resolved that the Governing Body does authorize, empower and direct the Mayor to execute said Settlement Agreement; and does authorize, empower and direct all other Borough officials and employees to take all steps necessary to effectuate the purposes of provisions of this Resolution.

Councilmember	Motion	Second	Yes	No	Absent	Abstain	No Vote
Arendacs							
Curry							
Gloeggler							
Koelling							
Lane							
Weaver							

Adopted: February 13, 2018

ATTEST:

APPROVED:

Maureen Iarossi-Alwan
Municipal Clerk

Michael Ghassali
Mayor