

RESOLUTION
TOWNSHIP OF MAHWAH Resolution #404-17
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 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 Methfessewl & 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, 30th day of November, 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 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

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