

AGENDA
SPECIAL MEETING
BOROUGH OF MONTVALE
July 26, 2024
Closed Executive Session 10:00am
Public Meeting to Follow

The Zoom information is as follows:

<https://us02web.zoom.us/j/88491084325?pwd=L2U5RVpYMGIMeFdaNzdGcFFWUTd3UT09>

Passcode: 222775

By phone

1 929 436 2866

Webinar ID: 884 9108 4325

CLOSED/EXECUTIVE SESSION:

Motion to move into Executive Session as provided for by Resolution No. 15-2024 adopted on January 1, 2024 and posted on the bulletin board in the Municipal Building:

The Mayor and Council will go into a Closed - Executive Session for the following:

- a. Attorney Client Privilege – Potential Litigation - Affordable Housing

Minutes to be disclosed as per the Open Public Meetings Act matters discussed will be disclosed to the public when such matters are finally determined and there is no reason to prohibit the public disclosure of information relating to such matters.

ROLL CALL:

Councilmember Arendacs	Councilmember Lane
Councilmember Cudequest	Councilmember Roche
Councilmember Koelling	Councilmember Russo-Vogelsang

UNFINISHED BUSINESS:

- a. Appointment of Special Affordable Housing Litigation Counsel

Resolution No. 148a-2024 A Resolution Awarding a Professional Services Contract to King, Moench & Collins LLP to Serve as Special Counsel for Affordable Housing Litigation

Roll call vote

MEETING OPEN TO THE PUBLIC:

MEETING CLOSED TO THE PUBLIC:

ADJOURNMENT:

Regular Meeting of the Mayor & Council to be held at 7:30pm on Thursday, August 8, 2024

*******Disclaimer***** Subject to Additions And/Or Deletions**

**BOROUGH OF MONTVALE
BERGEN COUNTY, NEW JERSEY
RESOLUTION NO. 148a-2024**

RE: A Resolution Awarding a Professional Services Contract to King, Moench & Collins LLP to Serve as Special Counsel for Affordable Housing Litigation

WHEREAS, the Governing Body is desirous of hiring Special Counsel for Affordable Housing Litigation to represent the Borough (and other municipalities) in connection with a potential challenge to the recent legislation concerning Round 4 of the state-wide affordable housing obligations; and

WHEREAS, the Borough publicly solicited proposals for this work and received four (4) submissions; and

WHEREAS, the Borough has received a proposal from Michael Collins, Esq. of King, Moench & Collins LLP ("KMC") to perform all services necessary and appropriate in connection with same; and

WHEREAS, KMC's proposal sets forth a rate of \$225 per hour; and

WHEREAS, the Governing Body is satisfied that Mr. Collins and his firm possess the requisite experience pertaining to such matters and are the best situated to handle this matter among the submissions received; and

WHEREAS, pursuant to *N.J.S.A. 40A:11-5(a)(i)*, a professional services contract is exempt from public bidding requirements; and

WHEREAS, because the value of this contract is anticipated to be in excess of \$17,500, this contract has been awarded after a "fair and open" process pursuant to *N.J.S.A. 19:44A-20.4 et seq.* (the "Pay-to-Play Law"), and has been awarded to the contractor based upon the merits and abilities of the contractor to provide the services necessary; and

WHEREAS, despite the fact that this contract was awarded under a "fair and open" process, Mr. Collins has nevertheless completed and submitted a Business Entity Disclosure Certification which certifies that neither he nor his firm has made any reportable contributions (\$200 or more) to a political or candidate committee in the Borough of Montvale with the elected officials in the previous one year, and that the contract will prohibit said persons and entities from making any reportable contributions (\$200 or more) through the term of the contract; and

WHEREAS, the Governing Body is desirous of awarding a contract to KMC in an initial amount not to exceed \$30,000.00 without further authorization of the Governing Body, at the hourly rate set forth above; and

WHEREAS, it is the intention of the Borough that the cost of retaining KMC for the purpose set forth above shall be shared among numerous municipalities who have expressed support for this initiative; and

WHEREAS, the Borough's Chief Financial Officer has certified that funds have been appropriated and are available for this purpose.

NOW, THEREFORE, BE IT RESOLVED that a contract is hereby awarded to Michael Collins, Esq. and King, Moench & Collins LLP to serve as Special Counsel for Affordable Housing Litigation, pursuant to the terms and conditions set forth herein; and

BE IT FURTHER RESOLVED that the Mayor and Borough Clerk are hereby authorized and empowered to execute a contract consistent with the provisions and intent of this Resolution, subject to approval of same by the Borough Attorney; and

BE IT FURTHER RESOLVED that the Borough Clerk shall publish notice of this contract award in the official newspaper of the Borough, in accordance with *N.J.S.A. 40A:11-5*.

Councilmember	Motion	Second	Yes	No	Absent	Abstain	No Vote
Arendacs							
Cudequest							
Koelling							
Lane							
Roche							
Russo-Vogelsang							

Adopted: July 26, 2024

ATTEST:

APPROVED:

Frances Scordo
Municipal Clerk

Michael Ghassali
Mayor