



## AGENDA ~ Township Committee Meeting

**DATE:** Monday, May 6, 2019  
**TIME:** 7:30 PM  
**PLACE:** Committee Meeting Room

Page

- 1. ANNOUNCEMENT OF MEETING (OPEN PUBLIC MEETINGS ACT NOTICE)
  - I hereby announce that pursuant to Section 5 of the Open Public Meetings Act that adequate notice of this meeting has been provided in the notice which was sent to the Asbury Park Press and Two River Times and posted on the bulletin board in Township Hall and filed in the Township Clerk's Office on May 3, 2019.

- 2. ROLL CALL
  - Eric Hinds, Mayor  
Mike Nikolis, Deputy Mayor  
Gregory Buontempo, Committeeman  
Tom Critelli, Committeeman  
Rocco Pascucci, Committeeman

3. PLEDGE OF ALLEGIANCE AND MOMENT OF SILENT PRAYER

4. RESOLUTION TO ENTER INTO EXECUTIVE SESSION

- [Resolution to Enter Executive Session](#)

2

- 5. Resolution Appointing Cleary, Giacobbe, Alfieri & Jacobs LLC as Special Labor Counsel to Conduct Independent Investigation into Employment Claims

- [Resolution Appointing Special Counsel Proposal](#)

3 - 6

6. BUSINESS FROM THE COMMITTEE

7. PUBLIC COMMENT

Members of the public are invited to provide comments up to three (3) minutes in duration. Commenters are asked to state his or her full name and address for the record before entering comments.

8. ADJOURNMENT

**TOWNSHIP OF HOLMDEL  
COUNTY OF MONMOUTH**

**RESOLUTION TO ENTER EXECUTIVE SESSION**

WHEREAS, the Open Public Meetings Act provides that the Township Committee may enter into Executive Session to discuss matters that are of a confidential nature, pursuant to N.J.S.A. 10:4-12; and

WHEREAS, it is recommended by the Township Attorney and Township Administrator that the Township Committee enter into Executive Session to discuss matters set forth hereinafter which are permissible for discussion in Executive Session.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Holmdel, County of Monmouth, State of New Jersey, that the Township Committee shall enter into Executive Session to discuss the following matters:

Legal Issues, Litigation, Potential Litigation, Contract Negotiation, Attorney-Client Privilege – N.J.S.A. 10:4-12(b)(7)

Legal Advice Regarding Potential Litigation Arising From Employment Claims

Personnel Matters – N.J.S.A. 10:4-12(b)(8)

Personnel/Hiring Matter

BE IT FURTHER RESOLVED that the minutes of the Executive Session shall be released to the public when the need for confidentiality no longer exists.

**CERTIFICATION**

I, Wendy L Patrovich, Township Clerk of the Township of Holmdel do hereby certify this to be a true copy of a Resolution adopted by the Township Committee of the Township of Holmdel at a meeting held on May 6, 2019.

Wendy L Patrovich, RMC/CMR

Township  
Clerk

2019-144

**TOWNSHIP OF HOLMDEL  
COUNTY OF MONMOUTH**

**RESOLUTION APPOINTING CLEARY, GIACOBBE,  
ALFIERI & JACOBS LLC AS SPECIAL LABOR COUNSEL  
TO CONDUCT INDEPENDENT INVESTIGATION INTO  
EMPLOYMENT CLAIMS**

WHEREAS, pursuant to N.J.S.A. 40A:63-6(b)(4), the Township Committee of the Township of Holmdel is authorized to “investigate any activity of the municipality”; and

WHEREAS, the Township Committee has determined it necessary to engage special labor counsel to conduct an independent investigation into certain employment claims, and seeks to adopt a resolution providing for same; and

WHEREAS, the Township Committee is authorized to hire legal counsel as a professional service exempt from public advertisement for bids, pursuant to N.J.S.A. 40A:11-5(1)(a)(i); and

WHEREAS, the law firm of Cleary, Giacobbe, Alfieri & Jacobs LLC has submitted a proposal to provide such services, a copy of which is attached hereto and incorporated by reference; and

WHEREAS, the Township Committee desires to award a contract to Cleary, Giacobbe, Alfieri & Jacobs LLC to provide the foregoing special labor counsel services, upon the terms set forth in the attached document, with a contract duration from present to December 31, 2019 and a not-to-exceed amount of \$17,500.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Holmdel, as follows:

1. The Township hereby awards a professional services contract to Cleary, Giacobbe, Alfieri & Jacobs LLC, consistent with the foregoing terms.
2. The Mayor, Deputy Mayor, and Township Clerk are all hereby authorized and directed to take all necessary steps to effectuate the foregoing, including the execution of instruments and the publication of notice of this contract award.

2019-145

3. Counsel from the law firm of Cleary, Giacobbe, Alfieri & Jacobs LLC are hereby designated as a Special Counsel of the Township pursuant to Holmdel Township Ordinance § 2-13.3 and are hereby authorized and directed to conduct an independent investigation into employment claims, as set forth by the Township Committee in executive session at this meeting.
4. The Township Attorney is hereby authorized and directed to oversee the Special Counsel and take any and all steps necessary to effectuate the foregoing independent investigation, pursuant to Holmdel Township Ordinance § 2-13.2 et seq.
5. This resolution shall take effect immediately upon adoption.

CERTIFICATION

I, Wendy L Patrovich, Township Clerk of the Township of Holmdel do hereby certify this to be a true copy of a Resolution adopted by the Township Committee of the Township of Holmdel at a meeting held on May 6, 2019.

Wendy L Patrovich, RMC/CMR

Township  
Clerk

CLEARY | GIACOBBE | ALFIERI | JACOBS LLC

SEAN T. KEAN, Partner  
[skean@cgajlaw.com](mailto:skean@cgajlaw.com)

Reply to: Matawan Office

May 3, 2019

**Via Email and Regular Mail**

Township of Holmdel  
Attn: Committeeman Rocco Pascucci  
4 Crawfords Corner Rd.  
Holmdel, NJ 07733

Re: 2019 Proposal for Labor Counsel

Dear Mr. Pascucci:

We appreciate this opportunity to serve the Township of Holmdel as Labor Counsel. We look forward to our new relationship. In that regard, we propose maintaining the current fee schedule of \$150 per hour for all attorneys and \$90 per hour for paralegals.

Cleary Giacobbe Alfieri Jacobs, LLC is comprised of thirty-six (36) attorneys with two (2) offices. Our attorneys have up to forty (40) years' experience in public sector law. We currently represent approximately 100 public entities in New Jersey, including municipalities, counties, authorities, boards of education, fire districts, educational service commissions, and county colleges. Of note, we are municipal attorney for the following municipalities: Wayne, Wall, Highlands, Beach Haven, Fair Haven and Madison. We serve as labor counsel to scores of other public entities, including the counties of Monmouth, Morris and Hunterdon, and municipalities such as Sea Bright, Beach Haven, Rumson, Hazlet, Spring Lake, Midland Park, Matawan, Springfield, Tinton Falls, East Orange, and Demarest.

We are recognized experts in the field of public sector law and our attorneys are regular speakers at the New Jersey State Bar Association Convention, the League of Municipalities Convention, the Public Employment Relations Commission Conference, and the New Jersey School Boards Association Convention.

Again, I thank you for the opportunity to serve the Township and wish to continue our relationship in the future.

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**Matawan Office: 955 State Route 34, Suite 200, Matawan, NJ 07747 Tel 732 583-7474 Fax 732 290-0753**  
Oakland Office: 169 Ramapo Valley Road, UL 105, Oakland, NJ 07436 Tel 973 845-6700 Fax 201 644-7601  
Somerville Office: 50 Division Street, Suite 501, Somerville, NJ 08876 Tel 732 583-7474 Fax 201 644-7601

[www.cgajlaw.com](http://www.cgajlaw.com)

Thank you for your consideration. If you have any questions or would like to discuss this further, please do not hesitate to contact me.

Thank you again.

Very truly yours,

*/s/ Sean Kean*

Sean T. Kean