

**CLIFTON, NEW JERSEY
REGULAR MEETING MINUTES JANUARY 3, 2023**

The Regular Meeting of the Municipal Council of the City of Clifton was held in the Municipal Conference Room of Clifton City Hall, 900 Clifton Avenue, Clifton, New Jersey.

8:00 P.M. CALL OF ROLL

Mayor Grabowski called the meeting to order and presided, and announced that the location of exits should be noted for use in case of fire or other emergencies and also that smoking regulations apply to the building and cell phones should be deactivated and turned off and read the following Statement of Compliance into the record:

Adequate notice of this meeting has been provided by the Annual Notice of regularly scheduled meetings of the Municipal Council for the year 2023 which was published as legal advertisements in the Herald News on December 12, 2022 and was additionally advertised in the Record on December 12, 2022. Further notice of this meeting was given on Friday prior to the meeting to The Herald News and by posting of said notice on the bulletin board at City Hall and on the Clifton Website which notice stated that formal action may or may not be taken on matters to come before the Municipal Council.

Upon roll call, the following were noted present:

Councilman Gibson	(BG)
Councilman Kolodziej	(JK)
Councilman Latona	(AL)
Councilwoman Murphy	(LM)
Councilwoman Pino	(RP)
Councilwoman Sadrakula	(MS)
Mayor Grabowski	(RG)

Also present were City Manager, Dominick Villano; City Attorney, Matthew Priore; Assistant City Attorney, David Bruins; City Clerk, Nancy Ferrigno and Deputy Clerk, Michele Butler.

CALL TO ORDER / ROLL CALL / INVOCATION / PLEDGE TO THE FLAG

Rabbi Kronenberg

APPROVAL OF MINUTES

A Motion was made by Councilman Gibson, seconded by Councilwoman Murphy and passed on roll call vote to approve the Regular, Workshop and Executive Session Minutes of December 20, 2022.

(5-0-2-0) Councilman Gibson, Councilman Kolodziej, Councilwoman Murphy, Councilwoman Pino, Councilwoman Sadrakula and Mayor Grabowski voted aye. Councilman Kolodziej and Councilman Latona abstained.

COMMUNICATIONS FROM THE CITY MANAGER

C-1 Michael Corona Truck Driver Heavy - Dept of Public Works starting effective 12/16/2022 at \$40,000 annually.

COMMUNICATIONS MEETING MINUTES

C-2 Minutes of Traffic Safety Council for December 8, 2022
C-3 Minutes of Beautification Committee of November 7, 2022
C-4 Minutes of Passaic Valley Water Commission of November 30, 2022
C-5 Minutes of North Jersey District Water Supply Commission of October 26, 2022
C-6 Minutes of Board of Adjustment of December 21, 2022

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FIRST READING ORDINANCES

A. Introduction of Ordinance 7789-23

The entitled ordinance was introduced and read by the City Clerk, as first reading, which reading was by title, passed upon motion made by Councilman Gibson, seconded by Councilwoman Murphy and carried by roll call vote.

An Ordinance to Amend, Revise and Supplement Chapter 439 of the Code of the City of Clifton, Entitled "Vehicles and Traffic", More Particularly Section 439-37 Thereof, Entitled "Handicapped Parking on Streets" (Deletes 1 Handicapped Space)

It was regularly moved, seconded and carried that the ordinance now pending be further considered for final passage after public hearing at the regular meeting of the Municipal Council to be held Tuesday, January 17, 2023 at 8:00 p.m. and that the City Clerk be authorized to publish said ordinance together with statutory notice as required by law.

(7-0-0-0) Councilman Gibson, Councilman Kolodziej, Councilman Latona, Councilwoman Murphy, Councilwoman Pino, Councilwoman Sadrakula and Mayor Grabowski voted aye.

B. Introduction of Ordinance 7790-23

The entitled ordinance was introduced and read by the City Clerk, as first reading, which reading was by title, passed upon motion made by Councilman Gibson, seconded by Councilwoman Murphy and carried by roll call vote.

An Ordinance to Amend, Revise and Supplement Chapter 439 of the Code of the City of Clifton, Entitled "Vehicles and Traffic", More Particularly Section 439-38 Thereof, Entitled "Handicapped Parking on Streets for Private Residences" (Deletes 3 Restricted Handicapped Spaces)

It was regularly moved, seconded and carried that the ordinance now pending be further considered for final passage after public hearing at the regular meeting of the Municipal Council to be held Tuesday, January 17, 2023 at 8:00 p.m. and that the City Clerk be authorized to publish said ordinance together with statutory notice as required by law.

(7-0-0-0) Councilman Gibson, Councilman Kolodziej, Councilman Latona, Councilwoman Murphy, Councilwoman Pino, Councilwoman Sadrakula and Mayor Grabowski voted aye.

C. Introduction of Ordinance 7791-23

The entitled ordinance was introduced and read by the City Clerk, as first reading, which reading was by title, passed upon motion made by Councilwoman Murphy, seconded by Councilman Gibson and carried by roll call vote.

An Ordinance to Amend, Revise and Supplement Chapter 439 of the Code of the City of Clifton, Entitled "Vehicles and Traffic", More Particularly Section 439-38 Thereof, Entitled "Handicapped Parking on Streets for Private Residences" (Adds 8 Restricted Handicapped Spaces)

It was regularly moved, seconded and carried that the ordinance now pending be further considered for final passage after public hearing at the regular meeting of the Municipal Council to be held Tuesday, January 17, 2023 at 8:00 p.m. and that the City Clerk be authorized to publish said ordinance together with statutory notice as required by law.

(7-0-0-0) Councilman Gibson, Councilman Kolodziej, Councilman Latona, Councilwoman Murphy, Councilwoman Pino, Councilwoman Sadrakula and Mayor Grabowski voted aye.

D. Introduction of Ordinance 7792-23

The entitled ordinance was introduced and read by the City Clerk, as first reading, which reading was by title, passed upon motion made by Councilwoman Murphy, seconded by Councilman Gibson and carried by roll call vote.

An Ordinance to Amend, Revise and Supplement Chapter 439 of the Code of the City of Clifton, Entitled "Vehicles and Traffic", More Particularly Section 439-38 Thereof, Entitled "Handicapped Parking on Streets for Private Residences" (Amends Handicapped Parking Placard Numbers)

It was regularly moved, seconded and carried that the ordinance now pending be further considered for final passage after public hearing at the regular meeting of the Municipal Council to be held Tuesday, January 17, 2023 at 8:00 p.m. and that the City Clerk be authorized to publish said ordinance together with statutory notice as required by law.

(7-0-0-0) Councilman Gibson, Councilman Kolodziej, Councilman Latona, Councilwoman Murphy, Councilwoman Pino, Councilwoman Sadrakula and Mayor Grabowski voted aye.

CITY MANAGER PRIVILEGE

City Manager, Dominick Villano, spoke about adding a new source of revenue by using a Styrofoam Extruder for recycling. He stated that the County is offering the machine for free with the stipulation that Clifton collects Styrofoam from other municipalities for recycling. It was suggested that this discussion be brought to the Recycling Committee.

FLOOR TO MEMBERS OF THE PUBLIC

Mayor Grabowski read the Rules of Participation for the Public Session.

Susan Sia, 58 Elmwood Dr., congratulated the members of the new City Council. She stated that she hopes the new Council will set an example of respect. Ms. Sia thanked Councilwoman Sadrakula for her tie-breaking vote to appoint Councilman Grabowski as Mayor.

Henry Cholewczynski, 37 Phyllis Pl., played an audio of the song "Get Together" by the Youngbloods.

Trini Mestre, 63 Valley Rd., spoke about her vision of Council working together and respecting one another.

Chris D'Amato, 81 Merrill Rd., congratulated the new Council and remarked that Alessia Eramo would make a great addition to the Zoning Board.

With no one else wishing to be heard, a Motion was made by Councilman Kolodziej, seconded by Councilman Gibson and passed on roll call vote to close the public session.

(7-0-0-0) Councilman Gibson, Councilman Kolodziej, Councilman Latona, Councilwoman Murphy, Councilwoman Pino, Councilwoman Sadrakula and Mayor Grabowski voted aye.

COUNCIL PRIVILEGE

Mayor Grabowski read a compliance message in regard to Council Privilege.

Councilman Gibson

Councilman Gibson congratulated Councilman Grabowski on his election win as the next Mayor of Clifton. He asked for peace and cooperation between Council members and remarked that there are many issues that need to be addressed. Councilman Gibson asked that a Budget Meeting be set for a date in January.

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Councilman Kolodziej

Councilman Kolodziej thanked everyone who supported him in the election. He gave a synopsis of a recent meeting of the Passaic Valley Water Commission. He asked that the new budget include a Communication Department. He asked that a discussion item be put on a future agenda regarding the use of pervious asphalt and to discuss changes to the tree and sidewalk Ordinances. Councilman Kolodziej wished everyone a Happy New Year.

Councilman Latona

Councilman Latona congratulated Councilman Grabowski on being voted in as the next Mayor for the City of Clifton. He spoke about budget items that need addressing, expanding the recycling program and new sources of revenue. He discussed the importance of the Council working together amicably. Councilman Latona wished everyone a Happy New Year.

Councilwoman Murphy

Councilwoman Murphy remarked that she is glad the campaign season is over and she read a blessing quote for the newly elected Council.

Councilwoman Pino

Councilwoman Pino wished everyone a Happy New Year. She congratulated Councilman Grabowski on his being voted in as the new Mayor of Clifton. Councilwoman Pino thanked everyone who supported her campaign. She announced the upcoming celebration for the new Council taking place on January 9, 2023 at Clifton High School. Councilwoman Pino asked that a meeting of the Civil Rights Committee be arranged.

Councilwoman Sadrakula

Councilwoman Sadrakula congratulated Councilman Grabowski on his being voted in as the new Mayor of Clifton. She wished everyone a Happy New Year. Councilwoman Sadrakula remarked that the current Council will work together. She stated that everyone has good ideas and she is looking forward to putting past animosity behind to help unite the City.

Mayor Grabowski

Mayor Grabowski thanked the police officers who worked the Council Meeting. He thanked everyone that supported his campaign. Mayor Grabowski remarked that the current Council is a good group of people that can get things done. He made a promise to work hard for the good of the City.

RESOLUTIONS VOTED ON SEPERATELY

A Motion was made by Councilwoman Sadrakula, seconded by Councilwoman Murphy and passed on roll call vote to table the following resolution:

(7-0-0-0) Councilman Gibson, Councilman Kolodziej, Councilman Latona, Councilwoman Murphy, Councilwoman Pino, Councilwoman Sadrakula and Mayor Grabowski voted aye.

R017-23 Resolution Awarding Bid Contract for Vegetative Waste Disposal to RER Supply, LLC

**RESOLUTION AWARDING BID CONTRACT FOR
VEGETATIVE WASTE DISPOSAL TO RER SUPPLY LLC**

WHEREAS, pursuant to resolution R403-22, adopted on September 6, 2022, Council authorized advertising for Vegetative Waste Disposal Services; and

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WHEREAS, On October 12, 2022 the City received two bids which substantially exceeded appropriations, and Council rejected the same, and authorized re-advertising for bids pursuant to R502-22, adopted November 1, 2022; and

WHEREAS, on Thursday December 8, 2022, the Purchasing Agent received and opened two sealed bids in accordance with N.J.S.A. 40A:11-1 et seq., and RER Supply LLC was found to be the lowest responsive and responsible bidder; and

WHEREAS, the Public Works Director recommends an award of five (5) years to RER supply LLC located at 4 South Corporate Drive Riverdale, NJ 07547, with the following options:

- Brush Waste Delivered by Scavenger or City Vehicle. Item # B - Option Five Years Total: 1/1/2023-12/31/2027. \$7.62 Per Cubic Yard Estimated 30,000 Cubic Yards for a Total \$228,600.00
- Logs and Stumps Delivered by Scavenger or City Vehicle. Item # D - Option Five Year Total: 1/1/2023-12/31/2027. \$11.16 Per Cubic Yard Estimated 10,000 Cubic Yards for a Total \$111,600.00
- Disposal of Vegetative Waste Transported by Contractor. Item # E - Option Five Year Total: 1/1/2023-12/31/2027 \$15.81 Per Cubic Yard Estimated 75,000 Cubic Yards for a Total \$1,185,750.00.
- Leaves Transported by Contractor. Item # G- Option Five Year Total: 1/1/2023-12/31/2027 \$8.40 Per Cubic Yard Estimated 50,000 Cubic Yards for a total of \$420,000.00
- The Total cost of the Five-Year Contract with the Options Requested will be \$1,945,950.00.

WHEREAS, the Qualified Purchasing Agent concurs with the Public Works Director that it is in the best interest of the City to award the contract as prescribed above, which allows the City to operate vegetative waste removal service without interruption, in accordance with N.J.S.A. 40A:11-1 *et seq.*;

WHEREAS, pursuant to said Local Public Contracts Law, N.J.S.A. 40A:11-1 et. seq., the Municipal Council wishes to award the above contract to RER Supply LLC located at 4 South

Corporate Drive Riverdale, NJ 07547, in accordance with the bid specifications and proposal as submitted and made part hereof; and;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Municipal Council of the City of Clifton, State of New Jersey as follows:

1. The award is authorized to RER Supply LLC for the providing of vegetative waste disposal for a contract period from January 1, 2023 to December 31, 2027.
2. The Total cost of the Five-Year Contract with the Options Requested will be \$1,945,950.00.
3. Funding for the above options under this Contract shall be available in Account # 01-201-32-465-502 Solid Waste Removal and is Subject to Future Budget Approvals.

A Motion was made by Councilman Kolodziej, seconded by Councilwoman Murphy and passed on roll call to vote on the following resolutions separately:

(6-1-0-0) Councilman Gibson, Councilman Kolodziej, Councilman Latona, Councilwoman Murphy, Councilwoman Pino and Mayor Grabowski voted aye. Councilwoman Sadrakula voted nay.

R007-23 Resolution Awarding Contract for Schultheis Farm Parking Lot Improvements to Dumor Contracting

**RESOLUTION AWARDING CONTRACT FOR
SCHULTHEIS FARM PARKING LOT IMPROVEMENTS**

BE IT RESOLVED: that the contract for the **SCHULTHEIS FARM PARKING LOT IMPROVEMENTS** be and the same is hereby awarded to **DUMOR CONTRACTING of Union, New Jersey**, the low bidder meeting the specifications at a grand total bid price of

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\$379,859.00, in accordance with bids received on **December 6, 2022**, and recommended by communication dated **December 9, 2022** to the Mayor and Council; and

NOW, THEREFORE BE IT FURTHER RESOLVED: that the Mayor and City Clerk be and they are authorized and directed hereby to execute such contract, upon approval by the Law Department.

BE IT FURTHER RESOLVED: that the required Certificate of Availability of Funds for the above contract has been obtained from the Chief Financial Officer of the City of Clifton.

R008-23 Resolution Awarding Professional Engineering Services Contract to Suburban Engineering, Inc. for Construction Management and Inspection Services in Connection with the Schultheis Farm Parking Lot Improvements

**RESOLUTION AWARDING PROFESSIONAL ENGINEERING SERVICES
CONTRACT TO SUBURBAN ENGINEERING, INC. FOR CONSTRUCTION
MANAGEMENT AND INSPECTION SERVICES IN CONNECTION WITH THE
SCHULTHEIS FARM PARKING LOT IMPROVEMENTS**

WHEREAS, the City of Clifton requires professional engineering services for construction management and inspection services in connection with the Schultheis Farm Parking Lot Improvements; and

WHEREAS, the City Engineer recommends that a contract for construction management and inspection services be awarded to Suburban Engineering, Inc. in accordance with its submitted proposal, dated December 13, 2022 in the amount not to exceed \$24,900.00 or approximately 6.5% of the contract amount; and

WHEREAS, after reviewing the proposal and upon the recommendation of the City Engineer, the Municipal Council wishes to award a contract to Suburban Engineering, Inc. for the provision of said services, in the amount not to exceed \$24,900.00; and

WHEREAS, the subject matter is professional services and may be awarded without public advertising for bids and bidding therefor under *N.J.S.A. 40A:11-5 et seq.*; and

WHEREAS, this award is of a non-fair and open contract in accordance with *N.J.S.A. 19:44A-20.5*, and, therefore, the Business Entity Disclosure Certification has been received from the engineer and is incorporated into the contract awarded hereby, along with the Determination of Value; and

WHEREAS, the value of the contract is determined to be not to exceed \$24,900.00, and the duration of the contract is until completion;

NOW, THEREFORE, BE IT RESOLVED, that a professional engineering services contract for construction management and inspection services in connection with the Schultheis Farm Parking Lot Improvements project is hereby awarded to **SUBURBAN ENGINEERING, INC.** in accordance with its proposal dated December 13, 2022 to be billed at their hourly rates, in the total amount not to exceed \$24,900.00 and shall not exceed that amount except upon the adoption of a supplemental resolution authorizing additional funding; and

BE IT FURTHER RESOLVED, that the Mayor and City Clerk are hereby authorized and directed to execute a contract on behalf of the City of Clifton, and that the original of this resolution and the contract above referred to be placed on file and made available for inspection at the Office of the City Clerk of the City of Clifton; and

BE IT FURTHER RESOLVED, that the following short notice be printed once in a legal newspaper of the City of Clifton.

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**CITY OF CLIFTON
NOTICE OF CONTRACT AWARDED**

The City of Clifton has awarded a contract without competitive bidding as a professional service pursuant to *N.J.S.A.* 40:11-5(1)(a). The contract and the resolution authorizing it are available for public inspection in the Office of the City Clerk.

Awarded to: Suburban Engineering, Inc., Flanders, NJ
Services: Construction Management and Inspection Services
Schultheis Farm Parking Lot Improvements
Cost: Not to exceed \$24,900.00
Term: Until completion

R016-23 Resolution Awarding Professional Services Contract for Psychological Evaluation Services to Institute for Forensic Psychology - (1/1/23-12/31/23)

**RESOLUTION AWARDING PROFESSIONAL SERVICES CONTRACT
FOR PSYCHOLOGICAL EVALUATION SERVICES
TO INSTITUTE FOR FORENSIC PSYCHOLOGY
JANUARY 1, 2023 THRU DECEMBER 31, 2023**

WHEREAS, the City of Clifton requires the professional psychological evaluation Services of a licensed medical facility in its proximity to perform certain psychological evaluation services as required by the City of Clifton; and

WHEREAS, Institute for Forensic Psychology is a medical facility authorized by law to conduct various psychological evaluation services, practices of which are regulated by law; and

WHEREAS, the required professional psychological evaluation services for the City of Clifton have been optimally provided by the Institute for Forensic Psychology, and the proposed fees for 2023 services contain no change in the fee schedule from the prior year's rates; and

WHEREAS, said services to be performed are professional services within the meaning of the local public contracts law N.J.S.A 40A:11-1 et seq., and accordingly, a contract may be awarded therefore without public advertising for bids and bidding in accordance with N.J.S.A. 40A:11-5 et seq.; and

WHEREAS, this award is of a non-fair and open contract in accordance with N.J.S.A. 19:44-a-20.4 et seq; and

WHEREAS, the estimated value of the contract is expected to be in excess of \$17,500.00; and

WHEREAS, the business entity disclosure certification has been received from institute For forensic psychology and is incorporated in the contract awarded hereby, along with the determination of value; and

NOW, THEREFORE, BE IT RESOLVED, that a professional services contract for Psychological Evaluation Services is hereby awarded to Institute for Forensic Psychology, 5 Fir Court, Oakland, New Jersey in an amount not to exceed a total of \$25,000, for the contract period of January 1, 2023 thru December 31, 2023; and

BE IT FURTHER RESOLVED, that the Mayor and City Clerk are hereby authorized and directed to execute a contract on behalf of the City of Clifton. and that the original of this Resolution and the contract above referred to be placed on file and made available for inspection at the office of the City Clerk of the City of Clifton; and

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Certification of funds: a properly executed purchase order, processed as-needed, shall be the instrument of fund encumbrance.

R023-23 Resolution Appointing Legal Counsel to Handle Employment Litigation Claims Against the City of Clifton (2023) – Carmagnola

RESOLUTION APPOINTING LEGAL COUNSEL TO HANDLE EMPLOYMENT LITIGATION CLAIMS AGAINST THE CITY OF CLIFTON (2023)

WHEREAS, the City of Clifton requires the services of outside legal counsel to represent the City of Clifton in employment litigation claims filed against the City; and

WHEREAS, Dominick Carmagnola, Esq. of the firm Carmagnola & Ritardi, LLC of Morristown, NJ, have been providing legal services for the City of Clifton in the past in a satisfactory manner, and the City would like to continue the firm’s appointment as employment litigation counsel for the year 2023 when such services are required, at the rate of \$175.00 per hour for partners, and \$135.00 per hour for associates; and

WHEREAS, the services to be performed are professional and/or extraordinary unspecifiable services, within the meaning of those terms as used in the Local Public Contracts Law, *N.J.S.A. 40A:11-1 et seq.*, and, accordingly, a contract may be awarded therefor without public advertising for bids and bidding in accordance with *N.J.S.A 40A:11-5*; and

WHEREAS, this award is of a non-fair and open contract in accordance with *N.J.S.A 19:44-A-20.5*; and

WHEREAS, the estimated value of the contract is expected to be in excess of \$17,500.00, and the duration of the contract is for 2023 and may be continued through the conclusion of each lawsuit being handled; and

WHEREAS, the Business Entity Disclosure Certification has been received from counsel and is incorporated in the contract awarded hereby, along with the Determination of Value; and

WHEREAS, there are funds available for the payment of the aforesaid services;

NOW, THEREFORE, BE IT RESOLVED, that:

An agreement for professional legal services for outside counsel to represent the City of Clifton in employment litigations claims filed against the City is awarded to Carmagnola & Ritardi, LLC, effective January 1, 2023, the rate to be paid for said services is \$175.00 per hour for partners and \$135.00 per hour for associates.

The Mayor and City Clerk are authorized and directed to execute a contact on behalf of the City of Clifton.

The original of this resolution and the contract in question shall be placed on file and made available for public inspection in the City Clerk’s Office of the City of Clifton.

The following short notice be printed once in a legal newspaper of the City of Clifton:

**CITY OF CLIFTON
NOTICE OF CONTRACT AWARDED**

The City of Clifton has awarded a professional services contract without competitive bidding pursuant to *N.J.S.A. 40A:11-5(1)(a)*. This contact and the resolution authorizing it are available for public inspection in the Office of the City Clerk.

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Awarded to: Carmagnola & Ritardi, LLC, Morristown, NJ
Services: Legal Counsel
Project: Employment Litigation Claims
Amount: \$175 per hour for partners; \$135 per hour for associates
Term: 2023

R028-23 Resolution Awarding Contract to Lerch, Vinci & Higgins, LLP for Municipal Auditing Services for 2023 for Fiscal Year Ending December 31, 2022

RESOLUTION AWARDING CONTRACT TO LERCH, VINCI & HIGGINS, LLP FOR MUNICIPAL AUDITING SERVICES FOR 2023 FOR FISCAL YEAR ENDING DECEMBER 31, 2022

WHEREAS, under direction of the Chief Financial Officer, the Office the Purchasing Agent received one (1) proposal for 2023 professional auditing services of a Registered Municipal Accountant from Lerch, Vinci & Higgins, LLP, to perform certain professional auditing services as required by the Local Fiscal Affairs Law, N.J.S.A. 40A:5-1 et seq.; and,

WHEREAS, Lerch, Vinci & Higgins, LLP is an accounting firm authorized by law to conduct a practice as Certified Public Accountants and Registered Municipal Accountants, recognized professions, the practice of which are regulated by law; and,

WHEREAS, the Mayor and Municipal Council desire to award a contract for the required professional services for the City of Clifton to Lerch, Vinci & Higgins, LLP for 2023 for the fiscal year ending December 31, 2022; under the terms of the Federal Single Audit Act of 1984, at a fee not to exceed \$80,000.00; and,

WHEREAS, the cost associated with additional work as directed by the City will conform with its proposal dated December 13, 2022 and be paid accordingly; and,

WHEREAS, this award of a fair and open contract is in accordance with N.J.S.A. 40A:11-1 *et seq.*, and N.J.S.A. 19:44-A-20.5; and

WHEREAS, the estimated value of the contract is expected to be in excess of \$17,500.00, and the duration of the contract is until the services are completed; and

WHEREAS, the Business Entity Disclosure Certification has been received from the accountant and is incorporated in the contract awarded hereby, along with the Determination of Value; and

NOW, THEREFORE, BE IT RESOLVED, that a professional services contract for Auditing Services is hereby awarded to Lerch, Vinci & Higgins, 17-17 Route 208, Fair Lawn, NJ 07410 in accordance with its proposal dated December 13,2022 at a fee not to exceed \$80,000 without the adoption of supplemental resolutions; and

BE IT FURTHER RESOLVED, that the Mayor and City Clerk are hereby authorized and directed to execute a contract on behalf of the City of Clifton, and that the original of this resolution and the contract above referred to be placed on file and made available for inspection at the Office of the City Clerk of the City of Clifton; and

BE IT FURTHER RESOLVED, that no services and/or goods shall commence prior to issuance of a Purchase Order by the Finance Department; and

BE IT FURTHER RESOLVED, that the following short notice be printed once in a legal newspaper of the City of Clifton:

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A Motion was made by Councilman Gibson, seconded by Councilwoman Murphy and passed on roll call to vote on the following resolutions separately:

(6-0-1-0) Councilman Gibson, Councilman Kolodziej, Councilwoman Murphy, Councilwoman Pino, Councilwoman Sadrakula and Mayor Grabowski voted aye. Councilman Latona abstained.

R021-23 Resolution Authorizing Renewal of Contracts for Prosecution of Disciplinary Matters Against Employees of the City of Clifton (1/1/23-12/31/23)

RESOLUTION AUTHORIZING RENEWAL OF CONTRACTS FOR PROSECUTION OF DISCIPLINARY MATTERS AGAINST EMPLOYEES OF THE CITY OF CLIFTON (1/1/23 - 12/31/23)

WHEREAS, the Council wishes to authorize contracts to the attorneys listed below to have them available to assist on an as-needed basis with the prosecution of disciplinary matters against employees of the City of Clifton for 2023; and

WHEREAS, the contracts for 2023 shall be at the fees as set forth below:

<u>Firm</u>	<u>Fees</u>
Michael Montanari, Esq. Montanari Law Group, LLC	\$150 per hour
Charles Festa, Esq. Law Offices of Charles C. Festa, III	\$150 per hour
Richard A. Gantner, Esq. Cleary, Giacobbe	\$150 per hour

WHEREAS, it would be in the best interest of the City to continue to have the aforesaid attorneys available to prosecute the disciplinary charges;

NOW, THEREFORE, BE IT RESOLVED, that the renewal of professional services contracts as stated above is authorized; and

BE IT FURTHER RESOLVED, that the retention and renewal of the aforesaid professionals shall not exceed \$5,000.00 per annum without the approval of the Municipal Attorney, and shall not exceed \$10,000 per annum without the adoption of a supplemental resolution by the Municipal Council and the aforesaid fees shall be subject to the provisions of Section 31-1 of the Code of the City of Clifton; and

BE IT FURTHER RESOLVED, that the Mayor and City Clerk are authorized and directed to execute any contracts on behalf of the City of Clifton; and

BE IT FURTHER RESOLVED, that the original of this resolution and any resulting contracts shall be placed on file and made available for public inspection in the City Clerk’s Office of the City of Clifton.

R022-23 Resolution Authorizing Renewal of Contract for Hearing of Disciplinary Matters Against Employees of the City of Clifton (1/1/2023-12/31/2023)

RESOLUTION AUTHORIZING RENEWAL OF CONTRACT FOR HEARING OF DISCIPLINARY MATTERS AGAINST EMPLOYEES OF THE CITY OF CLIFTON (1/1/2023 - 12/31/2023)

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WHEREAS, the Council has previously authorized the renewal of a contract to the attorney listed below to have him available to assist on an as-needed basis with the hearing of disciplinary matters against employees of the City of Clifton; and

WHEREAS, this contract has again expired and needs to be renewed for 2023 at the fee as set forth below:

<u>Firm</u>	<u>Fees</u>
Hon. Joseph F. Scancarella, JSC (Ret)	\$175 per hour

WHEREAS, it would be in the best interest of the City to continue to have the aforesaid attorney available to hear the disciplinary charges;

NOW, THEREFORE, BE IT RESOLVED, that the renewal of professional services contract as stated above is authorized; and

BE IT FURTHER RESOLVED, that the aforesaid fee for services for each of the aforesaid professional shall not exceed \$5,000.00 per annum without the approval of the Municipal Attorney, and shall not exceed \$10,000 per annum without the adoption of a supplemental resolution by the Municipal Council; and

BE IT FURTHER RESOLVED, that the Mayor and City Clerk are authorized and directed to execute a contract on behalf of the City of Clifton; and

BE IT FURTHER RESOLVED, that the original of this resolution and any resulting contact shall be placed on file and made available for public inspection in the City Clerk’s Office of the City of Clifton.

R024-23 Resolution Awarding Economic Development Consultant Services Contract to Allan Ryff, DBA Allan Ryff Consulting for Calendar Year 2023

RESOLUTION AWARDING ECONOMIC DEVELOPMENT CONSULTANT SERVICES CONTRACT TO ALLAN RYFF, DBA ALLAN RYFF CONSULTING FOR CALENDAR YEAR 2023

WHEREAS, the City of Clifton requires consultant services for economic development for calendar year 2023; and

WHEREAS, the City Manager desires to renew the agreement for another year; and

WHEREAS, with consideration of the satisfactory services previously provided to the City by Allan Ryff, the City Manager wishes to award a renewal contract to Allan Ryff dba Allan Ryff Consulting for the provision of said services, in accordance with his proposal received January 19, 2019; and

WHEREAS, the total proposed cost shall not exceed the bid threshold and may be awarded without public advertising for bids and bidding therefore under N.J.S.A. 40A:11-5 et seq.; and

WHEREAS, the value of the contract is determined to exceed \$17,500.00 and the term of the contract is for calendar year 2023; and

WHEREAS, this award is of a non-fair and open contract in accordance with N.J.S.A 19:44-A-20.5 et seq.; and

WHEREAS, the Business Entity Disclosure Certification has been received from Allan Ryff and is incorporated in the contract awarded hereby, along with the Determination of Value; and

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NOW, THEREFORE, BE IT RESOLVED, that a consulting services contract for Economic Development is hereby awarded to Allan Ryff dba Allan Ryff Consulting, in an amount not to exceed \$43,999.00, in accordance with the same terms set forth in the original proposal received on January 19, 2019;

BE IT FURTHER RESOLVED, that the Mayor and City Clerk is hereby authorized and directed to execute a contract on behalf of the City of Clifton, and that the original of this resolution award the contract above referred to be placed on file and made available for the inspection at the Office of the City Clerk of the City of Clifton; and

BE IT FURTHER RESOLVED, that no services and/or goods shall commence prior to execution of a contract prepared by the Law Department.

R025-23 Resolution Awarding Contract to DeCotiis, FitzPatrick, Cole & Giblin, LLP for General Environmental Counsel Services for 2023

RESOLUTION AWARDING CONTRACT TO DE COTIIS, FITZPATRICK, COLE & GIBLIN, LLP, FOR GENERAL ENVIRONMENTAL COUNSEL SERVICES FOR 2023

WHEREAS, the City of Clifton requires the services of environmental counsel to perform certain legal services for the City of Clifton in connection with various matters to assist the City's Licensed Site Remediation Professional (LSRP); and

WHEREAS, De Cotiis, Fitzpatrick, Cole & Giblin, LLP of Paramus, NJ, have been providing legal services for the City of Clifton in a satisfactory manner.

WHEREAS, the De Cotiis firm is agreeable to providing said general environmental counsel services for 2023 at the rate of \$175.00 per hour, not to exceed \$12,000 for the term of the contract, without a supplemental resolution; and

WHEREAS, the services to be performed are professional and/or extraordinary unspecifiable services, within the meaning of those terms as used in the Local Public Contracts Law, *N.J.S.A.* 40A:11-1 *et seq.*, and, accordingly, a contract may be awarded therefor without public advertising for bids and bidding in accordance with *N.J.S.A.* 40A:11-5; and

WHEREAS, this award is of a non-fair and open contract in accordance with *N.J.S.A.* 19:44-A-20.5; and

WHEREAS, the estimated value of the contract (in combination with other matters) is expected to be in excess of \$17,500.00, and the duration of the contract is from January 1, 2023 to December 31, 2023; and

WHEREAS, the Business Entity Disclosure Certification has been received from counsel and is incorporated in the contract awarded hereby, along with the Determination of Value; and

WHEREAS, there are funds available for the payment of the aforesaid services;

NOW, THEREFORE, BE IT RESOLVED, that:

A contract for professional general environmental counsel services, in the form as approved by the Clifton Law Department, is awarded to De Cotiis, Fitzpatrick, Cole & Giblin, LLP, effective January 1, 2023 through December 31, 2023, the rate to be paid for said services is \$175.00 per hour, not to exceed \$12,000 for the term of the contract without the express approval of the Municipal Council and adoption of a supplementary resolution.

The required Certificate of Availability of Funds for the above contract has been obtained from the Chief Financial Officer of the City of Clifton.

January 3, 2023

The Mayor and City Clerk are authorized and directed to execute a contract on behalf of the City of Clifton.

The original of this resolution and the contract in question shall be placed on file and made available for public inspection in the City Clerk's Office of the City of Clifton.

The following short notice be printed once in a legal newspaper of the City of Clifton:

**CITY OF CLIFTON
NOTICE OF CONTRACT AWARDED**

The City of Clifton has awarded a professional services contract without competitive bidding pursuant to *N.J.S.A.* 40A:11-5(1)(a). This contract and the resolution authorizing it are available for public inspection in the Office of the City Clerk.

Awarded to: De Cotiis, Fitzpatrick, Cole & Giblin, LLP of Paramus, NJ
Services: Environmental Counsel Services
Project: Various Sites
Amount: \$175 per hour, not to exceed \$12,000 for the contract term
Term: 1/1/23 - 12/31/23

RESOLUTIONS

A Motion was made by Councilwoman Sadrakula, seconded by Councilman Kolodziej and passed on roll call vote to move the group.

(7-0-0-0) Councilman Gibson, Councilman Kolodziej, Councilman Latona, Councilwoman Murphy, Councilwoman Pino, Councilwoman Sadrakula and Mayor Grabowski voted aye.

R001-23 Resolution: Approve Claims List Resolution for the January 3, 2023 City Council Meeting

**RESOLUTION TO APPROVE CLAIMS TO BE PAID
MEETING OF JANUARY 3, 2022**

Resolved that all claims on the attached sheets are approved as reasonable and proper claims against the City of Clifton.

Current Fund	\$3,782,224.11
Grant Fund	
General Capital Fund	
Sewer Utility -Operating	
Sewer Utility-Capital	
Developers Escrow	
Dog Trust	
Police Extra Duty	
Trust Other	
Section 8 Public Housing	
Community Development	
COAH	
Self Insurance	\$1,243,631.87
Fire Dedicated Penalties	
Revolving Loan Fund	
Tax Title Lien Redemption	
Unemployment Trust Fund	
Library	
General Liability Trust	\$25,229.00
Workers Compensation Trust	\$41,378.18
Federal DOJ Forfeiture	

January 3, 2023

TOTAL CLAIMS

\$5,092,463.16

R002-23 Resolution - 2023 Cash Management Plan

**COUNTY OF PASSAIC, NEW JERSEY
2023 CASH MANAGEMENT PLAN**

WHEREAS, N.J.S.A. 40A:5-14, State of New Jersey Local Fiscal Affairs Law, requires that each municipality to annually adopt a Cash Management Plan designed to assure the deposit, investment and proper disbursement of local funds;

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Clifton, County of Passaic, State of New Jersey, does hereby adopt the following Cash Management Plan:

A. DESIGNATION OF DEPOSITORIES

The following institutions are designated as permissible depositories for the deposit of City funds:

CAPITAL ONE	KEARNY BANK
BANK OF AMERICA, N.A.	PNC BANK, National Association
M&T BANK	PROVIDENT SAVINGS BANK
BOILING SPRINGS SAVINGS BANK	INVESTORS SAVINGS BANK
BNY MELLON	SPENCER SAVINGS BANK, SLA
WELLS FARGO BANK, N.A.	TD BANK, N.A.
US BANK	VALLEY BANK

All depositories must conform to the Governmental Unit Deposit Protection Act ("GUDPA"), and shall provide a Notification of Eligibility from the State of New Jersey, Department of Banking, on a semi-annual basis. In addition, designated depositories shall maintain maximum FDIC or FSLIC coverage of all City funds on deposit.

B. DEPOSIT OF FUNDS

All funds shall be deposited within forty-eight (48) hours of receipt, in accordance with N.J.S.A. 40A:5-15, into appropriate fund operating accounts. Non-interest bearing operating and capital accounts shall be regularly monitored for the availability of funds for investment. Debt Service and Trust accounts shall be maintained in accordance with Federal and State statutes regulating such funds. Payroll, Developers' Escrow deposits and other agency funds, which represent funds of individuals and other organizations held by the City, shall be deposited in regular, non-interest bearing checking accounts unless applicable State statutes direct otherwise. Grant funds shall be deposited in accordance with regulations of the granting government or agency.

Where compensating balances are required by any designated depository to offset the cost of services provided, an agreement between the City and the depository shall be executed, specifying the charge for each service and the balance required to offset each charge.

C. INVESTMENT INSTRUMENTS AND PROCEDURES

The City may purchase those investments permitted in N.J.S.A. 40A:5-15.1, and Local Finance Notice (LFN) 2017-24 and Resolution R531-18, which include:

- United States Treasury Bonds, Notes and Bills
- United States Government Agency and Instrumentality Obligations
- Bonds and other obligations of the City of Clifton
- Bonds and other obligations of the Clifton Board of Education
- Commercial Bank Deposits and Certificates of Deposit
- New Jersey Arbitrage Rebate Management Fund
- Savings Bank Deposits and Certificates of Deposit
- State of New Jersey Cash Management Fund

The City may purchase other obligations approved by the Division of Investment of the Department of Treasury for investment by local units.

Investments shall be limited to a maturity of not more than one year unless a longer term is permitted by applicable Federal or State regulations. Allowable investments with maturities which extend beyond the end of the City's fiscal year shall be permitted only if interest accrued on the investment is credited to the City at the end of the fiscal year for the purpose of realizing budgetary revenue.

The purchase of Certificates of Deposit shall be made based on the availability of funds for investment and the analysis of projected cash flows. Bids for Certificates of Deposit will be solicited of at least three designated depositories only if the amount available for investment is \$100,000 or greater. Telephone bids will be solicited by the Chief Financial Officer, or designated staff member. Bidders shall specify the principal amount, interest rate and maturity of the investment. A check or wire transfer will be made available to the winning bidder on the same business day the bid is awarded. Where the return on a proposed investment does not exceed the cost of making such investment, the Chief Financial Officer will not make the investment. The Chief Financial Officer shall have the discretion to award an investment to the depository wherein the funds reside, should that institution's quoted interest rate be less than other quoted rates, and the differential in interest rates is not more than twenty-five (25) basis points (0.25%), providing that the term of the investment is thirty (30) days or less. The Chief Financial Officer shall have the discretion to reject all bids.

D. DISBURSEMENT OF FUNDS

All funds shall be disbursed as authorized and directed by the City Council, except that the Chief Financial Officer shall have the authority to make disbursements prior to receiving the approval of the Municipal Council in extreme emergencies where the safety of the public is jeopardized. In addition, the following disbursements may be made prior to receiving approval of the Municipal Council:

County Taxes	Petty Cash Reimbursements
County Open Space Taxes	Postage
Debt Service	Purchase of Investments
Insurance Premiums	Salaries and Wages
Interfunds	School Taxes
Public Library Tax Levy	Self-Insurance Payments
Payroll Withholding Amounts	Special Improvement District Taxes
Passaic Valley Sewer Payments	State of NJ Pension Obligations
Public Utility Payments	Health Care Claims

- Manual Checks as approved in writing by the City Manager

For disbursements relative to payroll tax withholding, the City Council may authorize the use of a servicer to take possession of local unit funds and execute the disbursements of the City to the taxing authorities. Tasks to be performed by the servicer may include report preparation, calculation of withholding and direct deposit of payroll disbursements.

The Chief Financial Officer is designated the “approval officer” responsible for authorizing and supervising the activities of the servicer. In cases where the servicer takes possession of local unit funds for payment of payroll claims, the approval officer is charged with ensuring that payments are made on a timely basis by regularly securing third party confirmation of such.

Disbursements shall be executed via electronic wire transfer of funds by the Chief Financial Officer, or designated staff member, when that method of payment will result in a financial benefit to the City in the form of increased investment income.

All disbursements of funds held by the City, either electronic or by check, will require two (2) authorized signatures or approvals before any disbursement can be completed.

January 3, 2023

E. PETTY CASH FUND

Reimbursements for expenditures through the Petty Cash Fund shall be made within the limits approved by the Director of the Division of Local Government Services. The Petty Cash Fund shall be maintained in accordance with N.J.S.A. 40A:5-21. Individual reimbursements from the Petty Cash Fund shall not exceed \$45 per item. The following Petty Cash Fund is maintained:

Recreation \$200

All other properly documented petty cash expenditures will be reimbursed to an employee on their semi-monthly paychecks, as a non-taxable reimbursement.

F. BONDING

The following officials shall be covered by surety bonds; said surety bonds to be examined by the independent auditor to insure their proper execution:

Chief Financial Officer Tax Collector City Treasurer
Court Administrator Municipal Court Judge(s) Deputy Court Administrator(s)

Staff members of the Department of Finance and Tax Collection not covered by separate surety bonds shall be covered by a Public Employee's Faithful Performance Bond.

G. P-CARD PROGRAM

The City of Clifton currently has P-Cards (Purchase Cards) program with Bank of America. The Qualified Purchasing Agent (QPA) is designated the "Program Manager" is compliance with Local Finance Notice (LFN) 2018-13. Individual City Credit Cards are not authorized to be issued or used by any employee under the auspices of the City of Clifton.

H. CLAIMANT CERTIFICATION

Per City of Clifton Ordinance 7640-21, authorized by the New Jersey Department of Community Affairs with Local Finance Notice (LFN) 2018-13, purchase orders below the State authorized quote threshold, and vendors with contracts of file with the City's Legal Department do not require a signature from the Vendor. All Department Head must sign off on all other requirements of a purchase order in compliance with applicable Purchasing Laws.

I. ELECTRONIC TRANSFER

The Local Fiscal Affairs Law (N.J.S.A. 40A:5-16.5) has authorized Municipalities to pay vendor's electronically, in lieu of paper checks. Local Finance Notice (LFN) 2018-13 gives guidance on such policies required to protect the City. The Finance Office created a policies for EFTs, and shall be authorized to utilize EFTs as necessary (Resolution R-438-20)

J. COMPLIANCE

The Cash Management Plan of the City of Clifton shall be subject to the approval of the City's Legal Counsel, and shall be subject to the annual audit conducted pursuant to N.J.S.A. 40A:5-4.

As stated in N.J.S.A. 40A:5-14, the official(s) charged with the custody of City funds shall deposit them as instructed by this Cash Management Plan, and shall thereafter be relieved of any liability or loss due to the insolvency or closing of any designated depository.

If, at any time, this Cash Management Plan conflicts with any regulation of the State of New Jersey, or any department thereof, the applicable State regulations shall apply.

R003-23 Resolution - 2023 Refund Cancellation Resolution

**2023 REFUND CANCELLATION
RESOLUTION**

WHEREAS, the New Jersey Local Fiscal Affairs Law allow municipalities to cancel refunds of \$10.00 or less; and

WHEREAS, N.J.S.A. 40A:5-17.1 (b) states "...the governing body of a municipality may adopt a resolution authorizing a municipal employee chosen by the governing body to process, without further action on the part of the governing body, the cancellation of any property tax refund, delinquency, or the charges and fees imposed by the municipality of less than \$10.00"; and

WHEREAS, the Finance Office would like to streamline our record maintenance to be fiscally responsible and also include trust and escrow accounts;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and City Council of the City of Clifton, County of Passaic, State of New Jersey, that the Mayor and Council authorize the Chief Financial Officer and City Treasurer to cancel all refunds due for up to \$10.00 as outlined in N.J.S.A. 40A:5-17.1;

BE IT FURTHER RESOLVED, that the Finance Office is authorized to cancel said balances and correct the City’s financial records for these cancellations.

R004-23 Resolution - 2023 Temporary Municipal Budget

2023 TEMPORARY BUDGET

WHEREAS, N.J.S.A. 40A:4-19 authorizes temporary appropriations to provide for the period between the beginning of the budget year and the adoption of the budget, where contracts, commitments or payments are to be made prior to the adoption of the budget for any fiscal year; and,

WHEREAS, contracts, commitments or payments are to be made by the City of Clifton for the purpose and amounts requested in the manner and time therein provided; and,

WHEREAS, the adoption of this resolution is prior to the 30th day of January 2023; and,

WHEREAS, 26.25% of the total appropriations in the 2022 Municipal Budget, exclusive of any appropriations made for debt service, capital improvement fund, and public assistance is in the sum of \$32,544,730.71,

NOW, THEREFORE, BE IT RESOLVED, that the Temporary Appropriations Amendments are hereby authorized to provide for contracts, commitments, and payments prior to the adoption of the 2023 Municipal Budget as follows:

<u>Department</u>	<u>Department Code</u>	<u>Amount</u>
See Attached Worksheets		
Total Temporary Budget Amendment:		<u>\$32,544, 730.71</u>
<u>Debt Service Payments:</u>		
Bond Principal	01-201-45-920-342	\$ 5,220,000.00
Bond Interest	01-201-45-930-344	\$ 1,343,000.00
Note Interest	01-201-45-935-349	\$ 267,000.00
NJ Green Acres Trust	01-201-45-940-348	\$ 85,000.00

January 3, 2023

Total Debt Service for the City: \$ 6,915,000.00

Total Temporary Budget and Debt Service: \$39,459,730.71

R005-23 Resolution - 2023 Sewer Utility Temporary Budget

**2023 TEMPORARY BUDGET
CLIFTON SEWER UTILITY**

WHEREAS, N.J.S.A. 40A:4-19 authorizes temporary appropriations to provide for the period between the beginning of the budget year and the adoption of the budget, where contracts, commitments or payments are to be made prior to the adoption of the budget for any fiscal year; and

WHEREAS, contracts, commitments or payments are to be made by the City of Clifton Sewer Utility for the purpose and amounts requested in the manner and time therein provided; and

WHEREAS, the adoption of this resolution is prior to the 30th day of January 2023; and

WHEREAS, 26.25% of the total appropriations in the 2022 Sewer Utility Budget, exclusive of any appropriations made for debt service and capital improvement fund, is in the sum of \$2,474,062.50,

NOW, THEREFORE, BE IT RESOLVED, that the Temporary Appropriations Amendments are hereby authorized to provide for contracts, commitments, and payments prior to the adoption of the 2023 Sewer Utility Budget as follows:

<u>Sewer Department</u>	<u>Department Code</u>	<u>Amount</u>
Sewer / Storm System – Salaries	07-201-26-291-101	\$ 200,000.00
Sewer / Storm System – Expenses	07-201-26-291-405	\$ 100,000.00
Audit and Accounting	07-201-20-135-334	\$ 10,000.00
Insurance – General Liability	07-201-23-210-310	\$ 20,000.00
Insurance – Self-Insurance	07-201-23-215-340	\$ 20,000.00
Insurance – Group Health	07-201-23-220-310	\$ 40,000.00
Sewer Fees – Other	07-201-31-455-273	\$ 25,000.00
Sewer Fees – PVSC	07-201-31-455-290	\$2,000,000.00
Statutory Exp – Employer Taxes	07-201-36-472-300	\$ 15,000.00
Emergency Repairs	07-201-26-291-601	\$ 44,062.50

Total Temporary Budget Amendment: \$2,474,062.50

Debt Service Payments:

Bond Principal	07-201-45-920-342	\$1,550,000.00
Bond Interest	07-201-45-930-344	\$ 650,000.00
NJ Wastewater Trust	07-201-45-941-347	\$ 60,000.00

Total Debt Service for Sewer Utility: \$2,260,000.00

Total Temporary Budget and Debt Service: \$4,734,062.50

R006-23 Resolution - 2023 Grant Salary Allocation Resolution

GRANT SALARY ALLOCATION RESOLUTION

WHEREAS, each budget year the City of Clifton should name employees associated with specific grants that have been received, and

January 3, 2023

WHEREAS, this Resolution confirms that said employee's salaries are charged to the appropriate grant by the Finance Office, and

WHEREAS, the City of Clifton shall renew this Resolution with each grant the City receives to reimburse employee salaries to affirm the using Department's grant approval,

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and City Council of the City of Clifton, County of Passaic, State of New Jersey, hereby adopts the attached list of employees and the associated grant be accurately charged,

BE IT FURTHER RESOLVED, that the City Clerk forward a certified copy of this Resolution to the Finance Office to confirm all grants were properly charged.

R009-23 Resolution Awarding Professional Engineering Services Contract to Neglia Engineering for Construction Management and Inspection Services in Connection with the James Anzaldi Park Improvements (Formerly Athenia Park)

**RESOLUTION AWARDING PROFESSIONAL ENGINEERING SERVICES
CONTRACT TO NEGLIA ENGINEERING FOR CONSTRUCTION MANAGEMENT
AND INSPECTION SERVICES IN CONNECTION WITH THE JAMES ANZALDI
PARK IMPROVEMENTS (FORMERLY ATHENIA PARK)**

WHEREAS, the City of Clifton requires professional engineering services for construction management and inspection services in connection with the James Anzaldi Park Improvements (Formerly Athenia Park); and

WHEREAS, the City Engineer recommends that a contract for construction management and inspection services be awarded to Neglia Engineering in accordance with its submitted proposal, dated December 28, 2022, in the amount not to exceed \$98,336.00 or approximately 5.3% of the contract amount; and

WHEREAS, after reviewing the proposal and upon the recommendation of the City Engineer, the Municipal Council wishes to award a contract to Neglia Engineering for the provision of said services, in the amount not to exceed \$98,336.00; and

WHEREAS, the subject matter is professional services and may be awarded without public advertising for bids and bidding therefor under *N.J.S.A.* 40A:11-5 *et seq.*; and

WHEREAS, this award is of a non-fair and open contract in accordance with *N.J.S.A.* 19:44A-20.5, and, therefore, the Business Entity Disclosure Certification has been received from the engineer and is incorporated into the contract awarded hereby, along with the Determination of Value; and

WHEREAS, the value of the contract is determined to be not to exceed \$98,336.00, and the duration of the contract is until completion;

NOW, THEREFORE, BE IT RESOLVED, that a professional engineering services contract for construction management and inspection services in connection with the James Anzaldi Park Improvements (Formerly Athenia Park) project is hereby awarded to **NEGLIA ENGINEERING**, in accordance with its proposal dated December 28, 2022 to be billed at their

hourly rates, in the total amount not to exceed \$98,336.00 and shall not exceed that amount except upon the adoption of a supplemental resolution authorizing additional funding; and

BE IT FURTHER RESOLVED, that the Mayor and City Clerk are hereby authorized and directed to execute a contract on behalf of the City of Clifton, and that the original of this resolution and the contract above referred to be placed on file and made available for inspection at the Office of the City Clerk of the City of Clifton; and

January 3, 2023

BE IT FURTHER RESOLVED, that the following short notice be printed once in a legal newspaper of the City of Clifton:

**CITY OF CLIFTON
NOTICE OF CONTRACT AWARDED**

The City of Clifton has awarded a contract without competitive bidding as a professional service pursuant to *N.J.S.A.* 40:11-5(1)(a). The contract and the resolution authorizing it are available for public inspection in the Office of the City Clerk.

Awarded to: Neglia Engineering, Lyndhurst, NJ
Services: Construction Management and Inspection Services
Project: James Anzaldi Park Improvements (Formerly Athenia Park)
Cost: Not to exceed \$98,336.00
Term: Until completion

R010-23 Resolution Authorizing Award of Contract to PL Custom Emergency Vehicles off of a Sourcewell National Cooperative Contract for Two (2) Ambulances and Emergency Medical Transport Vehicles

**RESOLUTION AUTHORIZING AWARD OF CONTRACT TO PL CUSTOM
EMERGENCY VEHICLES, OFF OF A SOURCEWELL NATIONAL
COOPERATIVE CONTRACT FOR TWO (2) AMBULANCE AND
EMERGENCY MEDICAL TRANSPORT VEHICLES**

WHEREAS, the City of Clifton is allowed to participate in inter-local purchasing systems per *N.J.S.A.* 52:34-6.2 (b) P.L. 2011, c.139 which was enacted into law permitting agencies to utilize cooperative purchasing agreements with other states; and

WHEREAS, pursuant to resolution R274-18, adopted June 19, 2018, the City of Clifton is a member of Sourcewell National Cooperative, in accordance with *N.J.S.A.* 52:34-6.2, and LFN 2012-10; and

WHEREAS, pursuant to Resolution R604-22 of December 20, 2022, an advertisement was placed in the Herald News on December 23, 2022, to announce the City's interest in utilizing the Sourcewell national cooperative for one (1) Ford E-Series 2WD (Van Front) ambulance, and one (1) Ford F-550 4WD ambulance, which was awarded to PL Custom Emergency Vehicles, located at 2201 Atlantic Ave, Manasquan, NJ 08736; and

WHEREAS, the current contract term for Sourcewell contract #110921-PLC for Ambulance & Emergency Vehicles expires on February 23, 2026; and

WHEREAS, the Purchasing Agent is satisfied with the procurement process conducted by Sourcewell, and the contract which was awarded to PL Custom Emergency Vehicles., located at 2201 Atlantic Ave, Manasquan, NJ 08736, pursuant to the proposal submitted in response to Sourcewell's Notice to Bidders Titled "Ambulance and Emergency Medical Transport Vehicles, with Related Equipment, Accessories and Supplies" and Contract Award # 110921-PLC for Ambulance & Emergency Vehicles; and

WHEREAS, the Purchasing Agent followed all applicable guidelines stipulated by the Department of Community Affairs, Division of Local Government Services as outlined in Local Finance Notice 2012-10, and finds all is in compliance with the guidance in LFN 2012-10, pursuant to the proposal submitted, and is in concurrence with the Fire Chief to recommend award of the same; and

WHEREAS, there were no alternative approaches and/or rejections made by any New Jersey contractors/vendors by the January 3, 2023 comment deadline; and

WHEREAS, pursuant to said Local Public Contracts Law, *N.J.S.A.* 40A:11-1 et. seq., the Municipal Council wishes to authorize the aforesaid mentioned purchase and delegate the power to make the same to the following named official: James J. Jorgensen, Purchasing Agent; and

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Municipal Council of the City of Clifton, State of New Jersey as follows:

January 3, 2023

1. The City of Clifton is authorized to award said one (1) Ford E-Series 2WD (Van Front) ambulance, and one (1) Ford F-550 4WD ambulance pursuant to Sourcewell contract number #110921-PLC.
2. The proposal submitted by PL Custom Emergency Vehicles for the procurement of two (2) ambulance rigs as described above, for a combined total not to exceed amount of \$702,551.00 is hereby awarded.
3. Regarding Fund Certification, funds are available under the following account number: 02-213-40-724-304, American Rescue Plan Act

R011-23 Resolution Authorizing Available 2023-2024 Contract Extension for Medical Emergency Billing and Collection Services

RESOLUTION AUTHORIZING AVAILABLE 2023-2024 CONTRACT EXTENSION FOR MEDICAL EMERGENCY BILLING AND COLLECTION SERVICES

WHEREAS, pursuant to Resolution R112-19, City of Clifton authorized a contract for Medical Emergency Billing and Collection services in accordance with N.J.S.A 40A:11-4.1 et seq. on February 19,2019 to Revenue Guard; and

WHEREAS, the contract award to Revenue Guard, A company of Coronis Health RCM LLC was for a period of three-years, fee is 9.5 percent of the gross amount collected on behalf of the City of Clifton; and

WHEREAS, the above contract award to Revenue Guard, located at 50 B Highway #9, Morganville, New Jersey 07751, was made via Resolution 112-19, dated February 19,2019, which provided for two (2) annual contract extensions; and

WHEREAS, the Fire Chief has stated that Revenue Guard has provided services satisfactorily, and has requested that the City Council authorize the 2023 extension, from March 1, 2023 through to February 29, 2024, in accordance with the 9.5 percent fee as originally proposed and awarded; and

WHEREAS, Qualified Purchasing Agent, has reviewed and concurs with the Fire Chief works that such an extension is in the best interest of the City of Clifton; and

NOW, THEREFORE, BE IT RESOLVED, that the one-year option to extend the contract for Medical Emergency Billing and Collection Services be so extended to Revenue Guard, 50 B Highway #9, Morganville, New Jersey 07751 as follows:

1. Revenue Guard's fee is 9.5 percent of the gross amount collected on behalf of the City of Clifton; and
2. Revenue Guard guarantees a minimum monthly net revenue of \$130,000; and

BE IT FURTHER RESOLVED, that the Mayor and City Clerk are authorized and directed to execute a contract on behalf of the City of Clifton; and

BE IT FURTHER RESOLVED, that this resolution and the contract be kept on file and available for public inspection in the Office of the City Clerk; and

BE IT FURTHER RESOLVED, that the Finance Office be authorized to fund this contract through a Temporary Appropriation (N.J.S.A. 40A:4-20) prior to the adoption of the 2023 Municipal Budget.

R012-23 Resolution Authorizing Advertisement of Notice of Intent to Procure Two (2) New Freightliner Vocational Chassis off the HGAC National Cooperative

January 3, 2023

**RESOLUTION AUTHORIZING ADVERTISEMENT OF NOTICE OF
INTENT TO PROCURE TWO (2) NEW FREIGHTLINER VOCATIONAL
CHASSIS OFF THE HGAC NATIONAL COOPERATIVE**

WHEREAS, the City of Clifton is allowed to participate in inter-local purchasing systems per N.J.S.A. 52:34-6.2 (b) P.L. 2011, c.139 which was enacted into law permitting agencies to utilize cooperative purchasing agreements with other states; and

WHEREAS, the City of Clifton is a member of The Houston-Galveston Area Council (H-GAC) is the largest of 24 Councils of Government (COG) in Texas and is a political subdivision of the State of Texas, in accordance with N.J.S.A. 52:34-6.2, and LFN 2012-10; and

WHEREAS, the City of Clifton seeks permission to advertise the City's interest in participating with the HGAC national cooperative for Medium and Heavy Trucks & Truck Bodies, which was awarded to Houston Freightliner Inc Located at 600 North Loop East, Houston Texas 77029; and

WHEREAS, information regarding the contract may be found on HGAC's website at <https://www.hgacbuy.org/products-and-services/view-contract?contractid=95>; and

WHEREAS, the current contract term for H-GAC contract ## HT06-20, for Medium and Heavy Trucks & Truck Bodies which expires on May 31, 2023; and

WHEREAS, barring comments to the contrary, it is the intent of the City of Clifton to award a contract to Houston Freightliner Inc Located at 600 North Loop East, Houston Texas 77029, pursuant to the proposal submitted in response to HGAC's Notice to Bidders Titled "Medium and Heavy Trucks & Truck Bodies" and Contract Award # HT06-20 for Medium and Heavy Trucks & Truck Bodies; and

NOW, THEREFORE BE IT RESOLVED, that the City of Clifton authorizes the Purchasing Agent to advertise the Notice of Intent to Award Contract under a National Cooperative Purchasing Agreement with a comment period ending January 17, 2023.

R013-23 Resolution Authorizing Purchase of Playground Safety Surfacing for Dudiak Park from Rubbercycle LLC off the NJ State Contract Purchasing Program Pursuant to N.J.S.A. 40A:11-12a

**RESOLUTION AUTHORIZING PURCHASE OF PLAYGROUND SAFETY
SURFACING FOR DUDIAK PARK FROM RUBBERCYCLE LLC OFF THE NJ
STATE CONTRACT PURCHASING PROGRAM PURSUANT TO N.J.S.A. 40A:11-12a**

WHEREAS, the City of Clifton Recreation Department has a need to purchase Playground Safety Surfacing for the Dudiak Memorial Park, which is available off of New Jersey State Contract; and

WHEREAS, this procurement request is made in accordance with N.J.S.A:40A:11-12a, via New Jersey State Contract 16-FLEET-00131, which expires May 30, 2023; and

WHEREAS, Rubbercycle LLC, located at 1985 Rutgers University Boulevard, Lakewood, NJ 08701 has been awarded the NJ State Contract No. 16-FLEET-00131; and

WHEREAS, NJ State Contract 16-FLEET-00131 has been awarded to Rubbercycle LLC for a term of May 31, 2017, to May 30, 2023; and

WHEREAS, NJ State Contract 16-FLEET has no provision for bond request, and thereby the performance bond is hereby waived; and

WHEREAS, pursuant to said Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq., the Municipal Council wishes to authorize the aforesaid mentioned purchases and delegate the power to make the same to the following named official: **Qualified Purchasing Agent** upon the terms and conditions hereafter stated; and

NOW, THEREFORE, BE IF RESOLVED, that the Mayor and Municipal Council do hereby approve and authorize the aforementioned purchase above from Rubbercycle LLC, located at

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1985 Rutgers University Boulevard, Lakewood, NJ 08701, in an amount not to exceed \$85,690.00, off the New Jersey State Contract No. 16-FLEET-00131, pursuant to the above New Jersey State contract.

R014-23 Resolution Authorizing Purchase of Playground Equipment for Dudiak Park from Marturano Recreation Company, Inc. off the ESCNJ Cooperative Contract #20/20-06 Pursuant to N.J.S.A. 40A:11-1 et seq.

**RESOLUTION AUTHORIZING PURCHASE OF PLAYGROUND EQUIPMENT
FOR DUDIAK PARK FROM MARTURANO RECREATION COMPANY, INC
OFF THE ESCNJ COOPERATIVE CONTRACT # 20/21-06
PURSUANT TO N.J.S.A. 40A:11-1 ET SEQ.**

WHEREAS, the City of Clifton Recreation Department has a need to purchase Playground Equipment, off of the ESCNJ Cooperative Contract # 20/21-06, from Marturano Recreation Company, Inc (MRC, Inc.) for the Dudiak Park, which is available off of ESCNJ Cooperative Contract # 20/21-06; and

WHEREAS, the City is a member of the Educational Services Commission of New Jersey (ESCNJ), from which the above contract was awarded for a bid term of July 1,2020 through June 30, 2022 extended to June 30,2023; and

WHEREAS, this procurement request is made in accordance with N.J.S.A 40A:11-1 *et seq.*, via ESCNJ Cooperative Contract # 20/21-06, which expires June 30, 2023; and

WHEREAS, MRC, Inc., located at P O Box 106, Spring lake, New Jersey 07762 has been awarded the ESCNJ cooperative contract No. 20/21-06 for a term of July 1, 2020, thru June 30, 2023; and

WHEREAS, pursuant to said Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq., the Municipal Council wishes to authorize the aforesaid mentioned purchases and delegate the power to make the same to the following named official: **Qualified Purchasing Agent** upon the terms and conditions hereafter stated; and

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Municipal Council do hereby approve and authorize the aforementioned purchase above from MRC, Inc., located at P O Box 106, Spring lake, New Jersey 07762, in an amount not to exceed \$154,139.43, and \$1,000.00 for the required performance bond, in accordance with the ESCNJ cooperative contract No. 20/21-06, pursuant to the contract award thereof.

R015-23 Resolution Authorizing City of Clifton Qualified Purchasing Agent to Procure Goods & Services Via New Jersey State Approved Cooperative Contracts

**RESOLUTION AUTHORIZING CITY OF CLIFTON
QUALIFIED PURCHASING AGENT TO PROCURE GOODS & SERVICES
VIA NEW JERSEY STATE APPROVED COOPERATIVE CONTRACTS**

WHEREAS, the State of New Jersey State promulgates contracts under the Division of Purchase and Property, which are acceptable for municipalities to procure goods and services through pursuant to N.J.S.A. 40A:11-5 (2), which acknowledges that purchases made from such New Jersey State approved cooperative contracts as aforementioned are bid exempt when used by the City; and,

WHEREAS, pursuant to N.J.A.C. 5:34-7.1 *et seq.*, by approval of application (NJ State form CP-2001), the Division of Local Government Services (DLGS) authorizes New Jersey State Counties, Educational Service Commissions, and Municipalities to act as lead agencies for cooperative purchasing systems which must follow Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.); and,

WHEREAS, the City of Clifton has participated as an official member in the following New Jersey-based, DLGS approved cooperative purchasing systems: Bergen County Cooperative Purchasing and Pricing Systems (BCCPS); Educational Services Commission of New Jersey (ESCNJ); Hunterdon

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County Educational Services Commission Cooperative Pricing System (HCESE); Morris County Cooperative Pricing Council (MCCPC); Passaic County Cooperative Pricing System (#38PCCP) (PCCP); Somerset County Cooperative Pricing System (#2SOCCP); and,

WHEREAS, the aforementioned New Jersey State contracts and the above DLGS authorized cooperative pricing systems are subject to the P.L. 2004, Chapter 19, N.J.S.A. 19:44A-20.4 et seq. (New Jersey Local Unit Pay-To-Play Law), and are procured pursuant to a fair and open manner, in accordance with N.J.S.A 40A:11-1 *et seq.*, in which all due diligence, such as advertising and public opening of bids and proposals, and contract award by resolution, are accomplished and verified by each lead agency; and,

WHEREAS, under the above stated conditions, no further due diligent action is required by the City of Clifton in order to utilize the contracts referenced above; and,

WHEREAS, pursuant to N.J.S.A. 40A:11-1 *et seq.*, the City may authorize the appointed Qualified Purchasing Agent, to procure via the aforementioned New Jersey State promulgated and authorized cooperative contracts, in an amount not to exceed the bid threshold, fund availability prevailing; and,

WHEREAS, this resolution does not alter the Municipal Council’s Rules of Order No.4, which states that the City Manager shall incur no expense exceeding \$17,500.00 except where authorized by law or the Municipal Council, which remains in effect; and,

WHEREAS, the Purchasing agent shall be required to present any such purchasing requests that exceed the bid threshold for Governing Body approval, prior to purchase order generation; and,

WHEREAS, this Resolution is in the best interest of the City, as it will allow the City to optimize operational productivity, with increased efficiency for all affected departments, effectually reducing repetitive document processes, while ensuring compliance with applicable New Jersey State laws and rules, fully respective of the City’s governing body authority; and,

NOW THEREFORE, BE IT RESOLVED that the Mayor and Municipal Council do hereby approve and authorize as follows:

1. The Mayor and Municipal Council do hereby authorize the Qualified Purchasing Agent to procure goods and services via New Jersey State and New Jersey State DLGS approved cooperative pricing contracts, in an amount not to exceed the bid threshold.
2. The Qualified Purchasing Agent shall be required to present to the Mayor and Municipal Council any such purchases via New Jersey State cooperative contracts that exceed the bid threshold.
3. Procurement under this resolution shall be certified at the time of purchase, with the presentation of a properly executed purchase order.

Therefore, let this resolution take effect immediately.

R018-23 Resolution Authorizing Award of Contract to North Jersey Friendship House for Custodial Cleaning Services Pursuant to N.J.S.A. 40A:11-5 et seq.

**RESOLUTION AUTHORIZING AWARD OF CONTRACT TO
NORTH JERSEY FRIENDSHIP HOUSE, FOR CUSTODIAL
CLEANING SERVICES PURSUANT TO N.J.S.A. 40A: 11-5 ET SEQ.**

WHEREAS, the City of Clifton has and continues to need custodial services, and the City’s current contract for the provision of custodial services is expiring; and

WHEREAS, the City may award a contract under N.J.S.A. 40A:11-5(n), the doing of any work by handicapped persons employed by a sheltered workshop; and,

WHEREAS, upon request by the Public Works Director, a new proposal has been submitted by North Jersey Friendship House, a certified non-profit, sheltered workshop organization, located at 125 Atlantic Street, Hackensack, NJ 07061, for a total not to exceed amount of \$150,412.00, per year, for services as specified by the City; and,

WHEREAS, this award is of a non-fair and open contract in accordance with *N.J.S.A.* 19:44A-20.5, and, therefore, the Business Entity Disclosure Certification has been received from the engineer and is incorporated into the contract awarded hereby, along with the Determination of Value; and

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WHEREAS, the value of the contract is determined to be in excess of \$17,500.00, and the duration of the contract is for two years with three one-year extension options;

NOW THEREFORE BE IT RESOLVED, that the Mayor and Municipal Council hereby approve and authorize the award of contract to North Jersey Friendship House, 125 Atlantic Street, Hackensack, NJ 07061, for **furnishing Custodial Cleaning Services for the City of Clifton** at \$150,402.00 per year, from January 1, 2023, to December 31, 2024, for a total contract amount not to exceed \$300,804.00, and with three (1) one-year options to extend, in accordance N.J.S.A. 40A:11-1 *et seq.*; and,

FUND CERTIFICATION, Pursuant to NJAC 5:34-5.3(d) multi-year contracts entered into for periods in excess of twelve months shall be certified and charged to the respective budgets in accordance with the times at which the respective work or services are performed or liability for payment is otherwise incurred. Accordingly, commitments and payments required in excess of the initial budget year are contingent upon necessary funds being appropriated by the governing body in future budgets of subsequent years.

Contract Period: From January 1, 2023 To December 31, 2024
Total Amount of Contract: \$300,804.00.00
Budget Account Number: 01-201-26-290-503
Amount Certified for of Initial Budget Year 2023: \$150,402.00
Amount to be Certified for of Budget Year 2024: \$150,402.00

R019-23 Resolution Awarding Professional Services Contract for Lead Testing Laboratory Services to EMSL Analytical, Inc. - 1/1/23-12/31/23

**RESOLUTION AWARDING PROFESSIONAL SERVICES CONTRACT
FOR LEAD TESTING LABORATORY SERVICES
TO EMSL ANALYTICAL, INC.
JANUARY 1, 2023 THRU DECEMBER 31, 2023**

WHEREAS, the City of Clifton Health Officer requested a quote from EMSL Analytical, Inc., the New Jersey State licensed professional analytical laboratory for performing certain lead test evaluation services as required by the City of Clifton; and

WHEREAS, EMSL Analytical, Inc., located at 200 Route 130 North, Cinnaminson NJ 08077, is a New Jersey State licensed and authorized lead testing analytical laboratory; and

WHEREAS, services to be performed are professional services within the meaning of the local public contracts law N.J.S.A 40A:11-1 *et seq.*, and accordingly, a contract may be awarded therefore without public advertising for bids and bidding in accordance with N.J.S.A. 40A:11-5 *et seq.*; and

WHEREAS, this award is of a non-fair and open contract in accordance with N.J.S.A. 19:44-a-20.4 *et seq.*; and

WHEREAS, the estimated value of the contract is expected to be in excess of \$17,500.00; and

WHEREAS, the business entity disclosure certification has been received from EMSL Analytical, Inc. and is incorporated in the contract awarded hereby, along with the determination of value; and

NOW, THEREFORE, BE IT RESOLVED, that a professional services contract for Lead Testing Laboratory Services is hereby awarded to EMSL Analytical, Inc., 200 Route 130

North, Cinnaminson NJ 08077 in an amount not to exceed a total of \$100,000, for the contract period of January 1, 2023 thru December 31, 2023; and

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BE IT FURTHER RESOLVED, that the Mayor and City Clerk are hereby authorized and directed to execute a contract on behalf of the City of Clifton. and that the original of this Resolution and the contract above referred to be placed on file and made available for inspection at the office of the City Clerk of the City of Clifton; and

R020-23 Resolution Awarding Contract to DeCotiis, FitzPatrick, Cole & GIBlin, LLP for Special Counsel Services in Connection with Affordable Housing Litigation for 2023

RESOLUTION AWARDING CONTRACT TO DE COTIIS, FITZ PATRICK, COLE & GIBLIN LLP, FOR SPECIAL COUNSEL SERVICES IN CONNECTION WITH AFFORDABLE HOUSING LITIGATION FOR 2023

WHEREAS, the City of Clifton requires the services of special counsel to perform certain legal services for the City of Clifton in connection with Affordable Housing; and

WHEREAS, DeCotiis, FitzPatrick, Cole & GIBlin LLP of Paramus, NJ, has previously handled the declaratory judgment action as required by the decision of the New Jersey Supreme Court and also previously handled the action to approve the City's spending plan as well as other services in connection with Affordable Housing; and

WHEREAS, their services are again required for 2023; and

WHEREAS, the services shall be rendered at the same rate of \$175.00 per hour and not to exceed \$10,000.00 for the contract term without the approval of the Municipal Council and the adoption of a supplementary resolution; and

WHEREAS, the services to be performed are professional and/or extraordinary unspecifiable services, within the meaning of those terms as used in the Local Public Contracts Law, *N.J.S.A.* 40A:11-1 *et seq.*, and, accordingly, a contract may be awarded therefor without public advertising for bids and bidding in accordance with *N.J.S.A.* 40A:11-5; and

WHEREAS, this award is of a non-fair and open contract in accordance with *N.J.S.A.* 19:44-A-20.5; and

WHEREAS, the estimated value of the contract (in combination with other matters) is expected to be in excess of \$17,500.00, and the duration of the contract is from January 1, 2023 to December 31, 2023; and

WHEREAS, the Business Entity Disclosure Certification has been received from counsel and is incorporated in the contract awarded hereby, along with the Determination of Value; and

WHEREAS, there are funds available for the payment of the aforesaid services;

NOW, THEREFORE, BE IT RESOLVED, that:

- I. A contract for professional special counsel services in connection with Affordable Housing, in the form as approved by the Clifton Law Department, is awarded to DeCotiis, FitzPatrick, Cole & GIBlin LLP, for 2023 and the rate to be paid for said services is \$175.00 per hour, not to exceed \$10,000.00 for the term of the contract without the express approval of the Municipal Council and adoption of a supplementary resolution.
- II. The required Certificate of Availability of Funds for the above contract has been obtained from the Chief Financial Officer of the City of Clifton.
- III. The Mayor and City Clerk are authorized and directed to execute a contract on behalf of the City of Clifton.

- IV. The original of this resolution and the contract in question shall be placed on file and made available for public inspection in the City Clerk's Office of the City of Clifton.

R026-23 Resolution Appointing Legal Counsel to Handle Independent Investigation Services in Connection with Complaints Brought Under the City's Policy Prohibiting Sexual Harassment and Discrimination Involving Employees of the City of Clifton (2023) - Mendola

RESOLUTION APPOINTING LEGAL COUNSEL TO HANDLE INDEPENDENT INVESTIGATION SERVICES IN CONNECTION WITH COMPLAINTS BROUGHT UNDER THE CITY'S POLICY PROHIBITING SEXUAL HARASSMENT AND DISCRIMINATION INVOLVING EMPLOYEES OF THE CITY OF CLIFTON (2023)

WHEREAS, the City of Clifton requires the services of outside legal counsel to represent the City of Clifton in complaints brought under the City's policy prohibiting sexual harassment and discrimination involving employees of the City of Clifton; and

WHEREAS, Gina Mendola Longarzo, Esq. has been providing legal services for the City of Clifton in the past in a satisfactory manner, and the Municipal Attorney recommends the continuation of her appointment as independent investigation counsel for the year 2023 when such services are required, at the rate of \$125.00 per hour, not to exceed \$25,000.00 for the term of the contract; and

WHEREAS, the services to be performed are professional and/or extraordinary unspecifiable services, within the meaning of those terms as used in the Local Public Contracts Law, *N.J.S.A. 40A:11-1 et seq.*, and, accordingly, a contract may be awarded therefor without public advertising for bids and bidding in accordance with *N.J.S.A. 40A:11-5*; and

WHEREAS, this award is of a non-fair and open contract in accordance with *N.J.S.A. 19:44-A-20.5*; and

WHEREAS, the estimated value of the contract may be in excess of \$17,500.00, and the duration of the contract is for 2023 and may be continued through the conclusion of each claim being handled; and

WHEREAS, the Business Entity Disclosure Certification has been received from counsel and is incorporated in the contract awarded hereby, along with the Determination of Value; and

WHEREAS, there are funds available for the payment of the aforesaid services;

NOW, THEREFORE, BE IT RESOLVED, that:

An agreement for professional legal services for outside counsel to conduct independent investigations for complaints brought under the City's policy prohibiting sexual harassment and discrimination involving employees of the City of Clifton, effective January 1, 2023, the rate to

be paid for said services is \$125.00 per hour, not to exceed \$25,000 for the term of the contract be and hereby is authorized.

The required Certificate of Availability of Funds for the above contract has been obtained from the Chief Financial Officer of the City of Clifton.

The Mayor and City Clerk are authorized and directed to execute a contract on behalf of the City of Clifton.

The original of this resolution and the contract in question shall be placed on file and made available for public inspection in the City Clerk's Office of the City of Clifton.

The following short notice be printed once in a legal newspaper of the City of Clifton:

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**CITY OF CLIFTON
NOTICE OF CONTRACT AWARDED**

The City of Clifton has awarded a professional services contract without competitive bidding pursuant to *N.J.S.A.* 40A:11-5(1)(a). This contract and the resolution authorizing it are available for public inspection in the Office of the City Clerk.

Awarded to: Gina Mendola Longarzo, Esq., Chatham, NJ
Services: Independent Investigations
Project: Claims involving employees under the City’s policy prohibiting sexual harassment and discrimination
Amount: \$125.00 per hour; not to exceed \$25,000 for term of contract
Term: 2023

R027-23 Resolution Reappointing Special Law Enforcement Officers

**RESOLUTION FOR REAPPOINTMENT OF
SPECIAL POLICE**

BE IT RESOLVED, by the Mayor and Municipal Council of the City of Clifton, that the following Special Police be and are hereby reappointed for a term, commencing on January 1, 2023 through December 31, 2023:

Robert Stuart - Supervisor	Eduardo Dehais
Alan Berkenbush	Christian Vassoler
Pasquale Castaldo	Michael Humenik
David Ervolino	Frank Dara III
John Lyons	Thomas Chichi
Victor Flaz	Marc Bergman
Todd Lyness	Christopher Lamond
Harold Van Winkle	Michael McLaughlin
James Janisheski	
Stephen Aggi	

R029-23 Resolution Awarding Professional Bond Counsel Services Contract to Wilentz, Goldman & Spitzer for 2023

**RESOLUTION AWARDING PROFESSIONAL BOND COUNSEL
SERVICES CONTRACT TO WILENTZ, GOLDMAN & SPITZER FOR 2023**

WHEREAS, under direction of the Chief Financial Officer, the Office the Purchasing Agent received one (1) proposal from Wilentz, Goldman & Spitzer for the provision of said services; and,

WHEREAS, after reviewing the proposal, the Chief Financial Officer wishes to award a contract to Wilentz, Goldman & Spitzer for the provision of said services, in accordance with its proposal dated December 13, 2022; and,

WHEREAS, the subject matter is professional services and may be awarded without public advertising for bids and bidding therefore under N.J.S.A. 40A:11-5 et seq.; and,

WHEREAS, this award if of a fair and open contract in accordance with N.J.S.A. 19:44A-20.5; and,

WHEREAS, the value of the contract is expected to be in excess of \$17,500.00 and the term of the contract is for calendar year 2023; and,

WHEREAS, the Business Entity Disclosure Certification has been received from the contractor and is incorporated in the contract hereby, along with the determination of the value; and,

WHEREAS, the proposed fees from Wilentz, Goldman & Spitzer are as follows:

- Fee Per Bond Ordinance Preparation \$300.00 for single purpose issue or \$400.00 for Multipurpose issue
- Fee Per Bond Sale \$2,000.00 plus \$1.00 per \$1,000.00 Issued
- Fee Per BAN Sale \$0.60 per \$1,000.00 Issued with a \$600 minimum
- Hourly Rate for the Services \$100.00 to \$150.00 per hour

NOW, THEREFORE, BE IT RESOLVED, that a professional services contract for bond counsel services is hereby awarded to Wilentz, Goldman & Spitzer, 90 Woodbridge Center Drive, P.O. Box 110, Suite 900, Woodbridge, NJ 07095 in accordance with its proposal dated December 13, 2022; and,

BE IT FURTHER RESOLVED, that the Mayor and City Clerk are hereby authorized and directed to execute a contract on behalf of the City of Clifton, and that the original of this resolution and the contract above referred to be placed on file and made available for the inspection at the Office of the City Clerk of the City of Clifton; and

BE IT FURTHER RESOLVED, that no services and/or goods shall commence prior to issuance of a Purchase Order by the Finance Department; and,

BE IT FURTHER RESOLVED, that the following short notice be printed once in a legal newspaper of the City of Clifton.

R030-23 Resolution Awarding Professional Financial Advisory Services Contract to Phoenix Advisors for 2023

RESOLUTION AWARDING PROFESSIONAL FINANCIAL ADVISORY SERVICES CONTRACT TO PHOENIX ADVISORS FOR 2023

WHEREAS, under direction of the Chief Financial Officer, the Office the Purchasing Agent obtained proposals for Professional Financial Advisory Services for calendar year 2023; and,

WHEREAS, the Purchasing Agent received one (1) proposal from Phoenix Advisors, LLC, for the provision of said services; and

WHEREAS, after reviewing the proposal, the Chief Financial Officer wishes to award a contract to Phoenix Advisors LLCs of Bordentown, New Jersey for the provision of said services, based on their fee proposal of December 13, 2022, and proven track record with the City; and

WHEREAS, the subject matter is professional services and may be awarded without public advertising for bids and bidding therefore under N.J.S.A. 40A:11-5 et seq.; and

WHEREAS, this award of a non-fair and open contract is in accordance with N.J.S.A. 19:44-A-20.5, and N.J.S.A. 40A:11-1 et seq.; and

WHEREAS, the estimated value of the contract is expected to be in excess of \$17,500.00, and the duration of the contract is until the services are completed; and

WHEREAS, the Business Entity Disclosure Certification has been received from the accountant and is incorporated in the contract awarded hereby, along with the Determination of Value; and

WHEREAS, for all transactional services relating to the sale of Bonds or Notes (Option 1), Phoenix Advisors proposes fees based on the par amount of Bonds or Notes issued according to the following schedule (unchanged from the prior year):

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- a) Fee per Bond Sale: \$9,500.00 plus \$0.50 per \$1,000 issued
- b) Fee per BAN Sale: \$1,000.00 plus \$0.25 per \$1,000 issued
- c) Hourly rates for the Chief Executive Officer, Managing Director and Associates if required for specific project
- d) These rates remain consistent with 2020,2021 and 2022 rates
Term of the contract is for calendar year 2023; and

NOW, THEREFORE, BE IT RESOLVED, that a professional services contract for financial advisory services is hereby awarded to Phoenix Advisors, LLC, 625 Farnsworth Avenue, Bordentown, NJ 08505, in accordance with their proposal dated November 23, 2021 in the amount as listed above; and

BE IT FURTHER RESOLVED, that the Mayor and City Clerk are hereby authorized and directed to execute a contract on behalf of the City of Clifton, and that the original of this resolution and the contract above referred to be placed on file and made available for the inspection at the Office of the City Clerk of the City of Clifton; and

BE IT FURTHER RESOLVED, that no services and/or goods shall commence prior to issuance of a Purchase Order by the Finance Department; and

BE IT FURTHER RESOLVED, that the following short notice be printed once in a legal newspaper of the City of Clifton.

R031-23 Resolution Authorizing Contract Renewals for Special Tax Appeal Counsel Services (1/1/23-12/31/23)

RESOLUTION AUTHORIZING CONTRACTS/RENEWALS OF CONTRACTS FOR SPECIAL TAX APPEAL COUNSEL SERVICES (1/1/23 - 12/31/23)

WHEREAS, the Council previously awarded contracts to have attorneys available to assist on an as-needed basis with the complex tax appeal litigation in the Tax Court of New Jersey; and

WHEREAS, contracts/renewals of contracts are required for 2023 at the fees as set forth below:

<u>Firm</u>	<u>Fees</u>
DeCotiis, FitzPatrick Cole & Giblin, LLP Douglas M. Standriff	\$150 per hour \$150 per hour
Bittiger, Elias & Triolo, PC	\$150 per hour
William Betesh, Esq. Boggia, Boggia, Betesh & Voytus, LLC	\$150 per hour

WHEREAS, it would be in the best interest of the City to have the aforesaid attorneys available to assist the City as needed according to their differing areas of expertise and the complexity of various pending appeals;

NOW, THEREFORE, BE IT RESOLVED, that a list of the aforesaid professionals be maintained to assist the City with tax appeals according to their respective areas of expertise, on an as-needed basis; and

BE IT FURTHER RESOLVED, that aforesaid fees for services for each of the aforesaid professionals shall not exceed \$10,000 per annum without the approval of the Municipal Attorney and the fees for all of the aforesaid professionals shall not exceed \$40,000 in the aggregate, without the adoption of a supplemental resolution by the Municipal Council; and

BE IT FURTHER RESOLVED, that the Mayor and City Clerk are authorized and directed to execute any contracts on behalf of the City of Clifton; and

BE IT FURTHER RESOLVED, that the original of this resolution and any resulting contracts shall be placed on file and made available for public inspection in the City Clerk's Office of the City of Clifton.

R032-23 Resolution Awarding Professional Services Contract to Hendricks Appraisal Company, LLC for General Appraisal Services Including Appraisals in Connection with Tax Appeals for 2023

**RESOLUTION AWARDING PROFESSIONAL SERVICES CONTRACT
TO HENDRICKS APPRAISAL COMPANY, LLC FOR GENERAL APPRAISAL
SERVICES INCLUDING APPRAISALS IN CONNECTION WITH TAX APPEALS
FOR 2023**

WHEREAS, Hendricks Appraisal Company, LLC has been providing appraisal services for Tax Court and other miscellaneous required appraisal work satisfactory to the City and the City requires renewal of the contract for 2023; and

WHEREAS, the services to be performed are professional services, within the meaning of those terms as used in the Local Public Contracts Law, N.J.S.A. 40A:11-1 *et seq.*, and, accordingly, a contract may be awarded therefore without public advertising for bids and bidding in accordance with N.J.S.A 40A:11-5; and

WHEREAS, this award is of a non-fair and open contract in accordance with N.J.S.A 19:44-A-20.4 *et seq.*; and

WHEREAS, the estimated combined value of this vendor's contracts may be in excess of \$17,500.00; and

WHEREAS, the Business Entity Disclosure Certification has been received from Hendricks Appraisal Company, LLC and is incorporated in the contract awarded hereby; and

NOW, THEREFORE BE IT RESOLVED, that the professional services contract for general appraisal services in connection with tax appeals and miscellaneous required appraisal work with Hendricks Appraisal Company, LLC of West Orange, New Jersey, is renewed for the year 2023, on the same terms and conditions, not to exceed \$30,000 without the adoption of a supplemental resolution; and

BE IT FURTHER RESOLVED, that the Mayor and City Clerk is hereby authorized and directed to execute a contract on behalf of the City of Clifton, and that the original of this resolution award the contract above referred to be placed on file and made available for the inspection at the Office of the City Clerk of the City of Clifton; and

BE IT FURTHER RESOLVED, that no services and/or goods shall commence prior to execution of a contract prepared by the Law Department.

R033-23 Resolution Awarding Professional Services Contract to McNerney & Associates, Inc. for Appraising Services in Connection with Tax Appeals for 2023

**RESOLUTION AWARDING PROFESSIONAL SERVICES CONTRACT TO
MC NERNEY & ASSOCIATES, INC. FOR APPRAISING SERVICES IN
CONNECTION WITH TAX APPEALS FOR 2023**

WHEREAS, McNerney & Associates, Inc. has been providing appraisal services for Tax Court and other miscellaneous required appraisal work satisfactory to the City and the City requires renewal of the contract for 2023; and

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WHEREAS, the services to be performed are professional services, within the meaning of those terms as used in the Local Public Contracts Law, N.J.S.A. 40A:11-1 *et seq.*, and, accordingly, a contract may be awarded therefore without public advertising for bids and bidding in accordance with N.J.S.A. 40A:11-5; and

WHEREAS, this award is of a non-fair and open contract in accordance with N.J.S.A. 19:44-A-20.4 *et seq.*; and

WHEREAS, the estimated value of the contract may be in excess of \$17,500.00; and

WHEREAS, the Business Entity Disclosure Certification has been received from McNerney and Associates, Inc. and is incorporated in the contract awarded hereby; and

NOW, THEREFORE, BE IT RESOLVED, that a professional services contract for appraising services in connection with tax appeals and other miscellaneous purposes for 2023 is hereby awarded to McNerney & Associates, Inc. in an amount not to exceed \$10,000 in accordance with the same terms originally set forth in the proposal dated December 3, 2021;

BE IT FURTHER RESOLVED, that the Mayor and City Clerk is hereby authorized and directed to execute a contract on behalf of the City of Clifton, and that the original of this resolution award the contract above referred to be placed on file and made available for the inspection at the Office of the City Clerk of the City of Clifton; and

BE IT FURTHER RESOLVED, that no services and/or goods shall commence prior to execution of a contract prepared by the Law Department.

R034-23 Resolution Amending Resolution R261-22 Entitled "Resolution to Modify and Extend Bus Shelter Agreement with Insite Street Media Formerly Known as Signal Outdoor Advertising, Inc."

RESOLUTION AMENDING RESOLUTION R261-22 ENTITLED “RESOLUTION TO MODIFY AND EXTEND BUS SHELTER AGREEMENT WITH INSITE STREET MEDIA FORMERLY KNOWN AS SIGNAL OUTDOOR ADVERTISING, INC.”

WHEREAS, the Council previously adopted the above entitled Resolution on June 8, 2022 extending the contract and lease through to December 31, 2022; and

WHEREAS, the Purchasing Agent solicited proposals and is reviewing the sole proposal just received; and

WHEREAS, the Council wishes to extend the contract through February 28, 2023 in order to provide time to make an award

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the City of Clifton that the aforesaid Resolution is hereby amended to extend the contract through to February 28, 2023.

R035-23 Resolution Appointing Public Agency Compliance Officer (P.A.C.O.) for the City of Clifton for 2023

RESOLUTION APPOINTING PUBLIC AGENCY COMPLIANCE OFFICER (P.A.C.O.) FOR THE CITY OF CLIFTON FOR 2023

BE IT RESOLVED, by the Mayor and Municipal Council of the City of Clifton, that Amisha Jariwala is hereby appointed and designated as the Public Agency Compliance Officer (P.A.C.O.) for the City of Clifton for the year 2023, in accordance with the provisions of *N.J.A.C.* 17:27-3.2.

R036-23 Resolution Reappointing Member of the Clifton Zoning Board of Adjustment

**RESOLUTION REAPPOINTING MEMBER OF THE
CLIFTON ZONING BOARD OF ADJUSTMENT**

WHEREAS, Michael Molner’s term as a Member of the Clifton Zoning Board of Adjustment expired on December 31, 2022;

BE IT RESOLVED, by the Mayor and Municipal Council of the City of Clifton, that Michael Molner is hereby reappointed as a Member of the Zoning Board of Adjustment, for a term of four years, commencing January 1, 2023 through December 31, 2026.

R037-23 Resolution for Reappointment of Members of the Board of Recreation

**RESOLUTION FOR REAPPOINTMENT OF
MEMBERS OF THE CLIFTON BOARD OF RECREATION**

WHEREAS, the Mayor and Council of the City of Clifton, County of Passaic, State of New Jersey are in receipt of a reappointment form from the secretary of the Clifton Board of Recreation recommending reappointment of Bobby Cardillo and Jennifer Algieri; and

WHEREAS, said members’ terms expired on December 31, 2022; and

WHEREAS, said members are being reappointed for a term of three years commencing on January 1, 2023 through December 31, 2025; and

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Municipal Council of the City of Clifton, County of Passaic, State of New Jersey that Bobby Cardillo and Jennifer Algieri be and are hereby reappointed for a three-year term to the Board of Recreation, commencing on January 1, 2023 through December 31, 2025;

R038-23 Resolution for Reappointment of Members of the Historical Commission

**RESOLUTION FOR REAPPOINTMENT OF
MEMBERS OF THE HISTORICAL COMMISSION**

WHEREAS, the Mayor and Council of the City of Clifton, County of Passaic, State of New Jersey are in receipt of a reappointment form from the secretary of the Historical Commission recommending reappointment of the following members:

Kevin Kurnath
Drea DeLuca

WHEREAS, said members’ terms expired on December 31, 2022;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Municipal Council of the City of Clifton, County of Passaic, State of New Jersey that the above-mentioned members of the Historical Commission be and are hereby reappointed for a four-year term, commencing on January 1, 2023 through December 31, 2026

January 3, 2023

R039-23 Resolution for Reappointment of Members of the Clifton CA-TV Committee

**RESOLUTION FOR REAPPOINTMENT OF
MEMBERS OF THE CLIFTON CA-TV COMMITTEE**

WHEREAS, the Mayor and Council of the City of Clifton, County of Passaic, State of New Jersey are in receipt of a reappointment form from the secretary of the Clifton CA-TV Committee recommending reappointment of the following members and alternates:

Patrick J. Meyer - Member
John Esposito - Member
Kevin Kurnath – Alternate #2
Chris Witmyer – Alternate #3

WHEREAS, said members’ terms expired on December 31, 2022; and

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Municipal Council of the City of Clifton, County of Passaic, State of New Jersey that the above-mentioned members and alternates of the Clifton CA-TV Committee be and are hereby reappointed for a three- year term, commencing on January 1, 2023 through December 31, 2025

R040-23 Resolution for Reappointment of Member to the Beautification Committee

**RESOLUTION FOR REAPPOINTMENT OF
MEMBER OF THE CLIFTON BEAUTIFICATION COMMITTEE**

WHEREAS, the Mayor and Council of the City of Clifton, County of Passaic, State of New Jersey are in receipt of a reappointment form from the secretary of the Clifton Beautification Committee recommending reappointment of George Held; and

WHEREAS, said member’s term expired on December 31, 2022; and

WHEREAS, said member is being reappointed to the Clifton Beautification Committee for a term of three years commencing on January 1, 2023 through December 31, 2025; and

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Municipal Council of the City of Clifton, County of Passaic, State of New Jersey that George Held be and is hereby reappointed for a three-year term to the Beautification Committee, commencing on January 1, 2023 through December 31, 2025.

R041-23 Resolution for Reappointment of Members of the Advisory Committee for Individuals with Disabilities

**RESOLUTION FOR REAPPOINTMENT OF
MEMBERS OF THE ADVISORY COMMITTEE FOR INDIVIDUALS
WITH DISABILITIES**

WHEREAS, the Mayor and Council of the City of Clifton, County of Passaic, State of New Jersey are in receipt of a reappointment form from the secretary of the Advisory Committee for Individuals with Disabilities recommending reappointment of the following members:

Cathy Boseski
Dr. Jeffrey Gold
Anthony Santiago

WHEREAS, said members’ terms expired on December 31, 2022; and

January 3, 2023

WHEREAS, said members are being reappointed for a term of four years commencing on January 1, 2023 through December 31, 2026; and

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Municipal Council of the City of Clifton, County of Passaic, State of New Jersey that Cathy Boseski, Dr. Jeffrey Gold and Anthony Santiago be and are hereby reappointed for a four-year term to the, Advisory Committee for Individuals with Disabilities commencing on January 1, 2023 through December 31, 2026;

R042-23 Resolution Authorizing Renewal of Clothing Donation Bin - Texima, LLC

**RESOLUTION AUTHORIZING CLOTHING DONATION
BIN LICENSE RENEWAL**

WHEREAS, the Mayor and Council of the City of Clifton, County of Passaic and State of New Jersey are in receipt of a Clothing Donation Bin renewal application from Texima, LLC, 65 Triangle Boulevard, Carlstadt, New Jersey; and

WHEREAS, all paperwork has been completed and all fees have been paid; and

WHEREAS, all inspections have been completed by the Zoning, Fire and Police Departments;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the City of Clifton, County of Passaic and State of New Jersey that approval for the renewal of a Clothing Donation Bin license from Texima, LLC be and is hereby granted.

R043-23 Resolution Authorizing Renewal of Florist Licenses

RESOLUTION AUTHORIZING FLORIST LICENSE RENEWALS

WHEREAS, the Mayor and Council of the City of Clifton, County of Passaic, State of New Jersey are in receipt of Florist License Renewal from the businesses listed below; and

WHEREAS, all paperwork has been completed by the various applicants and all fees have been paid; and

WHEREAS, all inspections have been completed by the Zoning, Fire, Health and Police Departments;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Clifton, County of Passaic, and State of New Jersey that approval for the renewal of Florist License to the businesses listed below be and are hereby granted:

Corrado's	600 Getty Avenue
Days Gone By Florist	1382 Clifton Avenue

R044-23 Resolution Authorizing Renewal of Games of Skill Operators Licenses

**RESOLUTION AUTHORIZING GAMES OF SKILL OPERATOR LICENSE
RENEWALS**

WHEREAS, the Mayor and Council of the City of Clifton, County of Passaic, State of New Jersey are in receipt of Games of Skill Operator License Renewals from various businesses in the City of Clifton; and

WHEREAS, all paperwork has been completed and all fees have been paid; and

January 3, 2023

WHEREAS, all inspections have been completed by the Zoning and Police Departments;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Clifton, County of Passaic, and State of New Jersey that approval for the renewal of Games of Skill Operator Licenses to the businesses below be and are hereby granted:

The Rock Bar & Grill	414 Main Avenue
Italian American Club	282 Parker Avenue
Pub 46	1081 Route 46 East
The Grande Saloon	940 Van Houten Avenue

R045-23 Resolution Authorizing Renewal of Renting & Leasing Vehicles License - Drive-Ur-Self

**RESOLUTION AUTHORIZING RENTING AND LEASING OF VEHICLES
LICENSE RENEWAL**

WHEREAS, the Mayor and Council of the City of Clifton, County of Passaic, State of New Jersey are in receipt of Renting and Leasing of Vehicles License Renewal from Passaic/Clifton Drive-Ur-Self System, 593 Broad Street, Clifton; and

WHEREAS, all paperwork has been completed by the applicant and all fees have been paid; and

WHEREAS, all inspections have been completed by the Zoning and Police Departments;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Clifton, County of Passaic and State of New Jersey, that approval for the renewal of Renting and Leasing of Vehicles License to Passaic/Clifton Drive-Ur-Self System be and is hereby granted:

R046-23 Resolution Authorizing Renewal of Vending Machine License - The Rock Bar

RESOLUTION AUTHORIZING VENDING MACHINE LICENSE RENEWAL

WHEREAS, the Mayor and Council of the City of Clifton, County of Passaic, State of New Jersey are in receipt of Vending Machine License Renewals from The Rock Bar & Grill, 414 Main Avenue, Clifton; and

WHEREAS, all paperwork has been completed by the various applicants and all fees have been paid; and

WHEREAS, all inspections have been completed by the Zoning, Health and Police Departments;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Clifton, County of Passaic, and State of New Jersey that approval for renewal of a Vending Machine License to The Rock Bar & Grill be and is hereby granted.

R047-23 Resolution Authorizing Renewal of Pet Shop Licenses

RESOLUTION AUTHORIZING PET SHOP LICENSE RENEWALS

WHEREAS, the Mayor and Council of the City of Clifton, County of Passaic, State of New Jersey are in receipt of a Pet Shop License Renewal from the businesses listed below; and

January 3, 2023

WHEREAS, all paperwork has been completed by the various applicants and all fees have been paid; and

WHEREAS, all inspections have been completed by the Zoning, Fire, Health and Police Departments;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Clifton, County of Passaic, and State of New Jersey that approval for the renewal of Pet Shop Licenses to the businesses listed below be and are hereby granted:

Allwood Pet Center	656 Allwood Road
Barking Barney's Doggie Daycare	657 Lexington Avenue

R048-23 Resolution Authorizing the Award to and the Execution of a Contract with Kotulak & Company, PC for the Rendering of Accounting and Financial Services for the City of Clifton
Community Development Block Grant Program from January 1, 2023 Through December 31, 2023

RESOLUTION AUTHORIZING THE AWARD TO AND THE EXECUTION OF A CONTRACT WITH KOTULAK & COMPANY, PC FOR THE RENDERING OF ACCOUNTING AND FINANCIAL SERVICES FOR THE CITY OF CLIFTON COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM FROM JANUARY 1, 2023– DECEMBER 31, 2023

WHEREAS, the City of Clifton Community Development Department requires certain specialized accounting and financial services of an expert in connection with its operations, and further is required by Federal Law, Rules and Regulations to have such services (auditing, etc.) in order to obtain federal funds necessary for its 2023 operations; and

WHEREAS, such services constitute “Professional Services” within the ambit of N.J.S.A. 40A:11-5; and

WHEREAS, this award is of a non-fair and open contract in accordance with N.J.S.A. 19:44A-20-5; and

WHEREAS, the value of the contract is \$23,372.00, and the duration of the contract is one year, January 1, 2023 to December 1, 2023; and

WHEREAS, the Business Entity Disclosure Certification has been received from the contractor and is incorporated into the contract awarded hereby along with the determination of value;

NOW, THEREFORE, BE IT RESOLVED, that a contract for auditing services for the Community Development Block Grant Program from January 1, 2023 – December 31, 2023 is hereby awarded to Kotulak & Company, PC of Clifton, NJ, at a cost not to exceed \$23,372.00 and that the Mayor and the City Clerk be and they are hereby authorized and directed to execute a contract and the required copies in the form as approved by the Clifton Law Department; and

BE IT FURTHER RESOLVED, that the required Certificate of Availability of Funds for the above contract has been obtained and is endorsed hereon; and

BE IT FURTHER RESOLVED, that the original of this resolution and the contract above referred to be placed on file and made available for the public inspection at the Office of the City Clerk of the City of Clifton and that the City Clerk shall forward an executed copy of the said contract to the Clifton Community Development Department; and

BE IT FURTHER RESOLVED, that the Mayor and City Clerk are hereby authorized and directed to execute a contract on behalf of the City of Clifton; and

BE IT FURTHER RESOLVED, that the following short notice be printed once in a legal newspaper of the City of Clifton;

January 3, 2023

**CITY OF CLIFTON
NOTICE OF CONTRACT AWARDED**

The City of Clifton has awarded a contract without competitive bidding as a professional service pursuant to N.J.S.A. 40:11-5 (1)(a). The contract and the resolution authorizing it are available for public inspection in the Office of the City Clerk.

Awarded to: Kotulak & Company, PC, Clifton, NJ
Services: Accounting Services for Community Development Block Grant Program
Cost: \$23,372.00
Term: January 1, 2023 thru December 31, 2023

R049-23 Resolution Fixing Fees for Delinquent Taxes or Assessments for 2023

FIXING FEES FOR DELINQUENT TAXES OR ASSESSMENTS FOR 2023

WHEREAS, Chapter 45 of the Laws of 1970 authorizes a municipality to establish the rate of interest to be charged for delinquent taxes or assessments in the City of Clifton; and

WHEREAS, *N.J.S.A. 54:4-67*, permits the governing body to fix the rate of interest to be charged for the non-payment of taxes, assessments, or other municipal liens or charges on or before the date on which they would become delinquent as follows: not to exceed eight percent (8%) per annum on the first \$1,500.00 and eighteen percent (18%) percent per annum on any amount in excess of \$1,500.00; and

WHEREAS, *N.J.S.A. 54:4-67* also permits the governing body to fix the rate of discount, in an amount not to exceed six percent (6%) per annum on delinquencies in excess of \$10,000, which have not been paid prior to the end of a fiscal year; and

WHEREAS, *N.J.S.A. 40A: 5:17-1* allows the governing body of the municipality to authorize the Clifton Tax Collector to process the refund and/or cancel property taxes, delinquency of charges and fees less than \$10.00 without further action on the part of the governing body; and

WHEREAS, *N.J.S.A. 54:5-61* provides that the holder of tax title is entitled to penalties at redemption of two percent (2%) if certificate is more than \$200 up to \$5,000, an additional sum equal to four percent (4%) at redemption if certificate is more than \$5,000 up to \$10,000; and additional sum equal to six percent (6%) at redemption if certificate is more than \$10,000; and

THEREFORE, BE IT RESOLVED by the City Council of the City of Clifton, County of Passaic, State of New Jersey, as follows for 2023:

- I. The Tax Collector of the City of Clifton is hereby authorized and directed to charge eight percent (8%) per annum on the first \$1,500 of the delinquency and eighteen percent (18%) per annum in excess of \$1,500, and no interest shall be charged if payment of any installment is made within a grace period of ten (10) calendar days following the date which same became payable; and
- II. A six percent (6%) penalty shall be assessed on delinquent taxes, assessments or municipal charges in excess of \$10,000, which has not been paid prior to the end of a fiscal year; and
- III. With respect to tax certificates held by the municipality the following additional penalties are charged: two percent (2%) on the amount due over \$200 up to \$5,000; four percent (4%) of the amount due over \$5,000 up to \$10,000; and six percent (6%) on the amount in excess of \$10,000; and
- IV. The Tax Collector of the City of Clifton is hereby authorized to process the cancellation of any property tax refund or delinquency of less than \$10.00 without further action of the governing body.

January 3, 2023

BE IT FURTHER RESOLVED, by the Clifton City Council, County of Passaic, State of New Jersey that the Tax Collector of the City of Clifton is hereby authorized to conduct tax sale for all prior years' delinquent taxes pursuant to New Jersey Law Chapter 99.

R050-23 Resolution Awarding Contract for Provision of Veterinary Services to the Animal Shelter of the City of Clifton for 2023

RESOLUTION AWARDING CONTRACT FOR PROVISION OF VETERINARY SERVICES TO THE ANIMAL SHELTER OF THE CITY OF CLIFTON FOR 2023

WHEREAS, the Health Officer solicited informal proposals for the provision of certain veterinary services to the Animal Shelter of the City of Clifton for 2023 from numerous providers; and

WHEREAS, these services shall be as follows:

Examination
Vaccinated against Rabies
FiV FeLV Test (Feline) or Heartworm Test (Canine)
Revolution (Feline) or Frontline (Canine)
Dewormer

WHEREAS, in response thereto, one (1) informal proposal was received, wherein the Friends of the Shelter, Inc., a 501C(3) non-profit corporation, has offered to provide veterinary services to the City of Clifton Animal Shelter through utilization of various licensed veterinarian subcontractors, at the favorable rate of \$110 flat fee per dog and \$110 flat fee per cat; and

WHEREAS, a report was submitted to the City Manager wherein the Health Officer recommends the award of a contract for said services to Friends of the Shelter, Inc., which provided the sole and lowest quotation as aforesaid; and

WHEREAS, the contract is within the bidding threshold and therefore may be awarded without public advertising for bids and bidding therefor under *N.J.S.A. 40A:11-5 et seq.*; and

WHEREAS, this award is of a non-fair and open contract in accordance with *N.J.S.A. 19:44-A-20.5*, and, therefore, the Business Entity Disclosure Certification has been received from the contractor and is incorporated into the contract awarded hereby, along with the Determination of Value; and

WHEREAS, the value of the contract is approximately \$45,100, and the duration of the contract is for one year; and

WHEREAS, there are funds available for the payment of the services, and the Chief Financial Officer has certified the availability of funds hereon;

NOW, THEREFORE, BE IT RESOLVED, that a contract for the provision of veterinarians to provide certain veterinary services to the Animal Shelter located on the City Hall site, be and the same is hereby awarded to the Friends of the Shelter, Inc., of Clifton, N. J., at the aforesaid rates, the total price not to exceed \$45,100; and

BE IT FURTHER RESOLVED, that the Mayor and City Clerk are hereby authorized and directed to execute a contract on behalf of the City of Clifton; and

BE IT FURTHER RESOLVED, that the original of this resolution and the contract above referred to be placed on file and made available for public inspection in the Office of the City Clerk of the city of Clifton.

January 3, 2023

R051-23 Resolution Authorizing Agreement Between the City of Clifton and D.I.A.L. (Disabled Information, Awareness and Living) for Handicapped Services for 2023

RESOLUTION AUTHORIZING AGREEMENT BETWEEN THE CITY OF CLIFTON AND D.I.A.L. (DISABLED INFORMATION, AWARENESS AND LIVING) FOR HANDICAPPED SERVICES FOR 2023

BE IT RESOLVED, that an Agreement between the City of Clifton and D.I.A.L., in addition to its services as a sub-recipient of a Community Development Block Grant, conditioned upon performance of certain services and satisfaction of conditions for the City of Clifton, for performance of services for the handicapped, at a fee of \$12,000.00, for the period 1/1/23 thru 12/31/23, in the form as approved by the Law Department, be and the same is hereby authorized by the Municipal Council, and the Mayor and City Clerk be and they are hereby authorized and directed to execute the same on behalf of the City of Clifton; and

BE IT FURTHER RESOLVED, that the required Certificate of Availability of Funds for the above contract has been obtained from the Chief Financial Officer of the City of Clifton, and is endorsed hereon.

R052-23 Resolution Authorizing Submission of Grant Application by the City of Clifton Health Department to the NJ Association of County and City Health Officials (NJACCHO)

RESOLUTION AUTHORIZING SUBMISSION OF GRANT APPLICATION BY THE CITY OF CLIFTON HEALTH DEPARTMENT TO THE NJ ASSOCIATION OF COUNTY AND CITY HEALTH OFFICIALS (NJACCHO)

WHEREAS, the City of Clifton wishes to apply through the Health Department, for the Enhancing Local Public Health Infrastructure 2022-2023 Grant from the NJ Association of County and City Health Officials (NJACCHO) for a grant of \$698,834 for the funding period October 1, 2022 - June 30, 2023; and

WHEREAS, the Mayor and Municipal Council have reviewed the application and wish to approve said request;

NOW THEREFORE, BE IT RESOLVED that the Municipal Council of the City of Clifton hereby authorizes the application for such a grant; and

BE IT FURTHER RESOLVED, that the Mayor, Clerk and Health Officer are hereby authorized and directed to execute said application and any associated documentation on behalf of the City of Clifton.

R053-23 Resolution Awarding Professional Services Contract for Provision of Medical Director Services to Timothy Kowal, MD - January 1, 2023 Through December 31, 2023

RESOLUTION AWARDING PROFESSIONAL SERVICES CONTRACT FOR PROVISION OF MEDICAL DIRECTOR SERVICES TO TIMOTHY KOWAL, MD - JANUARY 1, 2023 THROUGH DECEMBER 31, 2023

WHEREAS, the City of Clifton requires performance of professional services in connection with Clifton's Medical Clinic for calendar year 2023; and

January 3, 2023

WHEREAS, the Health Director recommends Timothy Kowal, M.D.'s services in connection with Clifton's Medical Clinic at the rate \$150.00 per hour when such services are required, at a total cost not to exceed \$20,000.00 for the term of the agreement, and

WHEREAS, the services to be performed are professional and/or extraordinary unspecifiable services, within the meaning of those terms as used in the Local Public Contracts Law, *N.J.S.A.* 40A:11-1 *et seq.*, and, accordingly, a contract may be awarded therefor without public advertising for bids and bidding in accordance with *N.J.S.A.* 40A:11-5; and

WHEREAS, this award is of a non-fair and open contract in accordance with *N.J.S.A.* 19:44-A-20.5; and

WHEREAS, the value of the contract is determined to exceed \$17,500.00 and the term of the contract is for calendar year 2023; and

WHEREAS, the Business Entity Disclosure Certification has been received from counsel and is incorporated in the contract awarded hereby, along with the Determination of Value; and

NOW THEREFORE BE IT RESOLVED, that an agreement between the City of Clifton and Timothy Kowal, MD of Clifton, NJ, for performance of professional services in connection with Clifton's Medical Clinic, at the rate of \$150.00 per hour, at a total cost not to exceed \$20,000.00 for the term of the agreement, be and the same is hereby approved by the Municipal Council; and

BE IT FURTHER RESOLVED, that the Mayor and City Clerk are authorized and directed to execute same on behalf of the City of Clifton; and

BE IT FURTHER RESOLVED, that this resolution and the agreement be made available for public inspection in the Office of the City Clerk of the City of Clifton.

R054-23 Executive Session

RESOLUTION AUTHORIZING EXECUTIVE SESSION

WHEREAS, the Municipal Council deems it essential in the furtherance of the public interest, to discuss, in closed session, as expressly permitted by *N.J.S.A.* 10:4-12, the following subject(s), to wit:

CON-1 Authorization to Approve Salary Increase - Court Administrator

CON-2 Confidential Employees Salary Increases

CON-3 Legal Opinion Regarding Conflict of Interest

NOW, THEREFORE, BE IT RESOLVED that the public shall be excused and excluded from that portion of the Council's meeting to be held on January 3, 2023 at which time, said subject(s) shall be discussed; and

BE IT FURTHER RESOLVED, that the discussion held at such closed session can be disclosed to the public on or about the time the matter is concluded.

LICENSES

L-1 SUSHI Nozawa NYC, LLC

RESOLUTION FOR PRELIMINARY APPROVAL

FOR: Sushi Nozawa NYC, LLC

T/A: Sushi Nozawa NYC

January 3, 2023
ADDRESS: 610 Brighton Rd., Clifton, NJ 07012
TYPE OF FOR ESTABLISHMENT INTENDED: Caterer - New
FORMERLY OR NEW: New
ZONE: B-C
PERMITTED: Yes
VARIANCE REQUIRED: No

L-2 Made in Miami Bar Bistro, LLC

RESOLUTION FOR FINAL APPROVAL

BE IT RESOLVED, that the application of Madi In Miami Bar Bistro, LLC t/a Madi in Miami Bar & Bistro, 39 Harding Ave., Clifton, NJ 07011 for a Restaurant – continued use,

for a period ending December 31, 2024, is hereby approved and licenses so issued in the compliance with the approval of the Board of Health, Fire Department, Police and Zoning Officer.

ADJOURNMENT

Upon motion made by Councilwoman Murphy seconded by Councilwoman Sadrakula and passed on roll call vote, the meeting was adjourned at 8:45 p.m.

(7-0-0-0) Councilman Gibson, Councilman Kolodziej, Councilman Latona, Councilwoman Murphy, Councilwoman Pino, Councilwoman Sadrakula and Mayor Grabowski voted aye.

Respectfully Submitted,

Nancy Ferrigno
City Clerk
