

RESOLUTION No. 09- 26

WHEREAS, pursuant to Resolution No. 08-454 the Governing Body determined that it would be in the best interests of the City of make certain professional appointments pursuant to a "Fair and Open Process" pursuant to the provisions of the New Jersey Local Unit Pay to Play Law which became effective on January 1, 2006; and

WHEREAS, pursuant to the aforesaid Resolution, a legal notice and statement of criteria for submission of qualifications were prepared by the City Attorney which solicited submissions by the various professionals no later than Friday, January 9, 2009; and

WHEREAS, pursuant to the aforesaid notice, statements of professional qualifications were, in fact, submitted; and

WHEREAS, contracts with these professionals may be entered into by the City of Garfield without the necessity of competitive bidding since these contracts are professional services which are example from competitive bidding pursuant to N.J.S.A. 40A-11-5(1)a; and

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the City of Garfield, County of Bergen, State of New Jersey as follows:

1. **Kevin Boswell** of Boswell McClave Engineering is hereby appointed as city Engineer for the City of Garfield with compensation to be determined pursuant to the applicable salary Ordinance. This appointment shall include appointment to serve as the Engineer for the Garfield Planning Board.
2. **Dieter Lerch** of the firm of Lerch, Vinci and Higgins, LLP is hereby appointed as City Auditor for the City of Garfield with compensation to be determined pursuant to the applicable salary Ordinance or pursuant to separate Resolution.
3. **Steven L. Rogut, Esq.** of the firm of Rogut McCarthy Troy, LLC is hereby appointed as Bond Counsel for the City of Garfield with compensation to be determined pursuant to the various Bond Ordinances established by the City Council.

4. **Joseph Burgis** of the firm of Burgis Associates, Inc. is hereby appointed City Planner for the City of Garfield for an annual fee in an amount to be determined pursuant to separate Resolution.
5. **Frank Covelli** of Professional Insurance Associate, Inc. be and is hereby appointed Risk Management Consultant for the City of Garfield to perform various professional services as detailed in a Risk Management Consultant Agreement which indicates a minimum fee equal to six percent (6%) of the municipal assessment.
6. **Robert McNerney** of McNerney Appraisal Services Corp. is hereby appointed City Tax Appraiser for the City of Garfield in connection with defending tax appeals for a monthly retainer of \$2,900.00 per month.
7. **Edward Arcari** of the firm of Arcari Iovino Architects, PC is hereby appointed as Architect for the City of Garfield for a fee to be determined based upon each individual project awarded.
8. **Joseph Giammanco** is hereby appointed Municipal Prosecutor with compensation to be determined pursuant to the applicable salary Ordinance.
9. **Capital Alternatives Corporation** is hereby appointed as Grants Consultant for the City of Garfield with compensation to be determined in accordance with a separate Resolution and contract.
10. **Curt J. Geisler, Esq.** is hereby appointed Municipal Public Defender with compensation to be determined based upon separate Resolution and / or salary Ordinance.

NOW, THEREFORE, BE IT RESOLVED that no appointments are being made for the positions of City Attorney and Litigation Attorney. Furthermore, these positions are on a salary basis only and, therefore, are exempt from Pay to Play regulations. A review of prior Resolutions and action of the Governing Body has revealed that contracts for those positions are currently in effect which extend through the current Council term.

NOW, THEREFORE, BE IT FURTHER RESOLVED, that each of the appointments set forth herein shall be for a period of one (1) year commencing on

January 1, 2009 and each appointment is subject to confirmation by the Chief Financial Officer that sufficient funds exist for these purposes.

WHEREAS, to the extent that the power of appointment rests with the City Manager, these appointments are intended to confirm said appointments made by the Office of the City Manager.

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the within appointments have been made pursuant to a "Fair and Open Process"; and

NOW THEREFORE BE IT FURTHER RESOLVED that the City Clerk be and he is hereby authorized and directed to forward certified copies of the within Resolution to the Offices of the City Manager, City Attorney, Chief Financial Officer for the City of Garfield and each of the professions appointed pursuant to this Resolution.

	AYE	NAY	ABSTAIN	ABSENT
RAYMOND	X			
DELANEY	X			
ALOIA	X			
MOSKAL	X			
CALANDRIELLO	X			

[Handwritten signatures and initials over horizontal lines]

I hereby CERTIFY that the foregoing is a true and correct copy of a resolution adopted by the City Council at a Regular Meeting held Tuesday, January 27, 2009.

Andrew J. Pavlica
Andrew J. Pavlica, CITY CLERK

FILED
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NINA MITCHELL WELLS
SECRETARY OF STATE