## **RESOLUTION NO. 2020-**

RESOLUTION OF THE BOROUGH COUNCIL OF THE BOROUGH OF BELMAR, COUNTY OF MONMOUTH, STATE OF NEW JERSEY, ACCEPTING TRANSFER OF TITLE OF THE STAINLESS STEEL FLAP GATE IN CONJUNCTION WITH THE LAKE COMO STORMWATER OUTFALL IMPROVEMENT PROJECT

WHEREAS, Borough of Belmar, County of Monmouth, State of New Jersey (hereinafter referred to as "Belmar") have been informed by representatives of Maser Consulting, P.A. (hereinafter referred to as "Maser") that the Stainless Steel Flap Gate purchased by Maser in conjunction with the Lake Como Stormwater Outfall Improvements project (hereinafter referred to as the "Project") has been delivered to the Belmar DPW facility; and

WHEREAS, the Stainless Steel Flap Gate is needed in order to finalize the aforementioned project and in order to complete the work previously undertaken by the contractor; and

**WHEREAS**, Maser has offered to transfer title to the Stainless Steel Flap Gate to Belmar for no consideration so that the Project can be completed.

**NOW, THEREFORE, BE IT RESOLVED** this \_\_\_\_\_ day of June, 2020, by the Mayor and Council of the Borough of Belmar, County of Monmouth, State of New Jersey, as follows:

- For no consideration Belmar accepts title and ownership of the Stainless Steel
   Flap Gate Diameter 60", which is currently on site at the Belmar DPW facility.
- The subject valve has been acquired through a non-competitive procurement process pursuant to 2 CFR 200.320 (f)(1) and the purchase of proprietary goods requirements set forth at NJAC 5:34-9.1
- Two equivalent products such as this do not exist. This item is available only
  from a single source. This valve is of a specialized nature. because and the use

DASTI, MURPHY McGUCKIN, ULAKY, KOUTSOURIS & CONNORS

COUNSELLORS AT LAW

620 WEST LACEY ROAD P.O. BOX 1057 FORKED RIVER, N.J. 08731 of the a non-proprietary product one that does not incorporate the specialized features and functions of the subject valve would undermine the functionality or operational performance of the existing Project facilities, the facilities. The certification of the Maser engineer attesting to the foregoing is attached hereto as Attachment A.

Commented [LM1]: Township engineer, or Maser engineer? Not clear.

- 4. The item is necessary for the conduct of the affairs of Belmar since Belmar has a very substantial investment in the pProject which warrants reliance of on a specific manufacturer to incorporate the necessary specialized features and functions and to complete the Project in a timely manner before the onset of the next hurricane season, maintain the value of the project. Also, unique circumstances unique as to the pProject preclude the use of other valves.
- Belmar authorizes the Mayor, Borough Administrator and Borough Clerk to execute any and all necessary documents in order to implement the intent of this Resolution.
- 6. A certified copy of this Resolution shall be forwarded by the Borough Clerk to the following:
  - (a) Honorable Mark Walsifer, Mayor;
  - (b) Edward D. Kirschenbaum, Sr., Administrator;
  - (c) Christine Manolio, C.F.O.;
  - (d) Michael Campbell, DPW Director;
  - (e) Peter Avakian, P.E.; and
  - (f) Jerry J. Dasti, Esquire.
  - (g) Rebecca Jones, DEP

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## (h) Peter Nolan, PE, Maser Consulting PA $\,$

offered the above resolution and moved its adoption.

Seconded by and adopted by the following vote on roll call:

Council members: AYES NAYS ABSTAIN ABSENT

Mayor Walsifer Mr. Carvelli

Mr. McCracken

Ms. Wann Mr. Brennan

Adopted:

## **CERTIFICATION**

I certify that the foregoing Resolution was duly adopted by the Borough Council of the Borough of Belmar at a regular meeting held on the \_\_\_\_ day of June, 2020, a quorum being present and voting in the majority.

APRIL CLAUDIO, Municipal Clerk

Prepared by:

## DASTI, MURPHY, McGUCKIN, ULAKY, KOUTSOURIS & CONNORS

Forked River, New Jersey 08731

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