

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:

1. 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.
2. 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
3. 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

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 ~~p~~Project 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 ~~p~~Project preclude the use of other valves.
5. 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

(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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**DASTI, MURPHY
McGUCKIN, ULAKY,
KOUTSOURIS & CONNORS**

COUNSELLORS AT LAW

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