

**A RESOLUTION OF THE TOWNSHIP COUNCIL OF
THE TOWNSHIP OF NORTH BRUNSWICK
DECLARING AN EMERGENCY AND
AUTHORIZING A PUBLIC WORKS CONTRACT FOR HEATING, VENTILATION,
AIR CONDITIONING (HVAC) AND ALL KINDRED WORK NECESSARY TO BRING
CLIMATE CONTROL TO THE MUNICIPAL COMPLEX**

WHEREAS, Hurricane Ida impacted New Jersey on Wednesday, September 1, 2021, bringing severe weather conditions including strong winds, reports of tornadoes, and heavy and sustained rainfall in some areas; and

WHEREAS, the storm caused severe damage to municipal facilities, infrastructure, vehicles and equipment, including the Municipal Complex which could have endangered the community's health, safety, and welfare if not responded to in an immediate manner; and

WHEREAS, on Thursday, September 2, 2021, the Mayor for the Township declared a State of Emergency for the Township; and

WHEREAS, in September of 2021, the company Rapid Recovery was engaged under the Garden State Joint Insurance Fund to begin remediation efforts; and

WHEREAS, on September 27, 2021, the Township adopted an emergency resolution authorizing the execution of a Lease Agreement with 1460 Livingston Ave LLC, for the temporary location of various divisions within Police Department to occupy 1460 Livingston Avenue-Building 400, 2nd floor, North Brunswick, New Jersey, with a three-month initial term (and option to extend month-to-month) at \$34,000/month for 10,000 square feet; and

WHEREAS, in October and November of 2021, Police Dispatch, Command staff and other Departments operating out of the Municipal Complex were relocated to various temporary locations, including other municipal facilities and rental trailers provided by the contractor under the insurance claim; and

WHEREAS, in December of 2021, pursuant to Resolution 332-12.21, Peter Campisano with USA Architects was engaged to assist municipal officials working with representatives from Federal Emergency Management Agency ("FEMA") and the Claims Committee for the Garden State Joint Insurance fund ("JIF") in developing an agreed project scope for restoration of the Municipal Complex; and

WHEREAS, Rapid Recovery as the primary contractor engaged subcontractors to work on various restoration efforts, including *M&E Engineers, Inc.* for initial professional review of the plumbing and *Air Exchange* for the Heating, Ventilation, Air Conditioning (HVAC) work; and

WHEREAS, in December of 2021, subcontractor Air Exchange began to work on the replacement of the three boilers units that heat the building, which to date are not operational given concerns with the associated piping; and

WHEREAS, Rapid Recovery attempted to deliver heat to the building with space heaters and Public Works also brought in space heaters to supplement areas of concern; and

WHEREAS, in addition to having an *architect*, in May of 2022 it was determined necessary to engage services of a *mechanical engineer* that familiar with the HVAC system under prior engagement with Rapid Recovery to provide review, recommendation and oversight services; and

WHEREAS, in June of 2022, pursuant to Resolution 189-6.22, M&E Engineers, Inc. was engaged to provide professional engineering services for work associated with the remediation and restoration efforts associated with the HVAC system; and

WHEREAS, by August of 2022, a small space in the back first floor of the Police Department was isolated with a separate temporary heating, ventilation and air condition system and available for identified police use; and

WHEREAS, December 5, 2022, the current contractor and sub-contractor notified municipal officials that the anticipated delivery date cooling units would be mid-October of 2023 and was unable to provide a timeline for heating elements, citing uncertainty with the condition of system components, leaving the Municipal Complex a year with no climate control; and

WHEREAS, the infrastructure network for the municipality is located within the Municipal Complex and has been affected by the physical impacts of the climate variability, leaving the system vulnerable to failure points for over a year and is hitting a critical level going into a second winter season; and

WHEREAS, the infrastructure network plays an essential role for the operation of the municipal departments and it has been deemed necessary to contract with capable vendor(s) on an emergent basis to secure the climate conditions within the Municipal Complex; and

WHEREAS, pursuant to Local Public Contracts Law N.J.S.A. 40A:11-6 et seq. any contract may be negotiated or awarded for a contracting unit without public advertising for bids and bidding therefor when an emergency affecting the public health, safety or welfare requires the immediate delivery of goods or the performance of services.

NOW, THEREFORE, BE IT RESOLVED, that the Township Council of Township of North Brunswick, in the County of Middlesex, New Jersey, does hereby confirm the emergency and authorize the the execution of negotiated contract(s) as deemed necessary to bring climate control to the Municipal Complex.

CERTIFICATION

I, Cavel Gallimore, Chief Financial Officer, hereby certify that funds shall be made available within the Storm Trust Account, contingent upon the receipt of funds from the Joint Insurance Fund in accordance with the terms of the contract(s).

Cavel Gallimore
Chief Financial Officer

Justine Progebin
Business Administrator

Ronald Gordon, Esq.
Township Attorney
Approved as to legal form

RECORDED VOTE:

COUNCIL MEMBER	YES	NO	ABSTAIN	NOTES
HUTCHINSON				
MEHTA				
GUADAGNINO				
ANDREWS				
SOCIO				
DAVIS				
MAYOR WOMACK				

I hereby certify that the above Resolution was duly adopted by the Township Council of the Township of North Brunswick, County of Middlesex, at its meeting held on December 12, 2022.

Lisa Russo
Township Clerk