

CITY OF VINELAND, NJ

RESOLUTION NO. 2023- 524

RESOLUTION AUTHORIZING A SHORT TERM LEASE
AGREEMENT OF SOLID WASTE COLLECTION
VEHICLES FROM PINELANDS CONSTRUCTION, LLC.

WHEREAS, on February 14, 2023 Vineland City Council approved a five (5) year contract with Pinelands Construction, LLC beginning on January 1, 2024 for solid waste and recyclable collection service for the residents of the City;

WHEREAS, the Agreement provided that the City would provide Pinelands Construction, LLC with ten (10) 25-32 cubic yard rear loading dual tipper compaction type diesel collection vehicles, with the City retaining ownership of the collection vehicles;

WHEREAS, due to the demand for solid waste collection vehicles, and the disruptions in the supply chain, the City has only received, to date, delivery of only one (1) collection vehicle and does not anticipate receiving the remaining nine (9) collection vehicles prior to January 1, 2024;

WHEREAS, the difficulty in obtaining collection vehicles was anticipated, and addressed in the contract with Pinelands Construction, which was approved by Vineland City Council on February 14, 2023, which specifically provided that in the event that City did not receive delivery of the collection vehicles prior to January 1, 2024, the parties would negotiate in good faith for a short term lease of the necessary collection vehicles from Pinelands;

WHEREAS, Pinelands Construction has offered to lease to the City eight (8) collection vehicles on a short term basis in accordance with the terms and conditions of the Lease Agreement attached to this Resolution.

NOW THEREFOR, BE IT RESOLVED, by the Council of the City of Vineland that the City of Vineland enter into a short term lease agreement for eight (8) solid waste collection vehicles on the terms and conditions set forth in the attached lease.

BE IT FURTHER RESOLVED that the Mayor of the City of Vineland is authorized to execute a short term lease agreement, in the form and substance of the short term lease attached hereto, with Pinelands Construction for eight (8) solid waste collection vehicles;

Adopted:

President of Council

ATTEST:

City Clerk

SHORT TERM LEASE AGREEMENT BY AND BETWEEN

PINELANDS CONSTRUCTION, LLC

AND

THE CITY OF VINELAND

**FOR UP 8 (EIGHT) 25-32 YARD REAR LOADING DUAL TIPPER COMPACTION
TYPE DIESEL COLLECTION VEHICLES**

This Lease Agreement, made as of this ____ day of _____, 2023, by Pinelands Construction, LLC, (the "**CONTRACTOR**"), with offices located at of 300 77th Street, Sea Isle City, NJ 08243, and the City of Vineland, a municipal corporation of the State of New Jersey with offices located at 640 Wood Street, Vineland, New Jersey 08360 (the "**CITY**").

RECITALS:

WHEREAS, on February 24, 2023 the parties entered into an agreement for Solid Waste, Bulk Items, And Recyclables Collection Services for a 5 year term beginning on January 1, 2024 and terminating on December 31, 2028 (the "Collection Agreement");

WHEREAS, the Collection Agreement provided that the City was to provide the collection vehicles, but also provided that in the event the collection vehicles ordered by the City were not delivered and operational as of January 1, 2024, the Parties would negotiate, in good faith, for the lease of the necessary collection vehicles by the City from the Contractor;

WHEREAS, as of the date of this Lease Agreement, the City has received delivery of only one (1) of the collection vehicles ordered under the terms of the Collection Agreement.

WHEREAS, the Contractor has indicated that it will need a total of 9 collection vehicles to provide collection services in accordance with the terms of the Collection Agreement.

NOW, THEREFORE, in consideration of the mutual promises contained herein, and in the Collection Agreement, and other considerations made by and between the Parties pursuant to all applicable federal, state, and local laws, statutes, codes, or ordinances, the **CONTRACTOR** and the **CITY** hereby agree as follows:

1. The Contractor will lease up to eight (8) 25-32 yard rear loading dual tipper compaction type diesel collection vehicles to the City to be provided to the Contractor to perform collection service (solid waste, bulk, and recyclable materials) under the terms of the Collection Agreement on a short term basis to cover the gap between January 1, 2024 and the delivery of the collection vehicles ordered by the City.

2. The lease of each collection vehicle shall be on a week to week basis and replaced by a City owned collection vehicle on a vehicle by vehicle basis as the collection vehicles ordered by the City are delivered and become operational.

3. The City will pay the Contractor \$2,093.00 per week (\$2,093 x 4.3 weeks/month = \$9,000.00/month) for each collection vehicle which has not been replaced by a collection vehicle

ordered by the City, provided that the Contractor shall be under no obligation to provide any collection vehicles beyond the end of April 2024 due to its summer commitments.

4. Each collection vehicle subject to this Lease Agreement shall meet all of the requirements of Section 2.7 of the Collection Agreement and shall be identified by truck number, tag number, and DEP sticker on or before December 1, 2023. Each designated vehicle shall be subject to inspection by the City prior to January 1, 2024 and replaced in the event the City has a good faith basis to reject the vehicle.

5. The collection vehicles, and the operation thereof, shall be subject to all the terms of the Collection Agreement, except as modified by this Lease Agreement.

6. The Contractor shall be responsible for all major repairs to the leased vehicles, and the City shall be responsible for all routine maintenance and minor repairs as set forth in the attached Protection Plan. The City is be responsible for towing disabled lease vehicles to its maintenance yard. The Contractor shall be responsible for towing trucks from the City's maintenance yard for any repairs that are Pinelands responsibility.

7. This Lease Agreement is contingent on Vineland City Council approving a change order to the February 24, 2023 contract for Solid Waste, Bulk Items, And Recyclables Collection Services approving the terms of this Short Term Lease Agreement.

8. This Lease Agreement may be executed in counterparts, each of which shall be binding against the party whose signature appears thereon. All such counterparts, together, shall consist of one and the same document. This Agreement may also be executed and delivered by exchange of facsimile or PDF copies showing signatures of all parties, and those signatures need not be affixed to the same copy. The facsimile or PDF copy showing the signatures of all parties will constitute originally signed copies requiring no further execution.

CITY OF VINELAND

Anthony Fanucci, Mayor

PINELANDS CONSTRUCTION, LLC

Frank Edwardi, President

Protection Plan

Covered by City of Vineland for Leased Trash Trucks:

Preventive maintenance such as but not limited to: scheduled oil and filter change, tire replacement, belts and hoses, air filter, cabin filter, brake pads, brake rotors, brake calipers, brake hoses, headlight bulbs, cab interior lighting, turn signal bulbs, stop bulbs, hazard bulbs, hydraulic lines, antifreeze fluid exchange, windshield washer fluid replacement, fittings greased during PM service, flat repair, DEF fluid exchange or fill, water fuel separator.

Not Covered by City of Vineland (Contractor's Responsibility):

All major or minor engine replacement or repair including but not limited to: Plugs, pistons, rings, liners, cylinder head assembly, cylinder block assembly, rocker lever assembly, ECM, BCM, all other computer system related items, Lube oil cooler assembly, front gear cover, oil pan, transmission pan, connecting rod assembly, lube pump assembly, camshaft and bushings, cam follower assemblies, crank shaft assemblies, egr cooler, valve and mixer, fuel injectors, turbo, water pump, fuel pump, air compressor, select engine sensors, flywheel, connectivity module, cylinders lift for body, packing cylinders, tipper plates, DEF sensors, wiring, probe sensors, module sensors, decomposition tube, catalytic convertor and filter, fuel lines, PTO, transmission, radiator, or any fabrication/welding on chassis or body.