



Legislation Details (With Text)

File #: 14-1422 **Version:** 1 **Name:** ADDED STARTER - FIRE - DONATION OF SMOKE DETECTORS
Type: Resolution **Status:** Filed
File created: 9/8/2014 **In control:** (DELETE)Fire
On agenda: 9/17/2014 **Final action:** 9/17/2014

Title: Dept/ Agency: Fire
Action: Ratifying Authorizing Amending
Type of Service: Accepting a Donation
Gift: Smoke Detectors; Dollar Value Amount \$3,338.00
Purpose: To distribute smoke detectors to Newark’s residents who currently do not have smoke detectors
Entity Name: The Shauger Group, Inc., and Steve Weatherford and Laura Weatherford, individually
Entity Address: 429 Dodd Street, East Orange, New Jersey 07017
Gift Value: \$3,338.00
City Contribution: \$0
Other Funding Source/Amount: \$0
Contract Period:
Additional Information:

Sponsors: Council of the Whole

Indexes:

Code sections:

Date	Ver.	Action By	Action	Result
9/17/2014	1	Municipal Council	Adopt	Pass

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WHEREAS, The City of Newark, by and through the Fire Department, (collectively the “City”) desires to accept a gift of 750 smoke detectors, in the amount of Three Thousand Three Hundred Thirty Eight Dollars (\$3,338.00), donated by The Shauger Group, Inc. (“Shauger Group”), 429 Dodd Street, East Orange, New Jersey 07017, and Steve Weatherford and Laura Weatherford, individually; and

WHEREAS, this gift would allow residents of Newark to be able to obtain a smoke detector from the City who currently do not have one in their place of residence, do not have the means to purchase one for their place of residence or purchasing one for their residence would impose upon them a financial strain; and

WHEREAS, the Shauger Group, and subsidiaries, is a family owned and operated New Jersey corporation founded in 1981 by Donald and Lisa Shauger; and

WHEREAS, the Executive Vice President of Shauger Group, his wife, Lisa Shauger, along with New York Giants' punter, Steve Weatherford and his wife, Laura Weatherford (individually and collectively referred to herein as, the "Donors"), learned of a house fire in Newark that killed a family of six on Father's Day; and

WHEREAS, that family did not have a single smoke detector and the Donors felt compelled to do something in memory of the six family members who perished and in hopes of preventing similar tragedies in the future; and

WHEREAS, the Donors purchased 1,000 smoke detectors to donate to families in need; and

WHEREAS, the Donors desire to donate 750 of the 1,000 purchased smoke detectors to the City to be distributed to Newark residents who currently do not have one, do not have the means to purchase one or purchasing one would impose upon them a financial strain; and

WHEREAS, it is expressly understood and agreed that the Donors will not receive and have no expectation to receive any consideration, monetary or otherwise, in return for the proposed donated gifts; and

WHEREAS, the Donors represent and warrant that the smoke detectors are Kidde Code One i9040 battery-operated smoke alarms purchased from the Home Depot and have test buttons, 85-decibel horns, flashing red power lights, and low battery indicators, and

WHEREAS, the Donors also represent and warrant that the smoke detectors comply with all Federal, State and Local laws and regulations governing smoke detectors; and

WHEREAS, the Donors further represent and warrant that the User Manual is provided in each box with each detector and provide the following link to the product on Home Depot's website in which the donated smoke detectors' specific product information can be viewed at <http://www.homedepot.com/p/Code-One-Battery-Operated-Ionization-Smoke-Alarm-6-Pack-21008057/202281776>; and

WHEREAS, a copy of such specific product information is attached hereto; and

WHEREAS, neither the Donors donation of the smoke detectors, nor the City's acceptance of the donated smoke detectors constitute an actual or implied assumption of liability by the City for the smoke detectors; and

WHEREAS, the City does not make any implied warranties of merchantability and/or implied warranties of fitness for a particular purpose regarding the donated smoke detectors; and

WHEREAS, the City wishes to accept the gift from the Donors pursuant to N.J.S.A. 40A:5-29; and

WHEREAS, the Donors understand and agree that they are not entitled to receive any direct benefit from the City in exchange for their gift and shall receive only the indirect benefit of furthering its charitable mission of making the City safer through its gift; and

WHEREAS, this resolution shall authorize the City to accept the donated gift of 750 smoke detectors pursuant to *N.J.S.A. § 40A:5-29*, which stipulates that any local unit is authorized and empowered to accept bequests, legacies and gifts made to and is empowered to utilize such bequests, legacies and gifts in the manner set forth in the conditions of the bequest, legacy and gift that shall not be put to any use that is inconsistent with the laws of the State of New Jersey and the United States of America; and

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF NEWARK, NEW JERSEY, THAT:

1. The Mayor and/or his designee the Director of the Fire Department are hereby authorized pursuant to *N.J.S.A. 40A:5-29* to accept a gift of 750 smoke detectors valued at Three Thousand Three Hundred Thirty Eight Dollars (\$3,338.00), from The Shauger Group, Inc., and Steve Weatherford and Laura Weatherford, individually, for Newark residents who currently do not have one in their place of residence, do not have the means to purchase one for their place of residence or purchasing one for their residence would impose upon them a financial strain.

2. This Resolution shall be authorized as a gift with no municipal monies to be expended.

3. The recipients of any of the above-referenced smoke detectors shall execute a hold harmless, waiver and release in the form attached hereto and made a part of this resolution.

4. This resolution, the fully-executed representations and warranties, and the gift agreement shall be filed in the Office of the City Clerk by the Director of the Fire Department.

5. This Resolution shall be authorized without any assumption of liability by the City of Newark and/or its Department of Fire in accepting the donated gift nor any representation or warranty of any implied warranties of merchantability and/or implied warranties of fitness for a particular purpose regarding the smoke detectors.

STATEMENT

This resolution authorizes the Mayor and/or his designee the Director of the Newark Fire Department, to accept a gift from The Shauger Group, Inc., and Steve Weatherford and Laura Weatherford, individually in the form of 750 smoke detectors, valued at Three Thousand Three Hundred Thirty Eight Dollars (\$3,338.00), to distribute to Newark residents who currently do not have one in their place residence, do not have the means to purchase one for their place of residence or purchasing one for their residence would impose upon them a financial strain. No Municipal funds will be expended.

