

10 (14)

2011 RESOLUTION – AUTHORIZATION FOR PAYMENT OF SEWER AND WATER SERVICE WORK & REPAIRS AT 1617-1627 BROAD STREET

WHEREAS, on September 15, 2010 the Township of Bloomfield Engineering Department was inspecting sewer and water supply work that was being performed by Oakdale Excavation (hereinafter “the Contractor”) to rectify improperly constructed water service work and sewer work at three residential properties known as 1617, 1621 and 1627 Broad Street; and

WHEREAS, this work was required by the developer of these properties to rectify improperly installed sewer pipe and water service work that was discovered through investigation of complaints by the current resident of 1617 Broad Street; and

WHEREAS, the Contractor was hired by the developer of this property, 1627, LLC, to make the necessary repairs; and

WHEREAS, the Contractor was the same contractor who performed the original installation of the water and sewer facilities that were deemed improper through the investigation by the Engineering Department; and

WHEREAS, after posting the appropriate bonds with the Township the Contractor commenced with this work on September 15, 2010; and

WHEREAS, on the afternoon of September 15, 2010, the Township Engineer, after inspecting the work being performed ordered the Contractor to cease operation, cover the excavation and remove themselves from the site; and

WHEREAS, the developer was notified of the removal of the Contractor based upon the following opinions and observations of the Township Engineer:

- The excavation which exceeded a depth of six feet was observed to have unstable sides and the contractor provided no sheeting or bracing.
- The lack of sheeting or bracing was causing continued collapse of the sides of the excavation thereby enlarging the excavation which was severely impacting the adjacent public walkways as well as posing a risk to the adjacent, inhabited structures.

RECORDED AS TO FORM AND PROCEEDINGS
ON BASIS OF FACTS SET FORTH

Brian A. Scott
Director of Law - Township Attorney

- The contractor demonstrated a complete lack of knowledge related to proper construction and safety procedures including permitting himself to stand on the bucket of his backhoe, inside the excavation, with no operator, no sheeting, no harnesses, no ladder or any other method of acceptable, utility construction work practices.
- This was the same contractor who performed the original, defective work thereby causing the Township Engineer to have zero confidence in their ability to perform the required work safely and to proper completion; and

WHEREAS, after removal of the Contractor, the township engineer declared to work an emergency based upon the following:

- There was no sewer service to 1617 and 1621 Broad Street after removal of the contractor.
- The construction area, while backfilled, was left in a hazardous condition that jeopardized the safety of the general public as well as the residents of the impacted residences; and

WHEREAS, it was the decision of the Township Engineer to acquire the services of an experienced utility contractor; and

WHEREAS, at the time of this incident, Carner Brothers, P.O. Box 116, Roseland, New Jersey was in town working on an unrelated utility project for the Township in which they were hired based upon the lowest cost proposal; and

WHEREAS, the Township Engineer directed Carner Brothers to postpone their work at this location and perform the necessary emergency work at 1617-1627 Broad Street on a time and material basis; and

WHEREAS, Carner Brothers satisfactorily performed and completed the required work despite unforeseen subsurface conditions which required the jack hammering of bedrock which increased the time and materials for completion of this work; and

WHEREAS, the Engineering Department inspected the work being performed by Carner Brothers and reviewed all hours, personnel and equipment utilized to complete the work; and

WHEREAS, the Engineering Department hereby recommends payment to Carner Brother, P.O. Box 116, Roseland, New Jersey in the amount of \$40,844.13; and

WHEREAS, the Director of Finance certifies that funding is available within the Townships Sewer Capital Account and Capital Water Utility account.

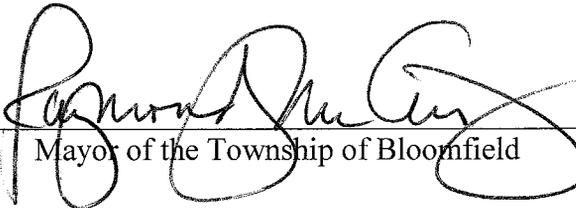
NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Township of Bloomfield, County of Essex, State of New Jersey hereby authorize the Director of Finance to issue payment to Carner Brothers, P.O. Box 116, Roseland, New Jersey 07068 in the amount of \$40,844.13 for the performance of the sanitary and water supply work.

* * *

I hereby certify that the above resolution was duly adopted by the Mayor and Council of the Township of Bloomfield at a meeting of said Township Council held on September 6, 2011.



Municipal Clerk of the Township of Bloomfield



Mayor of the Township of Bloomfield

ROLL CALL VOTE

MAYOR & COUNCIL	YES	NO	ABSTAIN	ABSENT
COUNCILWOMAN LITTERIO				✓
COUNCILMAN JOANOW	✓			
COUNCILMAN RUANE	✓			
COUNCILMAN VENEZIA	✓			
COUNCILWOMAN DUNIGAN	✓			
COUNCILMAN HAMILTON	✓			
MAYOR McCARTHY	✓			

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