

October 24, 2008  
Hawthorne, NJ

The Special Meeting of the Municipal Council of the Borough of Hawthorne was held on the above date at 6:18 p.m., in the Auditorium of the Municipal Building, 445 Lafayette Avenue, Hawthorne, New Jersey. Present were Councilpersons Bertollo, English, Bennett, Matthews, Sinning, and Wojtecki. Council President Goldberg was absent. Also present were Borough Administrator Maurer, Borough Attorney Pasquale, Engineer Stephens (Boswell Engineering) and Borough Clerk Spohn.

### **STATEMENT**

Adequate notice of this meeting was given by the posting of the same on the Public Bulletin Board at the Municipal Building on Tuesday, October 21, 2008, and by delivering said notices to the Hawthorne Press, the Herald News, the Record, and the Gazette on Tuesday, October 21, 2008, and by mailing/faxing a copy of said notice to all persons who have requested that such notice be mailed to them, in compliance with the Open Public Meeting Law P.L. 1975, c.231.

Council Vice President Bennett called the Special Meeting to order. To be discussed at this meeting were a declaration of emergency for the Sicomac Pump Station and a capital emergency appropriation to fund the repairs at the Sicomac Pump Station.

### **Resolutions:**

**R-1** Introduced by Councilwoman English

**WHEREAS**, an unsafe condition exists at the Sicomac Sewer Pump Station in the Borough of Hawthorne due to the impending failure of the sewer pumps which would result in a health hazard and interruption of service, and

**WHEREAS**, the Borough of Hawthorne is required to begin work immediately on replacing these sewer pumps to prevent a health danger, and

**WHEREAS**, no adequate provision has been made in the 2008 Capital Budget for the aforesaid purpose, and N.J.S.A. 40A:4-46 through 4-48 provides for the creation of an emergency appropriation for the purpose above mentioned; and

**WHEREAS**, the total amount of emergency resolutions adopted in the year 2008 pursuant to the provision of Chapter 96, P.L. 1951 (N.J.S.A. 40A:4-46 through 4-48 including this resolution total \$159,000.00, and three percent (3%) of the total operating appropriations in the budget for the year 2008 is \$537,992.00.

**NOW, THEREFORE, BE IT RESOLVED**, by Municipal Council of the Borough of Hawthorne (not less than two-thirds of the members thereof affirmatively concurring) that in accordance with N.J.S.A. 40A:4-46 through 4-48:

1. An emergency temporary appropriation be and the same is hereby made for:

Capital Improvements

Repairs to Sicomac Sewer Pump Station \$122,000.00

2. Said emergency appropriation shall be funded in full by a capital ordinance to be adopted no later than December 31, 2008.

**R-2** Introduced by Councilwoman English

WHEREAS, the Borough of Hawthorne maintains a sanitary sewer system serving properties located in the Borough of Hawthorne and as part of that system owns and operates a sewer pump station located at Sicomac Avenue and known as the Sicomac Avenue Pump Station; and

WHEREAS, an emergency has occurred whereby the electrical and control equipment of the pumping system has been destroyed by a sudden and accidental occurrence in the form of a flood in the pump station building; and

WHEREAS, as a result of the impairment of the pump system, emergency repairs are required so as to protect health and safety of Borough residents and protect property within the Borough from possible contamination or damage; and

WHEREAS, an estimate for the work has been received from Rapid Pump, Inc., a company with significant experience in making such repairs and extensive familiarity with the sanitary sewer system of the Borough, in the amount of \$75,000; and

WHEREAS, a second quote was received from Services, Inc., located in Ringwood, NJ, another vendor performing the work required with substantial experience in the field, in the amount of \$69,950; and

WHEREAS, Pumping Services, Inc., another firm with substantial experience in the field was requested to submit a quote but declined; and

WHEREAS, the estimates for work were reviewed by the Municipal Engineer and he has determined that both estimates are reasonable given the scope of the required repair and each vendor has the experience and expertise necessary to effectuate the required repair; and

WHEREAS, the Borough Attorney has rendered an opinion to the Borough that given the significant risk posed to person and property, the experience and expertise of the two

companies submitting quotations and the reasonableness of its cost estimates, the Borough may enter into an agreement with Rapid Pump, Inc., in the amount of \$75,000 for the making of emergency repairs as the same would represent an exception to the Local Public Contracts Law; and

WHEREAS, the Administration, based upon the opinion of the Borough Attorney, has concluded that the award of a purchase order to the vendor would not be subject to the Local Public Contracts Law as being specifically exempt therefrom pursuant to NJSA 40A:11;

NOW THEREFORE, BE IT RESOLVED, by the Municipal Council of the Borough of Hawthorne that it does agree that an emergency situation does exist and does therefore authorize the emergency award of purchase order or contract to Rapid Pump, Inc., based upon the quotation submitted, in accordance with NJSA 40A:11-6, subject to certification that funds for such purchase order exists.

**Discussion:**

Borough Administrator Maurer recommended that R-1 be amended from \$122,000.00 to \$85,000.00, and stated that Mr. Ed. Stephens from Boswell Engineering would be here to answer any questions. Administrator Maurer stated we had received one proposal for the work to needed at the Sicomac Pump station in the amount of \$95,000.00. There was some concern at the time that we might need to replace one of the pumps, so in addition to the \$95,000.00, that is why we were asking for \$122,000.00. We have since determined that the pump does not need to be replaced at this time.

Administrator Maurer also indicated that at the request of other Council members, we did receive other proposals. The initial quote from Rapid Pump brought in a lower quote for \$75,000.00. Originally, everything was to be brought in on an expedited basis, which is why it was \$95,000.00.

Councilman Wojtecki questioned the \$20,000 more to expedite.

Administrator Maurer stated that Boswell Engineering thinks the key components are available and would be able to be installed within 7-10 days and there would be no reason to spend the extra money. The second proposal was from Coppola Services, Inc. We had originally asked for a quote from Pumping Services, but they declined to quote, but suggested Coppola Services, which Boswell Engineering indicated was okay. Coppola Services proposal services came in for \$69,950.00. Boswell is recommending that we go with Rapid Pump due to their knowledge of our system, even though it is \$5,000 more.

Administrator Maurer also stated he has prepared an alternate resolution for Coppola Services, should the Council decide not to go with Rapid Pump. Councilman Wojtecki questioned if Boswell had ever worked with Coppola

Services. Administrator Maurer indicated that Boswell is currently working with Coppola on a project outside of Hawthorne, and has not had any problems with them.

Borough Attorney Pasquale indicated that Coppola Services is primarily well-know and reputable septic contractor and deals primarily with septic services.

Councilman Wojtecki questioned whether we received a bid from a Coppola Inc. for a previous job. Administrator Maurer stated that we had a bid from a company with an employee named Art Coppola. Councilman Bertollo stated this was for the Ambulance Corps garage.

Councilman Wojtecki stated the \$5,050 is a good amount of money.

Councilman Matthews questioned if we are bound to use the lowest bidder. Attorney Pasquale stated we are not in this case because of the peculiarities of the system, and the knowledge of the system, Boswell felt that even though you would be spending \$5,000 more, we are better off with Rapid Pump because they are so intimately familiar with our system. This is no reflection on Coppola. We have not worked with Coppola, but have done extensive work with Rapid Pump.

Councilman Wojtecki inquired where we are at with the SCADA system. Administrator Maurer stated we have a proposal from Rapid Pump and from another company.

Councilman Wojtecki referred to his conversation of this afternoon with Administrator Maurer, and stated he does not want to install or make any repairs until the SCADA system is on board. Councilman Wojtecki indicated that when he first came on, he asked Councilman Van Ry to give him a tour of the system, so he is familiar with the system. He stated the SCADA system is like an early warning detector, and lets you know when there is a problem or malfunction. The Finance Committee was asked to budget money for the SCADA system. Since January the SCADA system has not been up and running. There are 3 levels in this system: the sewer line; the dry room; technology room. This was all damaged by the flooding. His concern is that if all of this is fixed, and not having the SCADA system in place before, is like having a house without a fire detector on it.

Councilman Wojtecki requested that we introduce an R-3 so that we can have the SCADA system installed at the same time from Rapid Pump, and if so, then he would be okay with awarding the contract to Rapid Pump because they are doing the whole job.

Councilman Matthews indicated that when the water line broke, it still would have ruined it whether the SCADA was functioning or not. But he is in agreement with Councilman Wojtecki that it has to be fixed.

The question was directed to Engineer Stephens, who stated that if we are thinking that the SCADA system would have prevented this problem, it would have not. The SCADA system is something totally different from what happened. There was a water pipe break on the dry well side. The SCADA system would have done nothing to prevent that. The SCADA system gives you control and supervisory functions. If there is a break in the pump on the dry well side, there is nothing in that drywell that would tell the SCADA system. The only thing that would happen is that you would lose your systems completely, once the water rose up.

Councilman Wojtecki stated that moving forward, if it is going to be Rapid Pump that installs the SCADA, shouldn't it be Rapid Pump that installs everything. Engineer Stephens stated that if Rapid Pump does all the repair work for the electrical controls that got wet as a result of this flooding, it is probably good that they should do the SCADA, too. Engineer Stephens confirmed for the record that there is not warning for the dry wall side, and it is not normal practice that you would have a level sensor on the dry wall side.

Councilman Wojtecki asked Engineer Stephens how long he was familiar with Hawthorne, and was by Engineer Stephens that he did work on the other 2 stations and has been with Boswell for about 7 years.

Councilman Wojtecki stated that the way Ron Tatham explained to him was that the room would take on water, if in the event that the sewer event backed up and the sewer would stop pumping. Once the room stops pumping the SCADA system would send a signal back to the pump house and the pump operator.

Engineer Stephens stated that is what is happening on the wet well side, where you have the water levels on the wet well. Engineer Stephens explained that there are 2 cans at the station: one is the wet well, and the other is the dry well. The dry well has 2 levels, but they are both dry. They both started filling up with water because the pump broke on the dry well side. The pumps stopped pumping because the pump lost power when the control panel was wet.

Councilman Wojtecki asked Engineer Stephens how many weeks or days it was flooding before we sent someone down. Engineer Stephens did not know the answer.

Engineer Stephens stated the pump control panel would have been one of the first things to go-it is on the lower level with the pump.

Councilman Wojtecki stated the SCADA system would have warned the pump operator that the pump was not working. Engineer Stephens stated that everything else was okay, and water level could build up on the dry well side and

the pump could be submerged, but the pump would still run because it is a dry well pump. It is when the electric panel became wet that it killed everything.

Councilman Wojtecki stated we did not know how many days the system was not working, and Councilman Bertollo questioned why he thought it might have been days and not hours. Engineer Stephens stated he did not think it could have been days.

Councilman Bertollo agreed that we needed to have a monitoring system, and that he had spoken briefly to Stephen Boswell about this. He is concerned that we do not have anything on the dry well side. Engineer Stephens stated that you could put a level sensor on that side if you so desired, but it is not normal practice, which is what Stephen Boswell had indicated.

Councilman Wojtecki stated we rebuilt the whole system about 4 years ago. Councilman Bertollo stated we probably did not replace the water line feeding it.

Administrator Maurer thought it was important enough to get the pumping station back on line that he did not want to wait for the SCADA system to be in place before proceeding with the work. He did agree it was sensible to run both projects in parallel fashion.

Council Vice President Bennett asked where we were with SCADA, and Administrator Maurer stated we had our second quote from Rapid Pump after we had the initial flooding, and we can proceed.

Councilman Bertollo wanted to make it clear that the SCADA system being fully on line would not have prevented this problem, and Engineer Stephens confirmed. This important to know because we have an insurance claim that is pending on this. We don't want anything to think we failed to put a SCADA system in and caused the problem.

Councilman Wojtecki stated we knew in January that we did not have an early warning system in place. Administrator Maurer stated we've known this for 4 years. Councilman Wojtecki again stated the SCADA system would have alarmed the gentleman working the pump when the sewer stopped because of it. Councilman Bertollo stated if the pump failed because we were not monitoring the station, he would be in agreement with Councilman Wojtecki. A water line breaking on the dry side of the well that would not be monitored (the protocol now does not require it to be monitored) is now mixing apples and oranges. Councilman Bertollo agreed we need preventative measures.

Councilman Wojtecki asked if we have a system in place moving forward to monitor this; will someone be going by daily?

Administrator Maurer state while we are in our temporary mode, we have a guy going by daily. When we get the system operating properly, we will not need to send someone by daily. There has not been a need, other than this freak occurrence, while it was operating in its other mode, to have someone go by daily. His staff and the Engineer confirmed this was a freak occurrence.

Councilman Sinning asked how much it would cost to fix the SCADA system. Administrator Maurer stated he thought the Rapid Pump quote was \$9,200.00. Councilman Wojtecki stated he thought they put in \$18,000.00 This is already in the budget, and was approved in March.

Councilman Matthews questioned if Rapid Pump jumped from \$95,000 to \$75,000 before we got out second quote. Administrator Maurer stated we got the second quote from Rapid Pump before we got the other quote from Coppola.

Councilman Matthews asked if we went back to negotiate with Rapid Pump to match the lowest bidder's price. Administrator Maurer stated we got the quote from Coppola Services approximately one half hour before this meeting. Councilman Matthews asked if we could re-negotiate. Administrator Maurer stated that we could amend the resolution to state "up to \$75,000" rather than "\$75,000.00". Councilman Matthews was in agreement with this.

Borough Attorney Pasquale confirmed this can be done, as a resolution is a work in progress.

Councilman Bertollo asked Attorney Pasquale if we needed a resolution to hire Rapid Pump to do the SCADA work. Attorney Pasquale indicated we did not because it is already in our budget and we are not stacking bids.

Vice President Bennett asked what the time frame would be on the SCADA system. Administrator Maurer stated that we could award the contract on Monday, and they could be working on both things simultaneously.

Councilman Wojtecki was in agreement, but along with Councilman Matthews would like to close the \$5,050.00 gap.

Attorney Pasquale indicated that we may not be able to close the gap completely, and advised that the resolution be revised to read "up to \$75,000.00" and let the Administrator work with Rapid Pump to package this all together to get the best price.

Councilpersons Bertollo and English concurred that we have not worked with Coppola in the past, and we should not take a chance for \$5,000. We should work with Rapid Pump for the SCADA systems and the repairs.

Vice President Bennett stated that it is important we get the pump station up and running, and equally important, as Councilman Wojtecki stated, that we get the SCADA system fixed in as timely a fashion as we possibly can for the right price.

We already owe Rapid Pump approximately \$4,000.00 for the temporary work done, we will owe Boswell to oversee, and there may be some contingency costs.

Attorney Pasquale stated we need to amend the R-2 to change the words to "up to \$75,000.00"

Administrator Maurer requested we amend R-1 for the capital appropriation R-1 from \$122,000.00 to \$85,000.00.

On a roll call, all voted yes to R-1 and R-2 with amendments as noted.

Mr. Stephens was dismissed from the meeting, as it was not necessary for him to remain. At that time, Engineer Stephens questioned if the resolution was for the Pump house and the SCADA system. It was clarified to Mr. Stephens that the resolution was for the repair work to the pump house, and there would be a separate resolution for the SCADA system.

#### **Public Comment**

Council President Goldberg opened the meeting to the public.

Since no one desired to be heard, Council Vice President Bennett entertained a motion to close the public portion of the meeting, moved by Councilman Matthews, seconded by Councilman Bertollo. On roll call all voted yes.

#### **CLOSED SESSION STATEMENT**

Pursuant to N.J.S.A. 10:4-13 and Attorney General's Formal Opinion 29-1976, I move that the public be excluded from this portion of the meeting in order that the Council may discuss item of personnel. Items to be discussed in the Closed Session can be disclosed to the public when a course of action is determined, or a decision has been reached

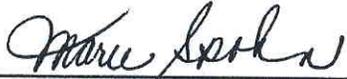
At 6:52PM a motion was made by Council Vice President Bennett to go into Private Session in accordance with the Open Public Meetings Act to discuss matters of negotiation and potential litigation, moved by Councilwoman English and seconded by Councilman Bertollo. On a roll call all voted yes.

Council Vice President Bennett entertained a motion to go back into Open Session at 7:04 PM, moved by Councilman Bertollo, seconded by Councilwoman English. On roll call all voted yes.

**Adjournment**

Council Vice President Bennett entertained a motion to adjourn, moved by Councilman Bertollo, seconded by Councilwoman English. On roll call all voted yes.

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Bruce Bennett  
Council Vice President

  
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Marie Spohn  
Borough Clerk