

R:2015-67

**A RESOLUTION OF THE TOWN OF PHILLIPSBURG,
COUNTY OF WARREN, STATE OF NEW JERSEY,
FINDING AND DECLARING AN EMERGENCY FOR
PURPOSES OF N.J.S.A. 40A:11-6 AND N.J.A.C. 5:34-6.1**

WHEREAS, N.J.S.A. 40A:11-6 and N.J.A.C. 5:34-6.1 permit contracting of services without public advertising for bids and bidding therefor, notwithstanding that the contract price will exceed the bid threshold, when an emergency affecting the public health, safety or welfare requires the immediate delivery or performance of services; and

WHEREAS, an emergency has arisen affecting the health, safety and welfare of the citizens of the Town of Phillipsburg as described in the letter from the Town's Sewer Engineer as attached hereto and made a part hereof (the "Emergency"); and

WHEREAS, the Emergency consists of an event occurring on March 4, 2015 consisting of a catastrophic failure on the voltage regulator occurred during a quarterly maintenance activity. A temporary auxiliary generator (800 kW) was delivered to the site and is currently being rented on a weekly basis. Repair work of the voltage regulator was subsequently scheduled and completed. While under repair, failure of the generator support housing which ties the generator barrel section to the motor was also identified and corrective action was taken; and

WHEREAS, in the opinion of the Town's professionals, it was necessary to immediately address the Emergency so as to prevent potential harm to the Health, Safety and Welfare of the public (the "Justification"); and

WHEREAS, the Justification is as follows:

- 1) The treatment plant services five (5) municipal districts and wastewater operations must continue. Plant operation is a matter of public health, safety, and welfare;
- 2) Plant operations staff maintains and inspects all of their equipment routinely. Emergencies are minimized by planning and scheduling upgrades for preventative

measures. However, the failure of the voltage regulator occurred during a maintenance activity. While under repair, failure of the generator support housing was also identified; and

WHEREAS, scope of work for the Emergency consists of only such work as needed to place the generator back into service; shall last only as to such time that an Emergency no longer exists; and the cost for such Emergency shall be capped at \$75,000.00; and

WHEREAS, sufficient funds exist as evidenced by the attached certification of funds.

NOW THEREFORE IT BE RESOLVED by the Town Council of the Town of Phillipsburg, County of Warren, State of New Jersey, that the Town Council declares an emergency to have existed as detailed above, for which emergency services were needed and hereby authorizes the expenditure of funds in accordance with this Resolution and further authorizes the Mayor and Clerk to execute any documents necessary for the effectuation this Resolution.

CERTIFICATION

I, Victoria L. Kleiner, Acting Municipal Clerk for the Town of Phillipsburg, do hereby certify that the foregoing is a true copy of a resolution duly adopted by the Town Council at their April 7, 2015 meeting.

Victoria L. Kleiner
Acting Municipal Clerk