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RIVERDALE - Engineer, lawyer and mayor butt heads over old road

(by Leslie Scott - Staff Writer - December 03, 2008)

RIVERDALE - The Borough Council voted four to one to table a resolution so the mayor can renegotiate with the company that installed the sewer line along Hamburg Turnpike.

During the Dec. 1 meeting, Borough Engineer Paul Darmofalski asked the governing body to approve \$42,177 in additional costs for this project.

This project began on July 25. The engineer said the company, DCM Contracting of Florham Park, thought the job would take six weeks to complete but many unforeseen things occurred, which made the work take longer and run over budget.

This company was the lowest bidder for this project at \$470,800. The borough approved a \$12,481 change order for permits and other fees, which elevated the cost to \$483,281. This \$42,177 would be an additional expense.

Darmofalski said he did negotiate a \$20,000 reduction and believes that all of the line items within this \$42,177 are fair.

"We did have utilities under the road that no one was aware of that created delays for his crew, and from a professional end of it, he is entitled to these extras," said Darmofalski.

New York Susquehanna and Western Railway, Verizon, Public Service Electric & Gas Co., and the borough's water department all had lines below the ground that they did not know existed.

Darmofalski said the company had to change from using a backhoe to digging by hand for this project.

Councilman Ted Guis voted against tabling the resolution because he also believed all of the charges were fair.

"I worked in the industry. I tell you these are all legitimate costs," said Guis.

But Mayor William Budesheim wants to reduce this \$42,000 cost.

"This guy—he put in a low bid, he didn't anticipate something. He's a professional. He should have anticipated it. This is time and material. For additional materials I'd say, 'Yeah, I'll pay for that' but his time, I say no," he said.

Borough Attorney Bob Oostdyk told council members if they refuse to pay, the contractor could bring a claim against the municipality.

"You are hearing from your engineer that these are legitimate charges that should be paid," said Oostdyk.

"It's a 300-year-old road. You don't know what you are going to come across and you factor that in like everybody else does," said the mayor.

[^ back to top](#)