

ORDINANCE 34-2004

ORDINANCE OF THE BOROUGH OF MADISON APPROPRIATING \$69,000.00 FROM THE WATER UTILITY CAPITAL IMPROVEMENT FUND FOR PAYMENT OF ARBITRATION AWARD TO VAN WINGERDEN GENERAL CONTRACTING COMPANY

-

WHEREAS, Resolution 88-2003 awarded the contract for the 2003 Water Main Replacement Projects for Brittin Street, Bruns Street and Seaman Street to Van Wingerden Associates, LLC (the "Contractor") based upon their bid in the amount of \$269,875.71; and

WHEREAS, the Contractor's invoices exceeded the amount of the contract and the Borough objected to additional charges; and

WHEREAS, pursuant to law the matter was submitted to arbitration; and

WHEREAS, the Arbitrator's decision awarded additional payment to the Contractor in the amount of \$64,180.25; and

WHEREAS, the Borough Engineer has recommended that the Borough appropriate an additional \$69,000.00 to pay the arbitration award to the Contractor and arbitration expenses; and

WHEREAS, the Director of Finance has attested to the availability of the funds in the Water Utility Capital Improvement Fund in an amount not to exceed \$69,000.00 for this purpose; and

WHEREAS, the Borough Council has determined that the Borough should appropriate \$69,000.00 from the Water Utility Capital Improvement Fund to pay the arbitration award to the Contractor and settle the contract dispute.

NOW, THEREFORE, BE IT ORDAINED by the Council of the Borough of Madison, in the County of Morris and State of New Jersey, as follows:

SECTION 1: The amount of \$69,000.00 is hereby appropriated from the Water Utility Capital Improvement Fund to pay the arbitration award to the Contractor and settle the contract dispute.

SECTION 2: The budget of the Borough is hereby amended to conform with the provisions of this Ordinance.

SECTION 3: This Ordinance shall take effect as provided by law.

ADOPTED AND APPROVED

ELLWOOD R. KERKESLAGER, Mayor

Attest:

MARILYN SCHAEFER, Borough Clerk
Introduced and passed: July 12, 2004
Published, Madison Eagle: July 15, 2004
Hearing and Consideration for Final Adoption: July 26, 2004
Publication upon adoption, Madison Eagle: July 29, 2004