

**BOROUGH OF HILLSDALE**  
**RESOLUTION 12211**

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**AUTHORIZE EMERGENCY PURCHASES AND CONTRACTS**  
**HURRICANE SANDY**

WHEREAS, an emergent condition has arisen due to Hurricane Sandy; and

WHEREAS, Executive Order #104, the Borough Administrator/Chief Financial Officer/Qualified Purchasing Agent and Superintendent of Public Works have advised the Mayor and Council that the condition presented a serious hazard to the safety, health and welfare of the residents of the Borough and the DPW Superintendent has decided that an emergency exists and the trees and the debris on the right of way from the storm needed to be removed without expending the time to prepare complete specifications and receive bids/quotes; and

WHEREAS, the DPW Superintendent recommend all available avenues be researched for tree removal companies, the curbside removal of debris and the disposal of debris; and

WHEREAS, the following requirements of N.J.S.A. 40A:11-6 have been met:

**"40A:11-6. Emergency purchases and contracts**

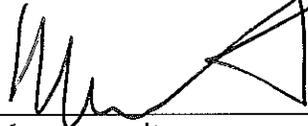
Any purchase, contract or agreement may be made, negotiated or awarded for a contracting unit without public advertising for bids and bidding therefore, notwithstanding that the cost or contract price will exceed the amount set forth in, or the amount calculated by the Governor pursuant to Section 3 of P.L. 1971, c.198 (C.40A:11-3), when an emergency affecting the public health, safety or welfare requires the immediate delivery of the articles or the performance of the services; provided that the awarding or making of such purchases, contracts, or agreements are made in the following manner:

- a. A written requisition for the performance of such work or labor, or the furnishing of materials, supplies or services is filed with the contracting agent or his deputy in charge describing the nature of the emergency, the time of its occurrence and the need for invoking this section, certified by the officer or director in charge of the department wherein the emergency occurred, or such other officer or employee as may be authorized to act in place of said officer or director, and the contracting agent or his deputy in charge, being satisfied that the emergency exists, is hereby authorized to award a contract for said work or labor, materials, supplies or services.
- b. Upon the furnishing of such work or labor, materials, supplies, or services, in accordance with the terms of the contract or agreement, the contractor furnishing such work or labor, materials, supplies, or services shall be entitled to be paid therefore and the contracting unit shall be obligated for said payment. The governing body of the contracting unit shall take action as shall be required to provide for the payment of the contract price.

Council member	Motion	Second	Yes	No	Absent	Abstain
DeRosa, Anthony		X	X			
Frank, Douglas			X			
Giancarlo, Michael			X			
Hanlon, Marie					X	
Kelley, Thomas	X		X			
Looes, Chrisoula			X			

Adopted: December 4, 2012

  
\_\_\_\_\_  
Susan Witkowski  
Municipal Clerk

  
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Max Arnowitz  
Mayor

c. The governing body of the contracting unit may prescribe additional rules and procedures to implement the requirements of this section."

**NOW, THEREFORE BE IT RESOLVED** by the Mayor and Council of the Borough of Hillsdale that an exigency exists in connection with Hurricane Sandy; and,

**BE IT FURTHER RESOLVED** that the actions of the DPW Superintendent be and are hereby authorized, directed and confirm that the cleanup proceed without delay.