



VILLAGE OF DOBBS FERRY BOARD OF TRUSTEES AGENDA

MEETING DATE: MAY 10, 2022

AGENDA ITEM SECTION: DISCUSSION AND RESOLUTION ITEMS

AGENDA ITEM NO. : 8

AGENDA ITEM:

DISCUSSION: DISCUSSION OF SENECA STREET/NORTHBROOK CULVERT EMERGENCY REPAIR

RESOLUTION: CONSIDER A RESOLUTION AUTHORIZING THE SENECA STREET/NORTHBROOK CULVERT EMERGENCY REPAIR

ITEM BACKUP DOCUMENTATION:

1. LETTER DATED OCTOBER 7, 2021 FROM TONY SILVA/CHIEF ESTIMATOR – ELQ INDUSTRIES, INC. TO DAN PELUSO/DOLPH ROTFELD ENGINEERING
2. ELQ INDUSTRIES, INC. INVOICE
3. DRAFT RESOLUTION



567 Fifth Avenue, New Rochelle, NY 10801
o 914.654.1040 f 914.654.1307
www.elqetre.com

October 7, 2021

Sent via email: dan@drepc.com

Dolph Rotfeld Engineering
570 Taxter Road, Suite 300
Elmsford, NY 10523
Attn: Dan Peluso

Re: 64 Seneca Street Existing Culvert Demo/ Stabilization

Dear Mr. Dan Peluso:

As requested, we respectfully submit the following proposal for work associated with the following scope of work, at the above referenced project.

Scope:

- Utility Mark-out and pre-construction Photos
- Mobilization
- Cut and dispose of existing trees to access culvert. Our proposal is based on six trees
- Removal and replacement of 6' high chain link fence as required
- Furnish and install temporary by-pass piping
- Demolition and stabilization of existing brick culvert
- Trucking and offsite disposal of excess material
- Furnish and install Rip-Rap slope stabilization, inclusive of filter fabric
- MPT for our work inclusive of traffic cones, barrels, orange construction fence, barrier

Our lump sum proposal for the above referenced work is: **Fifty-Nine Thousand One hundred Sixty Five Dollars (\$59,165.00)**. Sales tax is not included and will be added unless a tax-exempt certificate is provided.

Exclusions:

- Any work not listed above
- Nights, weekend, overtime, or holiday work
- Police for MPT
- Design, Survey, as-built survey, bonds, and/or special insurance requirements
- Testing or inspection unless noted above
- Permits and associated fees
- Temporary facilities or controls
- Geotechnical engineer, electrician or plumber
- Testing, handling, treating and removal of any contaminated/hazardous materials and the installation/removal of any materials not specified above
- Dewatering system or waterproofing/vapor barrier
- Test pits/exploratory excavation/removable of unsuitables unless noted above
- Rock removal



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- Building excavation, underpinning, or supply of any inserts
- Support of excavation or of adjacent buildings unless noted above
- Landscaping of any kind including mulch, topsoil, seeding, and/or watering/maintenance
- Masonry work
- Winter conditions (including but not limited to concrete)
- Snow Removal
- Capping/removal/relocation of existing utilities unless noted above
- Tree removal including stumps
- Additional mobilizations
- Variation of plans exceeding the quantities stated above

Plans/Specifications:

- N/A

This proposal is valid for 30 days upon receipt.

Thank you for your interest in ELQ Industries, Inc. and please do not hesitate to contact me with any questions or concerns. We look forward to working with you on this project.

Very Truly Yours,

Tony Silva

Chief Estimator

ELQ INDUSTRIES, INC.



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INVOICE

To : Village of Dobbs Ferry
112 Main Street
Dobbs Ferry, NY 10522

Invoice #: 4623
Date: 02/25/22

Invoice Due Date: 03/27/22
Payment Terms: Net 30

Contract : 22-1003- Seneca St Culvert

Description	Quantity	Unit Price	U/M	Total
64 Seneca St Culvert, Dobbs Ferry For work completed in accordance with ELQ Industries' proposal dated 10.7.21 for 64 Seneca Street existing culvert demo and stabilization project.	1	\$59,165.00	LS	\$59,165.00
				Less 5% Retainage: \$2,958.25
				Total Due This Invoice: \$56,206.75

U.S. Department of Labor

Wage and Hour Division

PAYROLL

(For Contractor's Optional Use; See Instructions at www.dol.gov/whd/forms/wh347instr.htm)

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U.S. Wage and Hour Division

Rev. Dec. 2008

NAME OF CONTRACTOR <input type="checkbox"/> OR SUBCONTRACTOR <input type="checkbox"/>				ADDRESS				OMB No.: 1235-0008 Expires: 02/28/18												
ELQ Industries, Inc.				567 Fifth Avenue, New Rochelle, NY 10801																
PAYROLL NO.		FOR WEEK ENDING		PROJECT AND LOCATION				PROJECT OR CONTRACT NO.												
		01/09/2022		Seneca St Culvert				22-1003-												
(1) NAME AND INDIVIDUAL IDENTIFYING NUMBER (e.g. LAST FOUR DIGITS OF SOCIAL SECURITY NUMBER) OF WORKER	(2) NO. OF WITHHOLDING EXEMPTIONS	(3) WORK CLASSIFICATION	OT OR ST.	(4) DAY AND DATE							(5) TOTAL HOURS	(6) RATE OF PAY	(7) GROSS AMOUNT EARNED	(8) DEDUCTIONS					(9) NET WAGES PAID FOR WEEK	
				Mon	Tue	Wed	Thu	Fri	Sat	Sun				FICA	WITH- HOLDING TAX	STATE / LOCAL	OTHER	TOTAL DEDUCTIONS		
				3	4	5	6	7	8	9										
Costa Sr., Paulo S 36 Mt. Tom Rd New Rochelle, NY 10805 xxx-xx-3932 Race/Sex: W/M	0	Labor Foreman Group 1	O	1.0	1.0	0.0	1.0	0.0	0.0	0.0	3.00	71.48	1,358.04							
			S	8.0	8.0	0.0	8.0	0.0	0.0	0.0	24.00	47.65	2,263.40	173.15	282.81	126.04	116.37	698.37	1,565.03	
Lobello, Paul 4 Oak Ridge Rd North Salem, NY 10560 xxx-xx-1794 Race/Sex: W/M	1	Teamster	O	0.0	0.0	0.0	1.5	0.0	0.0	0.0	1.50	70.68	482.98							
			S	0.0	0.0	0.0	8.0	0.0	0.0	0.0	8.00	47.12	482.98	36.94	35.09	14.73	28.95	115.71	367.27	
Mendoza, Jorge Ceja 10 North Ave New Rochelle, NY 10805 xxx-xx-6463 Race/Sex: H/M	0	Labor Group III	O	1.0	0.0	0.0	2.0	0.0	0.0	0.0	3.00	67.35	920.45							
			S	8.0	0.0	0.0	8.0	0.0	0.0	0.0	16.00	44.90	2,402.15	183.76	313.34	136.84	126.03	759.97	1,642.18	
Silva, Martin 337 Foggintown Rd Brewster, NY 10509 xxx-xx-6970 Race/Sex: W/M	0	Operator	O	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.00	0.00	480.48							
			S	0.0	0.0	0.0	8.0	0.0	0.0	0.0	8.00	60.06	3,767.72	288.23	441.42	204.71	262.29	1,196.65	2,571.07	
Teixeira, Pedro 145 Selva Ave Teaneck, NJ 07666 xxx-xx-5323 Race/Sex: H/M	0	Labor Foreman Group 1	O	0.0	0.0	0.0	1.0	0.0	0.0	0.0	1.00	71.48	452.68							
			S	0.0	0.0	0.0	8.0	0.0	0.0	0.0	8.00	47.65	2,096.62	160.39	369.98	114.58	104.31	749.26	1,347.36	

While completion of Form WH-347 is optional, it is mandatory for covered contractors and subcontractors performing work on Federally financed or assisted construction contracts to respond to the information collection contained in 29 C.F.R. §§ 3.3, 5.5(a). The Copeland Act (40 U.S.C. § 3145) contractors and subcontractors performing work on Federally financed or assisted construction contracts to "furnish weekly a statement with respect to the wages paid each employee during the preceding week." U.S. Department of Labor (DOL) regulations at 29 C.F.R. § 5.5(a)(3)(ii) require contractors to submit weekly a copy of all payrolls to the Federal agency contracting for or financing the construction project, accompanied by a signed "Statement of Compliance" indicating that the payrolls are correct and complete and that each laborer or mechanic has been paid not less than the proper Davis-Bacon prevailing wage rate for the work performed. DOL and federal contracting agencies receiving this information review the information to determine that employees have received legally required wages and fringe benefits.

Public Burden Statement

We estimate that it will take an average of 55 minutes to complete this collection, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. If you have any comments regarding these estimates or any other aspect of this collection, including suggestions for reducing this burden, send them to the Administrator, Wage and Hour Division, U.S. Department of Labor, Room S3502, 200 Constitution Avenue, N.W., Washington, D.C. 20210

Date 1/14/2022

I, Deborah Collins Controller
(Name of Signatory Party) (Title)

do hereby state:

(1) That I pay or supervise the payment of the persons employed by

ELQ Industries, Inc. on the
(Contractor or Subcontractor)

Job: 22-1003- Seneca St Culvert ;
(Building or Work)

that during the payroll period commencing on the
3 day of January, 2022, and ending the 9 day of
January, 2022.

all persons employed on said project have been paid the full weekly wages earned, that no rebates have been or will be made either directly or indirectly to or on behalf of said

ELQ Industries, Inc.
(Contractor or Subcontractor)

from the full weekly wages earned by any person and that no deductions have been made either directly or indirectly from the full wages earned by any person, other than permissible deductions as defined in Regulations, Part 3 (29 CFR Subtitle A), issued by the Secretary of Labor under the Copeland Act, as amended (48 Stat. 948, 63 Stat. 108, 72 Stat. 987; 76 Stat. 357; 40 U. S. C. 276c), and described below:

(2) That any payrolls otherwise under this contract required to be submitted for the above period are correct and complete; that the wage rates for laborers or mechanics contained therein are not less than the applicable wage rates contained in any wage determination incorporated into the contract; that the classifications set forth therein for each laborer or mechanic conform with the work he performed.

(3) That any apprentices employed in the above period are duly registered in a bona fide apprenticeship program registered with a State apprenticeship agency recognized by the Bureau of Apprenticeship and Training, United States Department of Labor, or if no such recognized agency exists in a State, are registered with the Bureau of Apprenticeship and Training, United States Department of Labor.

(4) That:

(a) WHERE FRINGE BENEFITS ARE PAID TO APPROVED PLANS, FUNDS, OR PROGRAMS


- ☒ - In addition to the basic hourly wage rates paid to each laborer or mechanic listed in the above referenced payroll, payments of fringe benefits as listed in the contract have been or will be made to appropriate programs for the benefit of such employees, except as noted in Section 4(c) below.

(b) WHERE FRINGE BENEFITS ARE PAID IN CASH

- ☐ - Each laborer or mechanic listed in the above referenced payroll has been paid, as indicated on the payroll, an amount not less than the sum of the applicable basic hourly wage rate plus the amount of the required fringe benefits as listed in the contract, except as noted in Section 4(c) below.

(c) EXCEPTIONS

EXCEPTION (CRAFT)	EXPLANATION
REMARKS:	

NAME AND TITLE Deborah Collins Controller	SIGNATURE 
THE WILLFUL FALSIFICATION OF ANY OF THE ABOVE STATEMENTS MAY SUBJECT THE CONTRACTOR OR SUBCONTRACTOR TO CIVIL OR CRIMINAL PROSECUTION SEE SECTION 1001 OF TITLE 18 AND SECTION 231 OF TITLE 31 OF THE UNITED STATES CODE.	

U.S. Department of Labor

PAYROLL

Wage and Hour Division

(For Contractor's Optional Use; See Instructions at www.dol.gov/whd/forms/wh347instr.htm)

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U.S. Wage and Hour Division

Rev. Dec. 2008

NAME OF CONTRACTOR <input type="checkbox"/> OR SUBCONTRACTOR <input type="checkbox"/>		ADDRESS		OMB No.: 1235-0008 Expires: 02/28/18	
ELQ Industries, Inc.		567 Fifth Avenue, New Rochelle, NY 10801			
PAYROLL NO.		FOR WEEK ENDING 01/16/2022		PROJECT AND LOCATION Seneca St Culvert	
				PROJECT OR CONTRACT NO. 22-1003-	

(1) NAME AND INDIVIDUAL IDENTIFYING NUMBER (e.g. LAST FOUR DIGITS OF SOCIAL SECURITY NUMBER) OF WORKER	(2) NO. OF WITHHOLDING EXEMPTIONS	(3) WORK CLASSIFICATION	OT OR ST.	(4) DAY AND DATE							(5) TOTAL HOURS	(6) RATE OF PAY	(7) GROSS AMOUNT EARNED	(8) DEDUCTIONS						(9) NET WAGES PAID FOR WEEK	
				Mon	Tue	Wed	Thu	Fri	Sat	Sun				FICA	WITH- HOLDING TAX	STATE / LOCAL	OTHER	TOTAL DEDUCTIONS			
				10	11	12	13	14	15	16											
Costa Sr., Paulo S 36 Mt. Tom Rd New Rochelle, NY 10805 xxx-xx-3932 Race/Sex: W/M	0	Labor Foreman Group 1	O	0.0	1.0	0.0	0.0	0.0	0.0	0.0	0.0	1.00	71.48	452.68							
			S	0.0	8.0	0.0	0.0	0.0	0.0	0.0	8.00	47.65	2,096.62	160.39	246.12	113.71		104.31	624.53	1,472.09	
Gizzo, Carmine 44 Boniello Drive Mahopac, NY 10541 xxx-xx-3603 Race/Sex: W/M	2	Operator	O	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.00	0.00	456.16								
			S	0.0	8.0	0.0	0.0	0.0	0.0	0.0	8.00	57.02	2,466.12	188.66	293.98	123.15		224.56	830.35	1,635.77	
Lobello, Paul 4 Oak Ridge Rd North Salem, NY 10560 xxx-xx-1794 Race/Sex: W/M	1	Teamster	O	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.00	0.00	177.76								
			S	0.0	4.0	0.0	0.0	0.0	0.0	0.0	4.00	44.44	1,190.00	91.04	145.14	56.87		73.36	366.41	823.59	
Mendoza, Jorge Ceja 10 North Ave New Rochelle, NY 10805 xxx-xx-6463 Race/Sex: H/M	0	Labor Group III	O	0.0	1.0	0.0	0.0	0.0	0.0	0.0	1.00	67.35	426.55								
			S	0.0	8.0	0.0	0.0	0.0	0.0	0.0	8.00	44.90	4,276.74	327.18	424.02	215.32		190.50	1,157.02	3,119.72	
Teixeira, Pedro 145 Selva Ave Teaneck, NJ 07666 xxx-xx-5323 Race/Sex: H/M	0	Labor Foreman Group 1	O	0.0	1.0	0.0	0.0	0.0	0.0	0.0	1.00	71.48	452.68								
			S	0.0	8.0	0.0	0.0	0.0	0.0	0.0	8.00	47.65	2,620.77	200.49	495.77	155.29		129.39	980.94	1,639.83	

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Date 1/27/2022

I, Deborah Collins Controller
(Name of Signatory Party) (Title)

do hereby state:

(1) That I pay or supervise the payment of the persons employed by

ELQ Industries, Inc. on the
(Contractor or Subcontractor)

Job: 22-1003- Seneca St Culvert ;
(Building or Work)

that during the payroll period commencing on the
10 day of January, 2022, and ending the 16 day of
January, 2022.

all persons employed on said project have been paid the full weekly wages earned, that no rebates have been or will be made either directly or indirectly to or on behalf of said

ELQ Industries, Inc.
(Contractor or Subcontractor)

from the full weekly wages earned by any person and that no deductions have been made either directly or indirectly from the full wages earned by any person, other than permissible deductions as defined in Regulations, Part 3 (29 CFR Subtitle A), issued by the Secretary of Labor under the Copeland Act, as amended (48 Stat. 948, 63 Stat. 108, 72 Stat. 987; 76 Stat. 357; 40 U. S. C. 276c), and described below:

(2) That any payrolls otherwise under this contract required to be submitted for the above period are correct and complete; that the wage rates for laborers or mechanics contained therein are not less than the applicable wage rates contained in any wage determination incorporated into the contract; that the classifications set forth therein for each laborer or mechanic conform with the work he performed.

(3) That any apprentices employed in the above period are duly registered in a bona fide apprenticeship program registered with a State apprenticeship agency recognized by the Bureau of Apprenticeship and Training, United States Department of Labor, or if no such recognized agency exists in a State, are registered with the Bureau of Apprenticeship and Training, United States Department of Labor.

(4) That:

(a) WHERE FRINGE BENEFITS ARE PAID TO APPROVED PLANS, FUNDS, OR PROGRAMS

☒ - In addition to the basic hourly wage rates paid to each laborer or mechanic listed in the above referenced payroll, payments of fringe benefits as listed in the contract have been or will be made to appropriate programs for the benefit of such employees, except as noted in Section 4(c) below.

(b) WHERE FRINGE BENEFITS ARE PAID IN CASH

☐ - Each laborer or mechanic listed in the above referenced payroll has been paid, as indicated on the payroll, an amount not less than the sum of the applicable basic hourly wage rate plus the amount of the required fringe benefits as listed in the contract, except as noted in Section 4(c) below.

(c) EXCEPTIONS

EXCEPTION (CRAFT)	EXPLANATION
REMARKS:	

NAME AND TITLE
Deborah Collins
Controller

SIGNATURE


THE WILLFUL FALSIFICATION OF ANY OF THE ABOVE STATEMENTS MAY SUBJECT THE CONTRACTOR OR SUBCONTRACTOR TO CIVIL OR CRIMINAL PROSECUTION. SEE SECTION 1001 OF TITLE 18 AND SECTION 231 OF TITLE 31 OF THE UNITED STATES CODE.

**RESOLUTION TO RATIFY EMERGENCY EXPENDITURES – STABILIZATION
NORTH BROOK CULVERT (NYS EASEMENT ON SENECA STREET PROPERTIES)**

WHEREAS, in the interest of public health and safety, the Village organized emergency stabilization work to be completed last October on a failing underground stormwater facility which serves to direct the flow of North Brook toward and beneath NYS Route 9 which had been identified as in imminent danger of collapse; and

WHEREAS, since being alerted to the hazard by the appearance of sinkholes in the ground above the facility located within an easement along the rear of properties on Seneca Street, the Village has been unable to obtain a commitment from the State of New York Department of Transportation, as owner of the facility to address the ongoing deterioration or design and install a permanent replacement facility; and

WHEREAS, the Village has now determined that any expenses incurred in the investigation, evaluation and temporary stabilization work for the stormwater facility should be settled as emergency procurement in the interest of public safety with the intention of seeking reimbursement from the State of New York.

NOW THEREFORE, BE IT RESOLVED that the Board of Trustees hereby ratifies the engagement of consultants and contractors on an expedited and emergency basis in the interest of public health and safety, and directs the Treasurer to keep an accounting for use with the Village's reimbursement from the State of New York as the owner and responsible party for the entire length of the stormwater facility directing North Brook toward and under NYS Route 9; and

BE IT FURTHER RESOLVED, that, the Treasurer is hereby authorized to pay ELQ Industries, Inc. 567 Fifth Avenue, New Rochelle, NY the amount of \$59,195 for work completed in connection with a certain proposal dated October 7, 2021 for the emergency stabilization work.