

Montclair officials look to protect investment in municipal roads

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Staff photo by Eric Kiefer

A car passes over street repairs at the intersection of Orange Road and Plymouth Street this past Monday, Aug. 11.

Pay attention PSE&G ... the next time you dig up a street in Montclair you'd better seal it up correctly.

According to municipal officials, that's the sentiment behind Ordinance 0-14-030, a new law approved during Tuesday's Township Council meeting. Town officials say that the new ordinance is an attempt to hold utility companies and construction contractors responsible for making proper repairs when they excavate or otherwise damage municipal roads.

Mayor Robert Jackson told The Times that the problem of subpar street repairs has hit home in Montclair.

"We're in the era of trying to get our roads back to consistently looking good," Jackson said. "It's an investment. If we allow people to come in willy-nilly and mar that investment, it's like telling taxpayers that we're not protecting your interests and dollar, and we don't want to do that."

Montclair motorists may have recently experienced some of the repair work that Jackson is talking about.

In July, the municipality embarked on a massive, six-week street milling/paving project which is expected to continue

until early September and includes sections of Park Street, Glenridge Avenue and North Fullerton Avenue.

Lindsey Puliti, a spokesperson for PSE&G, told The Times that the utility company couldn't comment further until it saw the final text of the ordinance. But Puliti stated in an email that PSE&G is required to restore pavement to the same condition it was in before its workers excavate to repair or install new utility services.

"Once the pavement is restored, we inspect the location over the course of a 90-day period to check for settlement and make any additional repairs if required," stated Puliti.

The Times also reached out with an email to Comcast seeking comment for this article, but received no reply.

WHAT THE LAW DOES

According to Jackson, the ordinance attempts to "remodel" Montclair's current code on ordinances approved by other New Jersey municipalities, such as Livingston.

Among other stipulations, the new ordinance:

- Requires utilities or contractors to acquire a permit from the town when they plan to create a tunnel under or conduct an excavation on any municipal street
- Allows the town to revoke any permit when violations occur, and fine companies up to \$2,000 for every day the violation occurs
- Requires utilities and contractors to carry \$1 million in insurance policies and post a minimum \$1,000 surety bond to guarantee the work
- Lays out specific guidelines for "backfilling" trenches and excavation holes
- Allows the township engineer to attach conditions to the permit that include restrictions on the time of year when work can be done, equipment that can be used, and the disposal method of waste materials
- Requires utilities and contractors to provide advance notice of any excavation project to municipal officials and adjoining property owners

WHY A LAW IS NEEDED

Several municipal officials told The Times about past instances of less-than-stellar repairs by public utilities and contractors.

"Perhaps you've noticed that our streets are not in the best condition," quipped At-large Councilman Rich McMahon. "Part of the problem is that a number of companies - not to be accusatory, but such as PSE&G and Verizon - dig up the street and don't patch it properly. If you notice, a lot of the streets look like war zones after a while because they've been dug up so many times."

McMahon added that he believes the problem has worsened in recent years, possibly because the town formerly hired a larger number of local contractors who took more responsibility for their work.

Second Ward Councilwoman Robin Schlager, a resident of Wendover Road, said that PSE&G recently fixed a gas leak on her street, but that the road now looks like a "war zone."

"They did make an attempt to fix the holes, but whatever they used to fill them has washed away," said Schlager. "Our street is a patchwork of huge potholes and big divots about six inches in diameter that run down the whole block. I see it with my own eyes, every single day."

Schlager told The Times that she was worried that animals might get into the holes, or that the ruts posed a danger to kids riding their bikes.

"I don't think there's any way that we can ever have control over the utility companies, but we can put pressure on them," noted Schlager.

When asked if there were past instances of contractors and utilities not repairing streets properly in Montclair, 3rd Ward Councilman Sean Spiller commented that the question speaks to part of the problem.

"There have been no guidelines to help define 'properly,'" stated Spiller. "Additionally, we as a township have not overseen the repair, so it is usually something that the entity does quickly and cheaply I am sure. I think just driving around you will find sections of road which have been pulled up and then the repair is terrible. I can think of one that happened on a section of Union Street. It's our attempt to responsibly protect the unprecedented investment we are making in our roads."

Department of Community Services Director Steve Wood told The Times that the improper repairs have been a "major problem" for the municipal DCS. Wood, a former construction site inspector, said that the town has seen a lot of instances of contractors cutting corners and not "backfilling" their trenches properly.

Most of these cases have happened under the aegis of PSE&G, he said.

"They're the biggest culprits and the ones that do the most utility work in the streets," said Wood. "You get a plumber here and a plumber there, but by and large, it's Public Service."

As a result, the DCS often gets called out to fill a pothole, only to discover that it's the result of a utility trench that has settled, according to Wood.

"Cars are blowing their tires on them, so we can't wait for Public Service to get out there, and we end up doing it ourselves," Wood told The Times.

He mentioned several locations in town that have had issues in the past: Park Street, Grove Street, Orange Road.

"If [the DCS] did it, well then, 'oh, shame on us,'" said Wood. "But we're fixing other peoples' mistakes, and that wears on you after a while."

Montclair Water Bureau Director Gary Obszarny concurred that from a water/sewer perspective, improper road repairs are absolutely a problem. He said that a number of complications can arise: sewer line backups, water main breaks, gas line leaks.

"Look, it happens," said Obszarny. "But utilities need to be held responsible."

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