

## Robert Shannon

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**From:** Robert Shannon  
**Sent:** Saturday, December 11, 2021 12:32 PM  
**To:** dawn@jifclaims.com  
**Cc:** rlandel@lbklaw.com; Mark Di Gennaro  
**Subject:** Claim letter - 253 Everett Avenue sewer back up  
**Attachments:** 20211211122924431.pdf; 20211211122905710.pdf

Dawn, I retired as of Thursday, however I am back in the office today trying to address the end of the week items from this week.

The attached letter was received

From Frank Rossi, owner of 253 Everett Avenue. Also attached is an email from Mark DiGennaro, the Wyckoff Engineer's maintenance log.

Please feel free to discuss this matter s with Mark DiGennaro or Rob Landel, our Township Attorney. Thank you, bob

Mark 201 891 7000, ext. 3000.

Rob Landel 201 891 6955.

*Robert J. Shannon*

Township Administrator  
Township of Wyckoff  
340 Franklin Avenue  
Wyckoff, New Jersey 07481  
201-891-7000, ext. #1040  
[wyckoff-nj.com](http://wyckoff-nj.com)

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SEARCHED  
LIS  
RE\_253 Everett Ave

## Robert Shannon

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**From:** Mark Di Gennaro  
**Sent:** Thursday, December 9, 2021 12:10 PM  
**To:** Robert Shannon; rlandel@lbklaw.com  
**Subject:** RE: 253 Everett Avenue - Maintenance and incident log

Below is my sewer maintenance and incident log for 2019 which includes the subject location.

2019			
Everett Ave to Franklin	Grease clog due to Aldo's		
MH GN 51.03 to GN 51.05		524	8 ACP
GN 51.05 - 51.0501F and 51.06		477	8 ACP
Brownstone Ct	Jet Vac line to clear debris	316	8 ACP
370 Clinton Ave - Group Home	TV inspect new lateral connection	300	8 ACP
425 Clinton Ave -	TV inspect to locate lateral	185	10 ACP
Everett Ave to Aldos	TV inspect condition of line	100	8 ACP
Everett Ave Franklin to Main	Jetting	1334	8 ACP
Godwin Ave	Jetting preventative maintenance	590	8 VCP
Everett Ave Franklin to Main	Jetting preventative maintenance	1651	8 VCP

*Mark A. DiGennaro, P.E.*  
*Township Engineer*  
*Township of Wyckoff*  
*T: 201-891-7000 x 301*  
*F: 201-891-0311*

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**From:** Robert Shannon <wyckoffadm@wyckoff-nj.com>  
**Sent:** Thursday, December 9, 2021 7:22 AM  
**To:** rlandel@lbklaw.com; Mark Di Gennaro <wyckoffengineer@wyckoff-nj.com>  
**Subject:** FW: 253 Everett Avenue  
**Importance:** High

Good morning, so it appears every issue is being presented to the top of the pile with today my last day. I would like to discuss with both of you how to proceed with this request. Mark is aware of the background and I would ask Mark if he could send any memos he may have written when this occurred.

My schedule today that I am encumbered is:

1. 9:45AM to 11:30Am CHCC remarks.
2. 11:30Am to 2:15 JIF Exec Safety Committee meeting.
3. I am free before or after that time, thank you bob

*Robert J. Shannon*

Township Administrator  
Township of Wyckoff  
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Wyckoff, New Jersey 07481  
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**From:** [frossi@boswellengineering.com](mailto:frossi@boswellengineering.com) <[frossi@boswellengineering.com](mailto:frossi@boswellengineering.com)>

**Sent:** Wednesday, December 8, 2021 4:41 PM

**To:** Robert Shannon <[wyckoffadm@wyckoff-nj.com](mailto:wyckoffadm@wyckoff-nj.com)>; Mark Di Gennaro <[wyckoffengineer@wyckoff-nj.com](mailto:wyckoffengineer@wyckoff-nj.com)>; 'Rob Landel' <[rlandel@lbklaw.com](mailto:rlandel@lbklaw.com)>

**Subject:** FW: 253 Everett Avenue

**Importance:** High

**CAUTION:** This email originated from outside of Wyckoff Township. Exercise caution when opening attachments or clicking links, especially from unknown senders.

**Hi Bob,**

Attached herewith is the letter that we discussed in reference to the sanitary sewer back up on Everett.

Please call me to discuss once you have had a chance to review.

Sorry it came this late.

Regards,

Frank

**JMM Associates**

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498 Packer Avenue  
201-891-7459 (home)

Franklin Lakes, NJ 07417  
201-615-8082 (cell)

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**VIA ELECTRONIC MAIL**

December 8, 2021

Township of Wyckoff  
Memorial Town Hall  
340 Franklin Avenue, Scott Plaza  
Wyckoff, NJ 07481

Attention Robert J. Shannon, Jr., Township Administrator

Re: Sanitary Sewer Backup  
253 Everett Avenue  
Township of Wyckoff  
Bergen County, New Jersey

Dear Mr. Shannon:

Pursuant to our previous conversation regarding the above referenced matter, we respectfully request that Wyckoff take responsibility and address the property damages that resulted from the Township's lack of maintenance on their municipal sanitary sewer system along Everett Avenue.

By way of a brief outline, the chain of events that lead to this disaster are as follows:

1. Our tenant informed us the night of April 19, 2019, that they observed a pipe dripping in the basement. I investigated the problem and found that the drip was coming from the 4" main cast iron sanitary stack in the basement. I assumed that the sewer lateral was blocked and called a plumber.
2. In the morning when the plumber arrived, he opened the outside cleanout, and found that the line was surcharged. He next opened the manhole in the street and found it was surcharged to within 6" from the top of its rim. Putting this into perspective, the manhole is approximately 8' deep to the pipe's bottom invert.

Mr. Robert J. Shannon, Jr.  
Township Administrator  
Township of Wyckoff  
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3. The plumber immediately called the Department of Public Works (DPW) notifying them of this emergency condition. The line was totally blocked, but the cause of the blockage was uncertain. The DPW immediately called Northwest Bergen County Utilities Authority (NBCUA) which dispatched a sewer jet vacuum truck to Everett Avenue. The Township Engineer arrived on the scene and met with our plumber. Both witnessed that the basement was not flooded at this time. The plumber contacted me by phone to update me on the situation as I was in route to the property. It should be noted that it was approaching lunchtime and sewer discharges customarily increase or peak during this time of day.
4. When I arrived at the property, I discussed the situation with the Engineer. The plumber returned to the basement and quickly reported that it was flooded with septic sewage. The upstairs business was forced to ask their customers to leave and then close due to health concerns. The NBCUA worked on the sewer line for about 2-3 hours and determined that a grease blockage had formed in close proximity to Aldo's Restaurant.
5. Because of the sewage flooding, we immediately called a remediation contractor to clean the basement. They mobilized to the site and initially installed air purification equipment. The following day the contractor returned to perform the water extraction and remove all items and building materials that came in contact with the sewage. These items included carpet, furniture, cabinets, bar, inventory, tables and personal belongings. We lost everything in the basement including the destruction of the finish work itself. Once the contractor removed everything from the basement, we were tasked with sorting through the mess.

Since there was a concern with bacteriological disease caused by the water being septic, we were required to suit up with personal protective equipment and decontaminate items that needed to be saved, if possible. Over the next 3-days, we sorted through all of the items and began filling a 40-yard dumpster with the basement's contents. Once the sewage was extracted and the contents removed, the remediation contractor cleaned the entire basement and applied an anti-microbial treatment.

6. We next contacted our insurance company to submit a claim for the damage created by the sanitary backup which included personal belongings and inventory. We also had a meeting with the insurance company's claims adjusters and had numerous telephone conversations with various representatives of the insurance company. Their conclusion was that we were not covered for this backup because it was caused by the Township's negligence for improperly inspecting, operating and maintaining the sanitary sewer system. They instructed us to contact the municipality to resolve our claim.

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Township Administrator  
Township of Wyckoff  
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To reiterate, it is the Township's responsibility pursuant to the New Jersey Department of Environmental Protection (NJDEP) Treatment Works Regulations to properly operate, inspect and maintain their sanitary sewer. Based on the extent and depth of the surcharge, this system was blocked anywhere from 1 to 2-weeks. The sewage had become septic which further substantiates our claim. The lines were surcharged for blocks and sewage was 8' deep in the manhole nearest our building.

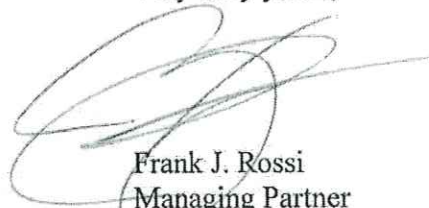
The system should be inspected regularly, especially if restaurants discharge to the line. Restaurants are notorious for not inspecting or performing the proper maintenance on their grease traps, thus causing grease buildup in the nearby sanitary system.

This was the situation at 253 Everett Avenue whereby the manhole in in the street had an  $\pm 8'$  sewage surcharge due to a blockage. The hydrostatic pressure associated with the surcharge caused the sewage to discharge into our finished basement causing significant damage and the loss of inventory and personal belongings.

As you are aware, these have been very trying times with the Covid-19 pandemic, not to mention my personal medical issues related to Covid-19. We don't believe that it's fair or reasonable that we should bear the brunt of the disaster, nor should we be financially responsible for the losses incurred.

We would welcome the opportunity to review the matter with you further and discuss an amicable resolution.

Very truly yours,



Frank J. Rossi  
Managing Partner  
JMM Associates

FJR/cr

cc: Robert Landel, Esq., Township Attorney  
Mark A. DiGennaro, Township Engineer

211208CRL1\_233E