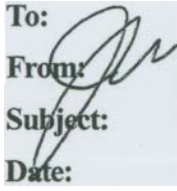


Memo

To: CI-021-04
From:  John H. Maher
Subject: Brian Ribarro/ Construction Official/Guttenberg Town
Date: September 22,2004

Predication:

This office received a complaint from a resident of Guttenberg, NJ. The complaint was pertaining to work being performed on Galaxy Towers without proper permits. The Guttenberg Construction Official was aware of this project and gave his consent on the work to be done.

Investigation:

On March 15, 2004 I visited the complainant and the Guttenberg Building Department to discuss the above allegations. It was explained by the complainant that the construction of a center island in the parking area of the Galaxy Towers was being performed without permits. The complainant then stated that the mayor was questioned if permits were needed or if permits were issued. In a letter dated February 25,2004, the Mayor of Guttenberg, David Delia Donna, responded to the complainant that he had been in contact with the Construction Official, Brian Ribarro, and was assured that all permits and inspections were properly issued for the Galaxy Towers. A letter dated January 1, 2004 from Brian Ribarro states that all electrical work had permits, all other work including "Sidewalks, stairs, and such is considered flat work and as such does not require a permit".

During my visit to the work site I observed that the reconstruction and the installation of the additional wall was located on the roof of the mall below. I then contacted Mr. Ribarro and informed him of my findings. Mr. Ribarro stated that he was unaware that the work area was on the roof of the mall. Mr. Ribarro was instructed by this office to issue the appropriate notices in order to obtain the proper permits. Mr. Ribarro then contacted the contractor performing the work and informed them that they needed proper permits for the work on the roof of the mall. The contractor told Mr. Ribarro that they did obtain the proper permits from the previous Construction Official, Bob Rogers Jr.. Mr. Ribarro researched whether permits were issued and concluded that plans for the reconstruction of the planter/waterproofing were submitted. To his conclusion, permits were properly issued. (Bob Rogers issued Construction Permit number 03-103 on June 2, 2003). Mr. Ribarro then rescinded the Notice of Violation in order to pay penalty for work without permits.

Not knowing if the previous construction official was aware that the construction site was located on the roof of the mall, Mr. Ribarro was instructed to obtain load calculations from a NJ licensed engineer ensuring that the load being imposed on the mall roof would be adequate. These calculations were submitted to the building department on March 29, 2003. In addition to requiring the load calculations, Mr. Ribarro is requiring an additional engineers' certification upon completion of the project, stating that no greater load was installed than what the calculations suggested.

During the course of this investigation Mr. Ribarro had issued several Notices and Order to Pay Penalties for work without permits to the building and electrical contractors:

- February 18,2004 / \$2000.00.
- February 21,2004 / \$2000.00
- February 26,2004/ \$6000.00

All work that was assessed a penalty has submitted all the required applications, plans (when required), and received permits.

An accusation was made that the management of the Galaxy Towers and the previous Construction Official, Bob Rogers Jr., had a business relationship, which allowed the Galaxy Towers to perform work without obtaining the required permits. This information was submitted in a video tape recording of an open public meeting regarding the Galaxy Towers. The previous Construction Official, Bob Rogers Jr., was contacted and asked if a business relationship existed between himself and the Galaxy Towers, which allowed them to work without permits. Mr. Rogers stated that he had no such relationship.

Construction:

The previous Construction Official, Bob Rogers Jr., issued the permit for the Giant lanter/waterproofing on June 2, 2003, 3 months and 21 days before the current Construction Official Brian Ribarro's employment with the town of Guttenberg. Mr. Ribarro stated, when this office asked him whether permits were issued for work being performed Mr. Ribarro stated that they didn't need them for the flat work. Mr. Ribarro then looked into the municipal file and saw permit 03-103, but didn't think that was the permit for the work currently being performed. The Construction Permit 03-103 has written "Waterproofing", which indicates the type of work taking place, and on the Building Technical section "Excavating earth & waterproofing" was written to describe the type of work. After Mr. Ribarro read both the permit and the Technical section, he concluded that there wasn't any permit. Upon further review from Mr. Ribarro he notice that the "all "box was checked on the Plan Review section of the Building Technical section. Mr. Ribarro then located the plans and discovered that they were the plans for the Construction of the Giant Planter/ waterproofing, and permit 03-103 was the correct permit.

Mr. Ribarro's stated in his January 1, 2004 letter that no permits are required for sidewalks, stairs as such are considered flat work and as such does not require a permit, is a correct statement. What Mr. Ribarro failed to recognize was that the construction was located on the roof of the mall, which then

would require a permit. This oversight can be contributed to the fact that Mr. Ribarro did not review the plans or issue the permit.

It is apparent through Mr. Ribarro's actions that he was properly enforcing the regulations. When Mr. Ribarro discovered, or was notified that work was taking place without permits, he issued the appropriate Notice of Violation, and then issued the appropriate permits.

Based on the statements and the permits issued by Bob Rogers Jr. to the Galaxy Towers prior to the employment of Mr. Ribarro, suggest that Mr. Rogers did not have a business relationship with the Galaxy Towers management, which allowed them to work without permits. If Mr. Rogers had such an arrangement the following permits would never have been issued:

- Permit number 00-170 / October 20, 2000 / Estimated cost of work \$172,500.00
- Permit number 01-150 / September 10, 2001 / Estimated cost of work \$200,000.00

Based on the evidence obtained during this investigation, this office has concluded that there are no Violations of the Uniform Construction Code. Therefore, I recommend this case be closed with no further action from this office.

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