



State of New Jersey

DEPARTMENT OF LABOR
PO BOX 386
TRENTON, NEW JERSEY 08625-0386

JAMES E. MCGREEVEY
Governor

ALBERT G. KROLL
Commissioner

October 10, 2003

Joel Popkin, Administrator
Neptune City Hall
106 West Sylvania Avenue
Neptune, New Jersey 07753

Re: Inspection Number.: G67-35-008
Location: Neptune City
Sewer Department
41 TFH Way
Neptune, New Jersey

Dear Mr. :Popkin

This letter is confirmation that the items listed in the above referenced Order to Comply have been abated.

Please be advised that as a result of the documentation received on September 26, 2003 from Gerrit De Vos, the hazards and or violations identified have been abated.

Thank you for your cooperation and continuing concern regarding the safety of your employees.

Sincerely,

Richard H. Craig, Assistant Chief
Office of Public Employees Occupational Safety & Health
Phone: (609) 984-1389
Fax (609) 292-3749

RHC:WBS
c: Gerrit De Vos
Jason Pomphrey

Working Together To Keep New Jersey Working
New Jersey Is An Equal Opportunity Employer

NEW JERSEY DEPARTMENT OF
LABOR
nj.gov/labor

PUBLIC EMPLOYEES SAFETY
(609) 292-7036 • FAX (609) 292-3749
REPORT FATALITIES AND INPATIENT HOSPITALIZATIONS VIA HOT LINE: 1-800-624-1644

New Jersey Department of Labor

Division of Public Safety and Occupational Safety & Health

Office of Public Employees Occupational Safety & Health

PO Box 386

Trenton, NJ 08625-0386

Phone: (609) 292-0767

Fax: (609) 292-3749

NOTICE OF ORDER TO COMPLY

To: Joel Popkin, Administrator
Neptune City Hall
106 West Sylvania Avenue
Neptune, New Jersey 07753-6428

Inspection Number: G67-35-008
Reason: General
Inspection Date: April 10 , 2003
Compliance Officer: Bill Smayda
Issuance Date: April 28, 2003

Inspection Site: Neptune City
Department of Public Works
41 TFH Way
Neptune, New Jersey

Each violation described in the Order to Comply is alleged to have occurred on or about the day(s) the inspection was made unless otherwise indicated.

The enclosed Order to Comply describes violations of the Public Employees' Occupational Safety and Health Act. The violations referred to in this Order must be abated by the dates listed unless within 15 working days (excluding weekends and State holidays) from the issuance of this Order to Comply you mail a notice of intent to contest to the Department of Labor at the address shown above. Please refer to the enclosed Public Employees' Occupational Safety and Health Act which outlines your rights and responsibilities and which should be read in conjunction with this form. The Order will become the Final Order if no notice of intent to contest is filed as provided for in the Act or, if contested, the Order is affirmed by the Review Commission or a court.

Posting - The law requires that a copy of this Notice and the Order to Comply be posted immediately in a prominent place at or near the location of each violation cited herein, or, if it is not practicable because of the nature of the employer's operations, where it will be readily observable by all affected employees. This Order must remain posted until each violation cited herein has been abated, or for 15 working days (excluding weekends and State holidays), whichever is longer.

Informal Conference - An informal conference is not required. However, if you wish to have such a conference you may request one with the Office of Public Employees Occupational Safety & Health during the 15 working day contest period by contacting the office shown above. During such an informal conference you may present any evidence or views, which you believe, would support an adjustment to the citation(s).

If you are considering a request for an informal conference to discuss any issues related to the Order to Comply, you must keep in mind that a written letter of intent to contest must be submitted to the Office of Public Employees Occupational Safety & Health within 15 working days of issuance of this Order. The contest period is not interrupted by a request for an informal conference.

If you decide to request an informal conference, the Office of Public Employees Occupational Safety & Health will schedule the conference, which will be conducted within 30 days of receipt of the request. Employees and/or employee representatives will be noticed of their right to attend the conference. The Office of Public Employees Occupational Safety & Health will arrange for representatives of the Department of Health and Senior Services to conduct conferences requested from Orders to Comply issued pursuant to a certification from the Commissioner of Health and Senior Services that an employer violation has been determined to exist within Health and Senior Service's jurisdiction under the Act.

Be sure to bring to the conference any and all supporting documentation of existing conditions as well as any abatement steps taken thus far. If conditions warrant, we can enter into an informal settlement agreement, which amicably resolves this matter without litigation or contest.

Right to Contest - You have the right to contest this Order to Comply. You may contest all citation items or only individual items. You may also contest abatement dates without contesting the underlying violations. **Unless you inform the Office of Public Employees Occupational Safety & Health in writing that you intend to contest the citation(s) and/or abatement dates within 15 working days of the issuance of this Order to Comply, then this Order to Comply shall become a final order.**

Penalties - The Act provides that if the time for compliance with an order of the Commissioner elapses, and the employer has not made a good faith effort to comply, the Commissioner shall impose a civil administrative penalty of up to \$7,000 per day for each violation of a provision of N.J.S.A. 34:6A-25 et seq., or of a standard or regulation promulgated under that act, or of an order to comply. Any employer who willfully or repeatedly violates the requirements of this section or any standard, rule, order or regulation promulgated under that act shall be assessed a civil administrative penalty of up to \$70,000 for each violation. Penalties imposed under this section may be recovered with costs in a civil action commenced by the Commissioner by a summary proceeding under "the penalty enforcement law" (N.J.S.A. 2A:58-1 et seq.) in the Superior Court or a municipal court, either of which shall have jurisdiction to enforce "the penalty enforcement law" in connection with this act. If the violation is of a continuing nature, each day during which it continues after the date given for compliance in accordance with the order of the Commissioner shall constitute an additional separate and distinct offense. If this penalty remains unpaid for more than 30 days, this order shall be recorded on the judgment docket of the Superior Court.

Penalties will be based upon factors such as gravity of the violation, the probability that an injury or illness would result from the hazard, the good faith efforts of the employer to comply, the presence of meaningful safety and health programs and the history of previous violations.

Notification of Corrective Action - For violations, which you do not contest, you should notify the Office of Public Employees Occupational Safety & Health promptly by letter that you have taken appropriate corrective action within the time frame set forth on this Order. Please inform the Office of Public Employees Occupational Safety & Health in writing of the abatement steps you have taken and of their dates, together with adequate supporting documentation, e.g., drawings or photographs of corrected conditions, purchase/work orders related to abatement actions, air sampling results, etc.

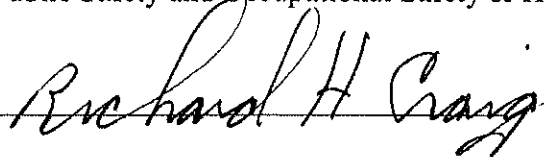
Employer Discrimination Unlawful - The law prohibits discrimination by an employer against an employee for filing a complaint or for exercising any rights under this Act. An employee who believes that he/she has been discriminated against may file a complaint, no later than 180 days after the employee first had knowledge that such discrimination occurred, with the Office of Public Employees Occupational Safety & Health at the address shown above.

Employer Rights and Responsibilities - The enclosed copy of the Public Employees' Occupational Safety and Health Act outlines additional employer rights and responsibilities and should be read in conjunction with this notification.

Notice to Employees - The law gives an employee or an employee representative the opportunity to object to any abatement date set for a violation if he/she believes the date to be unreasonable. The contest must be mailed to the Office of Public Employees Occupational Safety & Health at the address shown above and postmarked within 15 working days (excluding weekends and State holidays) of the issuance of this Order to Comply.

Howard Black, Assistant Director
Division of Public Safety and Occupational Safety & Health

BY:

A handwritten signature in black ink, appearing to read "Richard H. Craig", written over a horizontal line.

Richard H. Craig, Assistant Chief
Office of Public Employees Occupational Safety & Health
(609) 984-1389

ORDER TO COMPLY

New Jersey Department of Labor
Division of Public Safety and Occupational Safety & Health
Office of Public Employees Occupational Safety & Health
PO Box 386
Trenton, New Jersey 08625-0386

TO: Joel Popkin, Administrator
Neptune City Hall
106 West Sylvania Avenue
Neptune, New Jersey 07753-6428

Issue Date: April 28, 2003
Insp. No: G67-35-008
Facility Code: 3AG
Compliance Officer: Bill Smayda
Page No.: 1 of 6
Insp. Date: April 10, 2003
Insp. Site: :
Neptune City
Department of Public Works
41 TPF Way
Neptune, New Jersey

The violation(s) described in this Order to Comply are alleged to have occurred on or about the day the inspection was made unless otherwise indicated within the description given below.

THE LAW REQUIRES that a copy of this Order to Comply be posted in a prominent place so that it is clearly visible to affected employees at or near each location of the violation(s) cited below. This Order to Comply describes violation(s) of N.J.S.A. 34:6A-25 et seq., and N.J.A.C. 12:100-4.3. The employer is hereby ordered to take immediate steps to abate the violation(s) pursuant to N.J.S.A. 34:6A-41 by the date(s) listed below. An intention to contest an Order to Comply must be made in writing to the Commissioner of Labor within 15 working days of the issuance of this Order to Comply by an employer, employee, or employee representative.

A CIVIL ADMINISTRATIVE PENALTY for each violation will be imposed if the employer does not make a good faith effort to comply with the Abatement Date. See N.J.S.A. 34:6A-41d.

Standard, regulation or section of the Act Violated.	Description of location.	Abatement Date and Penalty
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1. **29 CFR 1910.36(d)(1):** An exit, way of approach thereto, or way of travel from the exit into the street or open space was not continuously maintained free of all obstructions or impediments to full instant use in the case of fire or other emergency.

LOC.: a.) Garage Bay #3, At Overhead Door
b.) Garage Bay #2, At Overhead Door
c.) Parts Room, Aisles
d.) Upper Level Stairs, Wire Spools

The areas were not free of impediments at the locations listed.

ABATEMENT DATE: ABATED DURING INSPECTION
PENALTY:

ORDER TO COMPLY

New Jersey Department of Labor
Division of Public Safety and Occupational Safety & Health
Office of Public Employees Occupational Safety & Health
PO Box 386
Trenton, New Jersey 08625-0386

Insp. No.: G67-35-008

Issue Date: April 28, 2003

Page No.: 2 of 6

Inspection Site: Neptune City Department of Public Works

Standard, regulation or section of the Act Violated.	Description of location.
Abatement Date and Penalty	

2. **29 CFR 1910.106(g) (7):** Crankcase drainings and combustible and flammable liquid wastes were not stored in tanks or drums outside of any building until moved from the premises.

LOC.: Bay #1, 275 Gallon Waste Oil Tank

The waste oil tank was stored inside.

ABATEMENT DATE: JUNE 10, 2003

PENALTY:

3. **29 CFR 1910.176(b):** Material stored in tiers was not stacked, blocked, interlocked or limited in height so that it was stable and secure against sliding and collapse.

LOC.: a.) Sign Shop, Shelving Unit

The shelving unit was not secured.

ABATEMENT DATE: ABATED DURING INSPECTION

PENALTY:

b.) Loft Storage Area, 2 Shelving Units

The shelving unit was not secured.

ABATEMENT DATE: JUNE 10, 2003

PENALTY

ORDER TO COMPLY

New Jersey Department of Labor

Division of Public Safety and Occupational Safety & Health

Office of Public Employees Occupational Safety & Health

PO Box 386

Trenton, New Jersey 08625-0386

Insp. No.: G67-35-008

Issue Date: April 28, 2003

Page No.: 3 of 6

Inspection Site: Neptune City Department of Public Works

Standard, regulation or section of the Act Violated.	Description of location.	Abatement Date and Penalty
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4. **29 CFR 1910.178(m)(12):** An industrial truck used to lift personnel was not provided with a firmly secured safety platform and a means whereby personnel on the platform could shut off power to the truck.

LOC.: Exterior Yard, Homemade Fork Lift Platform

The platform had no power control.

ABATEMENT DATE:JUNE 10, 2003

PENALTY

5. **29 CFR 1910.212(a)(3)(ii):** The point of operation was exposed on the drill press.

LOC.: Garage Bay #5, Craftsman Drill Press

The drill press had no point of operation guard.

ABATEMENT DATE:JUNE 10, 2003

PENALTY

6. **29 CFR 1910.215(a)(4):** The opening between the work rest and abrasive wheel exceeded one-eighth inch on the grinder.

LOC.: Craftsman Dual Pedestal Grinder

The work rests were ½ inch from their respective wheel.

ABATEMENT DATE: ABATED DURING INSPECTION

PENALTY:

ORDER TO COMPLY

New Jersey Department of Labor

Division of Public Safety and Occupational Safety & Health

Office of Public Employees Occupational Safety & Health

PO Box 386

Trenton, New Jersey 08625-0386

Insp. No.: G67-35-008

Issue Date: April 28, 2003

Page No.: 4 of 6

Inspection Site: Neptune City Department of Public Works

Standard, regulation or section of the Act Violated.	Description of location.
Abatement Date and Penalty	

6. **29 CFR 1910.303(b)(1)(i):** Electrical equipment created a hazard because it was not suitable for its intended purpose.

LOC.: Garage Bay #4, 3 Extension Cords

Junction boxes were attached to and made part of extension cords.

ABATEMENT DATE: ABATED DURING INSPECTION

PENALTY:

7. **29 CFR 1910.303(b)(1)(iii):** Electrical equipment was recognizably hazardous, due to inadequate electrical insulation.

LOC.: Garage Bay #4, 2 Extension Cords

The extension cords were damaged.

ABATEMENT DATE: ABATED DURING INSPECTION

PENALTY:

8. **29 CFR 1910.305(a)(2)(i):** Temporary electrical power and lighting installations rated 600 volts, nominal, or less were used for purposes other than those permitted in subparagraphs (A), (B), and (C) of this paragraph.

(A) During and for remodeling, maintenance, repair, or demolition of buildings, structures, or equipment, and similar activities;

(B) For experimental or development work, and

(C) For a period not to exceed 90 days for Christmas decorative lighting, carnivals, and similar purposes.

ORDER TO COMPLY

New Jersey Department of Labor

Division of Public Safety and Occupational Safety & Health

Office of Public Employees Occupational Safety & Health

PO Box 386

Trenton, New Jersey 08625-0386

Insp. No.: G67-35-008

Issue Date: April 28, 2003

Page No.: 5 of 6

Inspection Site: Neptune City Department of Public Works

Standard, regulation or section of the Act Violated.	Description of location.	Abatement Date and Penalty
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8. (Continued)

LOC.: a.) Garage Bay #5, Forklift Charger, 2 Extension Cords

b.) Garage Bay #5, Craftsman Dual Pedestal Grinder, Extension Cord

Extension cords were in use at the locations listed.

ABATEMENT DATE: JUNE 10, 2003

PENALTY

9. **29 CFR 1910.305(b)(1):** An unused opening in an electrical box, cabinet, or fitting was not effectively closed.

LOC.: Electric Room, Electric Circuit Breaker Panel Box

The panel had an open slot in the left side.

ABATEMENT DATE: JUNE 10, 2003

PENALTY

ORDER TO COMPLY

New Jersey Department of Labor

Division of Public Safety and Occupational Safety & Health

Office of Public Employees Occupational Safety & Health

PO Box 386

Trenton, New Jersey 08625-0386

Insp. No.: G67-35-008

Issue Date: April 28, 2003

Page No.: 6 of 6

Inspection Site: Neptune City Department of Public Works

Standard, regulation or section of the Act Violated.	Description of location.	Abatement Date and Penalty
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Signed on April 28, 2003 pursuant to the authority
vested by law in the New Jersey Department of Labor.

Howard Black, Assistant Director

Division of Public Safety and Occupational Safety & Health

BY: _____



Richard H. Craig, Assistant Chief

Office of Public Employees Occupational Safety & Health

(609) 984-1389

DISCRIMINATORY ACTS AGAINST EMPLOYEES ARE UNLAWFUL - N.J.S.A. 34:6A-45 - No person shall discharge, or otherwise discipline, or in any manner discriminate against any employee because such employee has filed any complaint or instituted or caused to be instituted any proceeding under or related to this section. Any employee who believes that he has been discharged, disciplined, or otherwise discriminated against by any person in violation of this section, may within 180 days after the employee first has knowledge such violation did occur, file a complaint with the Commissioner of Labor alleging that discrimination.

RHC/WBS

c: Employer Representative and/or Employee Representative

Subj: **Re: Drill Press, found another number plate <:29XZN1A03ZN5R5GE::>**
Date: 05/14/2003 2:17:59 PM Eastern Daylight Time
From: partsdirect@sears.com
To:
Sent from the Internet (Details)

Dear Sears Customer,

Thank you for contacting Sears.

We are working to research the information you have requested. This process can take three to five business days. We appreciate your patience in this matter, and we will e-mail you with the results of our effort as soon as possible.

Please help ensure that we are providing excellent customer service by taking a minute to fill out this brief survey:
<http://64.14.219.166/survey.zgi?ASA9DYBP25LS59DEPQ5XN9P2>
Thank you for your feedback.

Daniel Cruz
Sears Customer Care

partsdirect@sears.com
1-800-4-MY-HOME (1-800-469-4663)

-----Original Message-----

From: Gerritdpw@aol.com
Sent: 5/14/03 5:44:57 AM
To: partsdirect@sears.com
Subject: Re: Drill Press, found another number plate

Sam,

I found another number plate on the Craftsman 15 1/2" drill press.
the # is 113.13780 and the serial/code date is # 3341.p0255

Thanks for your help

In a message dated 05/13/2003 12:49:32 PM Eastern Daylight Time,
partsdirect@sears.com writes:

The model number will usually be located on a sticker or plate next to the serial number. If your product is a Sears brand, "Kenmore" or "Craftsman", the model number will consist of three digits, a decimal point, and six-to-eight more digits (example xxx.xxxxxx). For more information on model number formats and locations, please go to <http://www3.sears.com/find/index.asp>. Enter your product and follow the prompts to locate information on where you can find the model number on your unit.

Please help ensure that we are providing excellent customer service by taking a minute to fill out this brief survey:
<http://64.14.219.166/survey.zgi?ASA9DYBP25LS59DEPQ5XN9P2>
Thank you for your feedback.

Subj: **Re: Drill Press, found another number plate**
Date: 05/16/2003 11:02:45 AM Eastern Daylight Time
From: partsdirect@sears.com
To:
Sent from the Internet (Details)

Dear Sears Customer:

Thank you for your time and patience. We have received a reply from our research department and apologize for the delay. Our research department was unable to locate any information on your product in their resources. We recommend that you try to match your part locally.

Please help ensure that we are providing excellent customer service by taking a minute to fill out this brief survey. Thank you for your feedback.

<http://64.14.219.166/survey.zgi?E0CHGR43C886QXWRW2FDK6WG>

Jo-Anne McGurn
Sears Customer Care

partsdirect@sears.com
1-800-4-MY-HOME (1-800-469-4663)

Rodford / Delta 800
438
2486

-----Original Message-----

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Thank you for your feedback.

Sam Camacho
Sears Customer Care

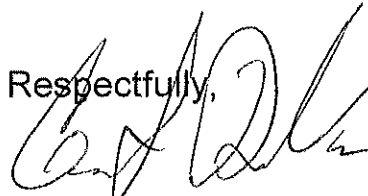
BOROUGH OF NEPTUNE CITY
106 WEST SYLVANIA AVENUE
NEPTUNE CITY, NJ 07753
732-775-1607
Fax 732-775-7352

RE: ITEM # 15 A & B

All employees have been instructed and it is posted on the information board at Public Works, that no employee is allowed to enter the pump room at the Laird Avenue Pump Station for any reason.

The situation with the drive shafts for the pumps is a hazard.

Respectfully,

A handwritten signature in black ink, appearing to read 'Gerrit DeVos', is written over the word 'Respectfully,'.

Gerrit DeVos
Superintendent, CPWM

BOROUGH OF NEPTUNE CITY
106 WEST SYLVANIA AVENUE
NEPTUNE CITY, NJ 07753
732-775-1607
Fax 732-775-7352

9/26/03

TO: BILL SMAYDA

RE: ORDER TO COMPLY, #G67-35-007

ITEMS COMPLETED:

- #6 Sign in place for CO2 cylinder
- #9 Confined space training provided by Commerce National Risk Control
- #11 Lockout/Tagout annual inspections performed
- #17a Circuit breaker # 14 identified

ITEMS PENDING

- # 15 A & B Pump shafts enclosed

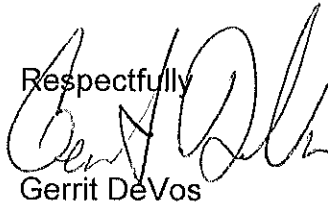
The pump shafts are part of a contract that the Borough has with Municipal Maintenance Company Inc., to refurbish the Laird Avenue Pumping Station.

During this time, the pump shafts will be deleted.

As per our Borough Engineer, the new pumps are on backorder and will not be available until mid October.

We are requesting an extension through the end of November 2003, so the new pumps can be installed.

Respectfully



Gerrit DeVos
Superintendent, CPWM