



January 25, 2024

Dear Valued Resident,

CITY COUNCIL

Mayor

Justin Fischer

Mayor Pro Tem

Laura Marie Casey

David Staudt

Brian Smith

Ericka Thomas

Matt Heintz

Priya Gurumurthy

City Manager

Victor Cardenas

City Clerk

Cortney Hanson

The City of Novi would like to extend our sincerest apologies for the recent sewerage backup on Monday, January 22, 2024, as well as the earlier incident on December 1, 2023. Both instances involved diversion pumping (necessary to install new sanitary sewer pipe) and instances of mechanical and human error that were not existing system problems. We are continuing to do everything in our power to investigate, analyze, and correct the problems, while also ensuring no further incidents take place on this much needed Wixom Road Sanitary Sewer Project.

Enclosed you will find a letter from the City Attorney to the prime contractor, Pamar Enterprises, confirming Pamar's contractual obligation and responsibility to make whole all residents affected by this difficult situation.

Also enclosed is another Notice-of-Claim packet for you to document the damage you may have experienced from this recent issue. We realize the contractor and/or the contractor's insurance provider may have contacted you already and begun documenting damages for or with you. We kindly ask you also complete the City's claim packet, so we can verify and compare the contractor's information. Once complete, please return this packet to the City Clerk's office, located in the Civic Center at 45175 W. Ten Mile Road.

If you have not sustained any damage from this most recent sewerage backup or if you do not intend to file a claim, you may disregard this correspondence. However, it would greatly benefit those affected, and provide a quicker resolution, if the City and contractor were informed of your decision to file or not. Please reach out to the City Clerk's office at (248) 347-0456.

Respectfully yours,

City of Novi

45175 Ten Mile Road
Novi, Michigan 48375
248.347.0460
248.347.0577 fax

cityofnovi.org

Victor Cardenas
City Manager for the City of Novi

THOMAS R. SCHULTZ
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27555 Executive Drive, Suite 250
Farmington Hills, Michigan 48331
P 248.489.4100 | F 248.489.1726
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ROSATI | SCHULTZ
JOPPICH | AMTSBUECHLER

January 24, 2024

Matthew P. Biscorner, PE, Project Manager
Pamar Enterprises, Inc.
31604 Pamar Court
New Haven, MI 48048

RE: City of Novi – Wixom Road Sanitary Sewer Replacement
(Bypass Pumping Failures)

Dear Mr. Biscorner and Ms. Lora:

Our office represents the City of Novi as City Attorney. We were recently given a copy of a letter Mr. Biscorner wrote to a subcontractor—Mersino Dewatering, LLC—of Pamar Enterprises in connection with the above-referenced City project. The letter related to the December 1, 2023, system bypass failure that caused sanitary sewage backups in several homes in the area of the project. The letter put Mersino on notice that it would be responsible to the City (as the Owner of the project) apparently under the terms and conditions of the subcontract agreement between Mersino and Parmar.

There has now been a second incident that has resulted in sanitary sewage backups in area homes. The purpose of this letter is to confirm that Pamar Enterprises is aware that, regardless of its subcontractor agreement with Mersino, it is Pamar—as the City’s contractor—who is ultimately responsible for these events. I call your attention to Section 6.06 of the Standard General Conditions of the Contract between Pamar Enterprises and the City, which states at subsection C that “Contractor shall be fully responsible to Owner and Engineer for all acts and omissions of the subcontractors, suppliers, and other individuals or entities performing or finishing any of the work just as Contractor is responsible for Contractor’s own acts and omissions.” Other provisions of the Contract between the City and Pamar confirm this ultimate obligation on your part.

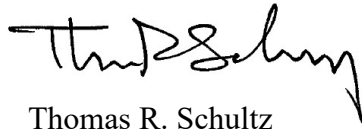
The City understands and appreciates that Pamar and Westchester are working to address these backup events and to make the affected property owners whole. Ultimately, though, the responsibility is Pamar’s, and if for some reason there is any disagreement or reservation about that on your part, you will need to let the City’s representatives know that immediately, so that the City can take appropriate actions under the Contract and otherwise.

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Letter to Pamar Enterprises
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If you have any questions regarding the above, please do not hesitate to call.

Very truly yours,

ROSATI SCHULTZ JOPPICH
& AMTSBUECHLER PC

A handwritten signature in black ink, appearing to read "Th R Schultz", with a stylized flourish at the end.

Thomas R. Schultz

TRS/jah

cc: Piel Lora, Westchester Casualty (Piel.Lora@Chubb.com)
Victor Cardenas, City Manager
Jeff Herczeg, Director of Public Works



NOVI CITY CLERK'S OFFICE
45175 TEN MILE ROAD
NOVI, MI 48375
(248) 347-0456
Fax (248) 347-0577

Water/Sewer Overflow/Backup Claim Form

Public Act 222 of 2001

City of Novi Claim Number: **23-60**

Return completed form to:

City of Novi
City Clerk
45175 West Ten Mile Road
Novi, Michigan 48375

Full legal name(s) of Claimant(s): _____

Full address(es) of Claimant(s): _____

Telephone Number(s) of Claimant(s): _____

Claimants email: _____

Full address of affected property: _____

Date of discovery of property damage and/or physical injury: _____

Brief description of claim: _____

Description of property/items damaged, if any, and any physical injuries (attach additional pages if necessary):

Claimant's Signature

This form is being provided to assist the property owner in submitting a claim and does not constitute an admission of liability, that the claim has any merit or that the property owner is entitled to damages for the alleged loss.