

RESOLUTION NO. 2022-212

**RESOLUTION OF THE TOWNSHIP OF LITTLE EGG
HARBOR, COUNTY OF OCEAN, STATE OF NEW
JERSEY, AUTHORIZING THE RELEASE OF
PERFORMANCE GUARANTEE POSTED BY TOTAL
MARINE INC. FOR ROAD OPENING AND TRENCH
RESTORATION**

WHEREAS, the Township of Little Egg Harbor required the posting of a Performance Guarantee by Total Marine Inc. consisting of a cash bond in the amount of \$3,450.00 to ensure the restoration of trench and road opening located at 355 Great Bay Boulevard, Little Egg Harbor Township, NJ; and

WHEREAS, the Township Engineer has inspected the site and has determined that all bonded improvements have been completed in substantial compliance with the Board approvals and recommends release of the Performance Guarantee conditioned upon the payment of any outstanding fees due the municipality, including, but not limited to, engineering and attorneys' fees, as well as reimbursement for the costs of any outstanding construction inspection fees.

NOW, THEREFORE, BE IT RESOLVED, by the governing body of the Township of Little Egg Harbor, County of Ocean, State of New Jersey as follows:

1. That the governing body does hereby authorize the release of the Performance Guarantee posted by Total Marine Inc. for the restoration of trench and road opening located at 355 Great Bay Boulevard, Little Egg Harbor Township, NJ consisting of a cash bond in the amount of \$3,450.00.

2. That the release of the aforementioned Performance Guarantee is also conditioned upon the payment of any outstanding fees due the municipality, including, but not

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limited to, engineering and attorneys' fees, as well as reimbursement for the costs of any outstanding construction inspection fees.

3. That a certified copy of this Resolution be forwarded to the Chief Financial Officer, the Township Engineer and Total Marine Inc.

CERTIFICATION

I, **KELLY LETTERA, RMC**, Municipal Clerk of the Township of Little Egg Harbor, do hereby certify that the foregoing resolution was duly adopted by the Township of Little Egg Harbor Township Committee at a meeting held on the 8th day of **September, 2022**.



KELLY LETTERA, RMC
Township Clerk
Little Egg Harbor Township

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| YOUR GOALS. OUR MISSION.

TO: Kelly Lettera, Township Clerk
FROM: Jason A. Worth, P.E., Township Engineer
DATE: August 9, 2022

REF: T&M FILE NO. LEHT-I2187
REQUEST FOR RELEASE OF PERFORMANCE GUARANTEE
ROAD OPENING – 355 GREAT BAY BOULEVARD
TOTAL MARINE INC.
TOWNSHIP OF LITTLE EGG HARBOR, OCEAN COUNTY, NJ

Dear Ms. Lettera:

Our office has received a request for the Release of the Performance Guarantee for the above referenced project. A review of our files indicates that a Performance Guarantee in the amount of \$3,450.00 was posted with the Township Clerk's Office to guarantee that the road opening and trench made by the applicant would be restored.

The Performance Guarantee consists of a cash bond in the amount of \$3,450.00.

At the request of the applicant, this office has conducted construction observation of the site to ascertain the status of the completed repairs covered by the bond. **It is our determination that all bonded repairs have been completed in substantial compliance with the Township Road Opening Ordinance.**

In accordance with the Municipal Land Use Law and the Township Ordinance, the governing body must either approve, partially approve or reject the improvements on the basis of the report of the Township Engineer. **Accordingly, it is our recommendation to the Township Committee that the request for Release of the Performance Guarantee be granted.**

The Mayor and Township Committee must act on the applicant's request for Release of the Performance Guarantee no later than 45 days after receipt of the notice and must notify the applicant of their decision in writing by certified mail. By copy of this letter to Melanie Appleby, Township Attorney, we recommend that she prepare a resolution suitable for adoption by the Mayor and Committee at its next regular meeting.

We would recommend that any requirements for a Maintenance Guarantee be waived, as the Township has more recently completed road paving operations on Great Bay Boulevard.

In addition, and prior to Release of any Performance Guarantee, the applicant/developer shall reimburse the Township for the costs of any outstanding construction inspection fees. The Township will be in receipt of all of our final invoices on this project with our next months billing.

Should the Committee have any question regarding any of the above, please feel free to contact me at your convenience.

cc: Township Committee
Rodney Haines, Township Administrator/CFO
Melanie Appleby, Township Attorney