

RESOLUTION NO. 2022-283

RESOLUTION OF THE TOWNSHIP OF LITTLE EGG HARBOR, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING THE RELEASE OF A PERFORMANCE GUARANTEE POSTED FOR ROAD OPENING AT 37 MIRROR LAKE DRIVE TO GOTCHA COVERED HOME SERVICES LLC

WHEREAS, the Township of Little Egg Harbor required the posting of a performance guarantee in the amount of \$4,140.00 to ensure that the road opening and trench made by applicant, Gotcha Covered Home Services LLC would be restored at 37 Mirror Lake Drive; and

WHEREAS, the Township Engineer has inspected the site and has determined that all of the bonded improvements were completed in substantial compliance with the Township Road Opening Ordinance; and

WHEREAS, the Township Engineer has recommended the release of the performance guarantee of \$4,140.00, of which \$3,900.00 was cash bond, conditioned upon the posting of a maintenance guarantee in the amount of \$500.00, as well as the reimbursement to the Township 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 for the road opening at 37 Mirror Lake Drive, in the amount of \$4,140.00, of which \$3,900.00 was cash bond, to Gotcha Covered Home Services LLC, conditioned upon the posting of a maintenance guarantee in the amount of \$500.00, as well as the reimbursement to the Township for the costs of any outstanding construction inspection fees.

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Rothstein, Mandell, Strohm,
Halm & Cipriani, P.A.
ATTORNEYS AT LAW

98 East Water Street
Toms River, NJ 08753

o: 732.363.0777
f: 732.905.6555

2. That a certified copy of this resolution be forwarded to the Chief Financial Officer, the Township Engineer and Gotcha Covered Home Services LLC.

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 **December 2022**.



KELLY LETTERA, RMC
Township Clerk
Little Egg Harbor Township

r|m|sh|c

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| YOUR GOALS. OUR MISSION.

TO: Kelly Lettera, Township Clerk
FROM: Jason A. Worth, P.E., Township Engineer
DATE: November 10, 2022
REF: T&M FILE NO. LEHT-I2271
REQUEST FOR RELEASE OF PERFORMANCE GUARANTEE
ROAD OPENING - 37 MIRROR LAKE DRIVE
GOTCHA COVERED HOME SERVICES LLC
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 \$4,140.00 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 \$3,900.00.

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 Bond 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.

The Release of the Performance Guarantee shall be conditioned upon the following:

1. The applicant posting a Maintenance Guarantee with the Township in the amount of \$500.00. Said Maintenance Guarantee shall run for a period of one (1) year.

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 month's 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