

RESOLUTION NO. 2024-107

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 29 WEST ANCHOR DRIVE TO M&O EXCAVATING LLC

WHEREAS, the Township of Little Egg Harbor required the posting of a performance guarantee in the amount of \$4,830.00 to ensure that the road opening and trench made by applicant, M&O Excavating LLC would be restored at 29 West Anchor 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 \$4,830.00, conditioned upon the posting of a maintenance guarantee in the amount of \$500.00 for one (1) year, 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 29 West Anchor Drive, in the amount of \$4,830.00 to M&O Excavating LLC, conditioned upon the posting of a maintenance guarantee in the amount of \$500.00 for one (1) year, 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

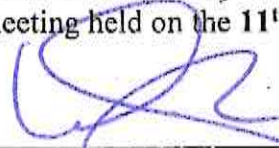
98 East Water Street
Toms River, NJ 08753

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 M&O Excavating LLC.

CERTIFICATION

I, **KELLY LETTERA, CMC, 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 **11th** day of **April 2024**.



KELLY LETTERA, CMC, 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: March 26, 2024

REF: T&M FILE NO. LEHT-I2277
REQUEST FOR RELEASE OF PERFORMANCE GUARANTEE
ROAD OPENING - 29 WEST ANCHOR DRIVE
M&O EXCAVATING 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 \$4,830.00 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 \$4,830.00.

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

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