

**RESOLUTION 2026-152**

**RESOLUTION OF THE TOWNSHIP OF LITTLE EGG HARBOR, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING THE RELEASE OF PERFORMANCE GUARANTEE POSTED BY ABS CONSTRUCTION, INC. FOR ROAD OPENING AT 23 OHIO DRIVE**

**WHEREAS**, the Township of Little Egg Harbor required the posting of a Performance Guarantee by ABS Construction, Inc. for a road opening at 23 Ohio Drive in the Township of Little Egg Harbor; and

**WHEREAS**, ABS Construction, Inc. posted said Performance Guarantee, consisting of a cash bond in the amount of \$4,236.00, to assure that the road opening and trench would be restored; and

**WHEREAS**, the Township Engineer has determined that all bonded improvements have been completed in substantial compliance with the Board approvals; and

**WHEREAS**, the governing body authorizes the release of the performance guarantee cash bond in the amount of \$4,236.00.

**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 ABS Construction, Inc. consisting of a cash bond in the amount of \$4,236.00, posted to assure restoration of the roadway and trench at 23 Ohio Drive.

2. That the release of the aforementioned Performance Guarantee is conditioned the posting of a maintenance guarantee by ABS Construction, Inc. with the Township, in the amount of \$500.00 to run for a period of one (1) year.

**r|m|s|h|c**

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

98 East Water Street  
Toms River, NJ 08753


o: 732.363.0777  
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3. That the release of the aforementioned Performance Guarantee is also 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.

4. That a certified copy of this Resolution be forwarded to the Chief Financial Officer, Interim Township Administrator, Township Engineer and ABS Construction, Inc.

#### CERTIFICATION

I, **KELLY LETTERA, RMC, CMC**, 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 14<sup>th</sup> day of May, 2026.



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**KELLY LETTERA, RMC, CMC**  
Township Clerk  
Little Egg Harbor Township

**r|m|s|h|c**

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| YOUR GOALS. OUR MISSION.

TO: Kelly Lettera, Interim Twp Administrator/Clerk  
FROM: Jason A. Worth, P.E., Township Engineer  
DATE: May 4, 2026  
REF: T&M FILE NO. LEHT-I2282  
REQUEST FOR RELEASE OF PERFORMANCE GUARANTEE  
ROAD OPENING - 23 OHIO DRIVE  
ABS CONSTRUCTION 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 \$4,236.00 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 \$4,236.00.

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 Szuba, 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  
Melanie Szuba, Township Attorney

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