

**Resolution No. 14-137**

**RESOLUTION ESTABLISHING A 5 YEAR MORATORIUM  
ON THE ISSUANCE OF ROAD OPENING PERMITS  
FOR THE PORTIONS OF THE ROADS RESURFACED  
AS PART OF THE FY2013 LOCAL ROAD MILLING & OVERLAY PROJECT  
JUNE 10, 2014 THROUGH JUNE 10, 2019**

**WHEREAS**, there existed a need by the City of Woodbury to mill and overlay portions of certain Local Roads as part of the 5-Year Road Resurfacing Program commencing in 2013; and

**WHEREAS**, the “FY2013 Local Road Resurfacing Project” consisted of Park Avenue from N. Evergreen Avenue to Washington Avenue, Watkins Avenue from N. Broad Street to Tatum Street, Courtland Street from S. Broad Street to Allen Street, Myrtle Avenue from S. Drexel Street to S. Girard Street, Grant Street from N. Drexel Street to N. Girard Street, Cooper Street from Broad Street to Hendry’s Court, and Cooper Street at Euclid Street; and

**WHEREAS**, the City of Woodbury performed this project through a Bond Ordinance and by advertising for bids pursuant to the provisions of the New Jersey Public Contracts Law *N.J.S.A. 40A:11 et seq.*; and

**WHEREAS**, the project was awarded to Gerald A. Barrett, LLC; and

**WHEREAS** the City of Woodbury has accepted the final completion of the Contract for the road improvement project known as “FY2013 Local Road Resurfacing Project” on June 10, 2014; and

**WHEREAS**, the City of Woodbury has made final payment to the Contractor, Gerald A. Barrett, LLC of Berlin, NJ for the aforementioned project on July 22, 2014; and

**WHEREAS**, the City of Woodbury has paid to Gerald A. Barrett, LLC the retainer previously held from the submitted invoices and payments on July 22, 2014, and Gerald A. Barrett, LLC has therefore submitted and the City has accepted a Maintenance Bond for the aforementioned project in the amount of \$281,668.29 for a period of one (1) year from the date of project completion on June 10, 2014; and

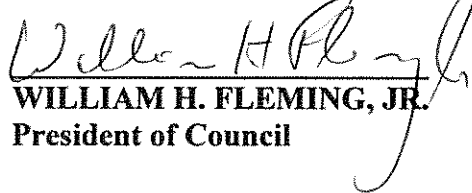
**WHEREAS**, the Code of the City of Woodbury, “Chapter 167 – STREETS AND SIDEWALKS” provides for road opening permits under the conditions as stated in “Article III – Openings and Excavations § 167-9 Application for and issuance of permit; filing fee and deposit.”; and

**WHEREAS**, § 167-9 Paragraph B. states that no road opening permits shall be granted by the City for any opening or excavation on a street that has been covered with a hard surface, such as concrete or asphalt with a thickness of 2 inches or more, for a period of five (5) years from the date of completion of construction of such hard surface, except that a permit may be issued upon majority vote of City Council to grant such permit based on the conditions and reasons stated in sub-paragraphs (1),(2) or (3) of § 167-9 Paragraph B.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council that the City of Woodbury has placed a moratorium from any road opening, excavations or disturbance otherwise, and from the issuance of permits thereto, on the area of new pavement constructed as part of the project known as "FY2013 Local Road Resurfacing Project" as described above, for a period of 5 years beginning on the date of final completion, June 10, 2014 and terminating on June 10, 2019, subject to the respective conditions as stated in the latest version of "Chapter 167 – STREETS AND SIDEWALKS" of the Code of the City of Woodbury.

**ADOPTED** at the regular meeting of the Mayor and City Council of the City of Woodbury held on July 22, 2014.

**CITY OF WOODBURY**

  
**WILLIAM H. FLEMING, JR.**  
President of Council

**ATTEST:**

  
**ROY A. DUFFIELD, City Clerk**