

Resolution No. 15-208

**RESOLUTION ESTABLISHING A 5 YEAR MORATORIUM ON THE
ISSUANCE OF ROAD OPENING PERMITS FOR EAST RED BANK AVENUE,
N. BROAD STREET TO N. EVERGREEN AVENUE
FROM SEPTEMBER 30, 2015 THROUGH SEPTEMBER 30, 2020**

WHEREAS, there existed a need by the City of Woodbury to resurface East Red Bank Avenue from N. Broad Street to N. Evergreen Avenue, and from N. Evergreen Ave to Roosevelt Avenue; and

WHEREAS, the City of Woodbury performed this project through a FY2015 Municipal Aid grant from the NJDOT 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 on June 9, 2015; and

WHEREAS the City of Woodbury has accepted the final completion of the contract for the road improvement project known as “East Red Bank Avenue Mill and Overlay – N. Broad St. to N. Evergreen Avenue” on September 30, 2015; 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 October 13, 2015; and

WHEREAS, the City of Woodbury has paid to Gerald A. Barrett, LLC the retainer previously held from the submitted invoices and payments on November 10, 2015, and Gerald A. Barrett, LLC has therefore submitted and the City has accepted a Maintenance Bond for the aforementioned project in the amount of \$168,460.58 for a period of one (1) year from the date of project completion on September 30, 2015; 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 “East Red Bank Avenue Mill and Overlay – N. Broad St. to N. Evergreen Avenue” for a period of 5 years beginning on the date of final completion, September 30, 2015 and terminating on September 30, 2020, 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 December 8, 2015.

CITY OF WOODBURY



DAVID TROVATO,
President of Council

ATTEST:



ROY A. DUFFIELD, City Clerk