

Resolution No. 16-154

**RESOLUTION ESTABLISHING A 5 YEAR MORATORIUM ON THE
ISSUANCE OF ROAD OPENING PERMITS FOR WEST BARBER AVENUE,
S. BROAD STREET TO S. JACKSON STREET
FROM SEPTEMBER 9, 2016 THROUGH SEPTEMBER 8, 2021**

WHEREAS, there existed a need by the City of Woodbury to resurface West Barber Avenue from S. Broad Street to S. Jackson Street; 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 of Berlin, NJ on October 13, 2015; and

WHEREAS the City of Woodbury has accepted the final completion of the contract for the road improvement project known as “West Barber Avenue Milling and Overlay – S. Broad St. to S. Jackson St.” on April 15, 2016; and

WHEREAS, the City of Woodbury has made final payment to the contractor, Gerald A. Barrett, LLC for the aforementioned project on June 14, 2016; and

WHEREAS, the City of Woodbury has paid to Gerald A. Barrett, LLC the retainer previously held from the submitted invoices and payments on October 11, 2016, and Gerald A. Barrett, LLC has therefore submitted and the City has accepted a Maintenance Bond for the aforementioned project in the amount of \$177,645.76 for a period of two (2) years from the date of project completion on September 9, 2016; 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 Mayor and 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 "West Barber Avenue Milling and Overlay – S. Broad St. to S. Jackson St." for a period of 5 years beginning on the date of final completion, September 9, 2016 and terminating on September 8, 2021, 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 November 22, 2016.

CITY OF WOODBURY



DAVID TROVATO
President of Council

ATTEST:



ROY A. DUFFIELD, City Clerk