

RESOLUTION NO. 17-69

**RESOLUTION ESTABLISHING A 5 YEAR MORATORIUM ON THE
ISSUANCE OF ROAD OPENING PERMITS FOR WOOD STREET, SMALLWOOD
PLACE, NEW STREET FROM SMALLWOOD PLACE TO ANDREWS
STREET, AND TATUM STREET FROM WEST RED BANK AVENUE TO THE
SOUTHERLY TERMINUS IN THE CITY OF WOODBURY
FROM AUGUST 4, 2016 THROUGH AUGUST 3, 2021**

WHEREAS, there existed a need by the City of Woodbury to resurface Wood Street, Smallwood Place, New Street from Smallwood Place to Andrews Street, and Tatum Street from West Red Bank Avenue to and including the parking area at the southerly terminus; 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 of Berlin, NJ on June 23, 2015; and

WHEREAS the City of Woodbury has accepted the final completion of the contract for the road and storm sewer improvement project known as “Wood Street Reconstruction and Storm Sewer Improvements” on August 4, 2016; and

WHEREAS, the City of Woodbury has made final payment to the contractor, Gerald A. Barrett, LLC for the aforementioned project on October 25, 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 December 13, 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 \$398,508.14 for a period of one (1) year from the date of project completion on August 4, 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 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 on the various roads as part of the project known as “Wood Street Reconstruction and Storm Sewer Improvements” for a period of 5 years beginning on the date of final completion, August 4, 2016 and terminating on August 3, 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 March 14, 2017.

CITY OF WOODBURY

By: 

DAVID TROVATO
President of Council

ATTEST:



ROY A. DUFFIELD, City Clerk

Recorded vote:

Ayes (7): Tierney, McIlvaine, Johnson, Fleming, Parker, Carter, Trovato
Absent (2): Swanson, Reddin Nays, Abstentions: none