

RESOLUTION NO. 17-184

**RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF WOODBURY
ESTABLISHING A 5-YEAR MORATORIUM ON THE ISSUANCE OF ROAD
OPENING PERMITS FOR THE PORTIONS OF THE ROADS RESURFACED
AS PART OF THE FY2016 LOCAL ROAD MILLING & OVERLAY PROJECT
FROM NOVEMBER 3, 2017 THROUGH NOVEMBER 2, 2022**

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 “FY2016 Local Road Resurfacing Project” consisted of Carpenter Street, Hopkins Street, Franklin Street, Spruce Lane (Evergreen Ave. to N. Bayard Ave.), East Rugby Place, Hendry’s Court (North of Cooper St.), and Federal 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 American Asphalt Co., Inc. of West Collingswood Heights, NJ on July 26, 2016; and

WHEREAS the City of Woodbury has accepted the final completion of the Contract for the road improvement project known as “FY2016 Local Road Resurfacing Project” on November 3, 2017; and

WHEREAS, the City of Woodbury has made final payment to the Contractor, American Asphalt Co., Inc., for the afore-mentioned project on November 28, 2017; and

WHEREAS, the City of Woodbury has paid to American Asphalt Co., Inc. the retainer previously held from the submitted invoices and payments on November 28, 2017, and American Asphalt Co., Inc. has therefore submitted and the City has accepted a Maintenance Bond for the aforementioned project in the amount of \$392,843.23 for a period of one (1) year from the date of project completion on November 3, 2017; 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 “FY2017 Local Road Resurfacing Project” as described above, for a period of 5 years beginning on the date of final completion, November 3, 2017 and terminating on November 2, 2022, 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 December 12, 2017.

CITY OF WOODBURY



Tracey Parker

TRACEY PARKER

President of Council

ATTEST:



DANEEN D. FUSS

DANEEN D. FUSS, City Clerk

Council Member	Ayes	Nays	Abstain	Absent
Councilwoman Carter	✓			
Councilman Fleming	✓			
Councilman Johnson	✓			
Councilman McIlvaine	✓			
Councilwoman O'Connor	✓			
Councilman Reddin				✓
Councilman Swanson				✓
Councilwoman Tierney	✓			
Council President Parker	✓			
Mayor Floyd				

CERTIFICATION

I, Daneen D. Fuss hereby certify that the foregoing Resolution was adopted by the City Council, of the City of Woodbury, in the County of Gloucester and State of New Jersey at a meeting held on **December 12, 2017** at the Municipal Building, 33 Delaware Street, Woodbury, New Jersey 08096.

Daneen D. Fuss, City Clerk