

RESOLUTION 2013-179

RESOLUTION OF THE TOWNSHIP OF BARNEGAT, COUNTY OF OCEAN, STATE OF NEW JERSEY, DENYING THE RELEASE OF A MAINTENANCE BOND FOR HERITAGE POINT, NORTH, SECTIONS 3B AND 3C, WATER AND SEWER SYSTEM IMPROVEMENTS

WHEREAS, Mignatti Companies, the developer of Heritage Point, North, Sections 3B and 3C Maintenance Bonds for Water and Sewer System Improvements; and

WHEREAS, the Township Engineer has inspected subject site, and recommends denying the release of the Performance Guarantee, Water and Sewer System Improvements for Heritage Point, North, Sections 3B and 3C; now

THEREFORE BE IT RESOLVED by the Township Committee of the Township of Barnegat, County of Ocean, State of New Jersey that the request for the release of the Maintenance Bonds for Heritage Point, North, Sections 3B and 3C, Water and Sewer System Improvements is hereby denied based on the recommendation of the Township Engineer, in his letter dated April 8, 2013 contingent upon the following items being completed:

1. The applicant must make application to the Township of Barnegat for a "Certificate of Completion" (Exhibit "D")
2. The applicant must submit all legal documents as are necessary to convey their interests in the facilities to the Township (Exhibit "E")
3. The applicant must submit an affidavit that all contractors, subcontractors and materials have been paid (Exhibit "F")

The following listed deficiencies must also be rectified before the release of the maintenance bonds for the Water and Sewer System Improvements:

I. Sanitary Sewer Clean Outs

A. Portland Street

- a. Requires inverted brass cap and collar – Lots #1, 2 and 3
- b. Unable to locate CO – Lot #4
- c. Clean stack broken and open – Lot #5
- d. Requires collar and inverted brass cap – Lot #6 and 7
- e. PVC collar broken – House #30 and 32

B. Sanibel Lane

- a. Requires inverted brass cap – House #5
- b. Clean out above grade – trip hazard. Lower to grade House #3.

C. Portland Street

- a. PVC collar broken – House #23 and 15
- b. Requires inverted brass caps, clean out stack broken, 1' below grade – House #17

II. Sanitary Sewer Manholes

A. Portland Street

- a. Manhole #62 – requires epoxy coating at North pipe.
- b. Manhole #65 – 1' riser section missing epoxy coating.

III. Water Curb Stops

A. Portland Street

- a. Unable to locate – Lot #1, 2 and 4
- b. Unable to open – Lot 3 and House #30
- c. Riser stem damaged/bent over – Lot #5
- d. Curb box below grade (buried); requires to be raised to grade – House #26
- e. Unable to open curb stop – House #15, 17 and 23

B. Sanibel Lane

- a. Curb box above grade – trip hazard – House #5 and 3
- b. Unable to operate curb stop – bent – House #3

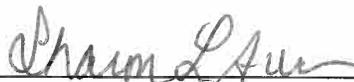
IV. Main Line Valves

A. Portland Street

- a. 8" valve in front of house #3 for fire hydrant – unable to open lid
- b. Unable to locate main line valve in front of Lot #4
- c. Unable to open lids for 2 valves at intersection of Portland and Mission Way

CERTIFICATION

I, Sharon L. Auer, Acting Municipal Clerk of the Township of Barnegat, County of Ocean, State of New Jersey do hereby certify that the foregoing resolution was duly adopted by the Barnegat Township Committee at their regular meeting held on the 15th day of April, 2013, at the Municipal Complex, 900 West Bay Avenue, Barnegat, New Jersey.



Sharon L. Auer
Acting Municipal Clerk



Engineers
Planners
Surveyors
Landscape Architects
Environmental Scientists

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April 8, 2013

VIA FAX AND 1ST CLASS MAIL

Mayor Len Morano and Township Committee
Barnegat Township
900 West Bay Avenue
Barnegat, NJ 08005

Re: Maintenance Guarantee Release Request
Water & Sewer System Facilities
Heritage Point North – Sections 3B & 3C
Applicant: Mignatti Companies
MC Project No.: BGW-006

Dear Mayor Morano and Township Committee:

The Township is in receipt of a request from the Mignatti Companies for water/sewer maintenance guarantee release for the above referenced projects. According to information that was submitted to our office, the Mignatti Companies posted maintenance guarantees for the water and sewer improvements for Sections 3B & 3C as set forth in Barnegat Township Resolutions # 2011-187 and 2011-188, dated April 4, 2011. The maintenance guarantees are required to insure against any damage or defects which may become apparent during the two (2) year warranty period. The maintenance bond instruments consist of a Standby Letter of Credit (Credit No. 3584) in the amount of \$4,368.75 for water system improvements and a Standby Letter of Credit (Credit No. 3585) in the amount of \$4,447.80 for sanitary sewer improvements. The aforementioned Letters of Credit bear an extended expiration date of April 15, 2013.

In accordance with the Municipal Land Use Law, "...the governing body, by resolution, shall either approve the improvements determined to be complete and satisfactory by the Municipal Engineer, or reject any or all of these improvements upon the establishment in the resolution of cause for rejection...."

Accordingly, our office has inspected the water and sewer improvements in the above mentioned sections relative to the request from the Mignatti Companies, to ascertain the status of completed improvements covered by the bonds. It is our determination, that all bonded improvements are not in satisfactory condition. The bonded improvement deficiencies noted at the time of inspection are listed in the Maintenance Bond Deficiency Report, dated April 8, 2013, a copy of which is attached for your review and evaluation.



Accordingly, it is our recommendation to the Township Committee that the Maintenance Guarantees **not** be released, subject to compliance with the items specified herein and correction of the bonded improvement deficiencies as set forth in the attached report.

In addition, prior to the release of the maintenance guarantees, the applicant must ensure that the following items are submitted in accordance with the Water System and Sewer System Rules and Regulations:

- The applicant must make application to the Township of Barnegat for a "Certificate of Completion" (Exhibit "D").
- The applicant must submit all legal documents as are necessary to convey their interest in the facilities to the Township (Exhibit "E").
- The applicant must submit an affidavit that all contractors, subcontractors and materials have been paid (Exhibit "F").

By copy of this letter to Sharon Auer, Acting Township Clerk, we recommend that this matter be placed on the next available Township Committee Meeting Agenda for discussion, consideration and appropriate action by the Mayor and Township Committee.

Should you have any questions regarding the subject matter or if we can be of further assistance, please feel free to contact our office.

Very truly yours,

MASER CONSULTING, P.A.

A handwritten signature in black ink, appearing to read 'C.A. Theodos', written over a horizontal line.

Chris A. Theodos, P.E., C.M.E., C.P.W.M., C.F.M.
Barnegat Township Water & Sewer Utility Engineer

CAT/vat
Enclosure

Cc: David Breeden, Administrator
Kathy Janeski, Chief Financial Officer
Roger Budd, Water & Sewer Utility Supervisor
Ryan Scerbo, Esq.
Mignatti Companies
Bruce Bradford, Maser Consulting



Engineers
Planners
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**MAINTENANCE BOND DEFICIENCY REPORT
HERITAGE POINT NORTH SECTION 3B & 3C
BARNEGAT TOWNSHIP
LOT111.03 BLOCK 93.20
LOT6.01 BLOCK 93.34
APRIL 8, 2013
MC PROJECT NO. BGW-006**

Deficiencies noted at time of inspection are listed below and need to be rectified:

I. SANITARY SEWER CLEAN OUTS

A. PORTLAND STREET

1. Requires inverted brass cap and collar – Lots # 1, 2, 3
2. Unable to locate CO - Lot #4
3. Clean stack broken and open - Lot #5
4. Requires collar and inverted brass cap - Lot #6, 7.
5. Unable to open - House #22
6. PVC collar broken - House # 30, 32

B. SANIBEL LANE

1. Requires inverted brass cap - House #5.
2. Clean out above grade - trip hazard. Lower to grade House # 3.

C. PORTLAND STREET

1. PVC collar broken - House #23, #15.
2. Requires inverted brass caps, clean out stack broken, 1' below grade - House #17.

II. SANITARY SEWER MANHOLES

A. PORTLAND STREET

1. Manhole #62 - requires epoxy coating @ North pipe.
2. Manhole #65 - 1' riser section missing epoxy coating.

III. WATER CURB STOPS

A. PORTLAND STREET

1. Unable to locate - Lot # 1, 2, & 4.
2. Unable to open - Lot 3, & House # 30.
3. Riser stem damaged/ bent over - Lot #5.
4. Curb box below grade (buried); requires to be raised to grade - House #26.



**MAINTENANCE BOND DEFICIENCY REPORT
HERITAGE POINT NORTH SECTION 3B & 3C
BARNEGAT TOWNSHIP
LOT111.03 BLOCK 93.20
LOT6.01 BLOCK 93.34
APRIL 8, 2013
MC PROJECT NO. BGW-006
PAGE 2 OF 2**

5. Unable to open curb stop - House # 15, 17, 23.

B. SANIBEL LANE

1. Curb box above grade - trip hazard - House #5, #3
2. Unable to operate curb stop – bent - House #3

IV. MAIN LINE VALVES

A. PORTLAND STREET

1. 8" valve in front of house #3 for fire hydrant - unable to open lid.
2. Unable to locate main line valve in front of Lot #4.
3. Unable to open lids for 2 valves @ intersection of Portland & Mission Way.

SPH/msd