

## RESOLUTION 2013-180

### 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 6A AND 6B, WATER AND SEWER SYSTEM IMPROVEMENTS

**WHEREAS**, Mignatti Companies, the developer of Heritage Point, North, Sections 6A and 6B 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 6A and 6B; 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 6A and 6B, 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:

#### Sanitary Sewer

##### I Manholes

- a. Norwalk Lane – SMH #31, #32 – Epoxy coating failing at riser joints
- b. Rockland Street – SMH #9, 8, 7, 6 & 5 – Epoxy coating failing at riser joints

##### II Cleanouts

- A. Heritage Point Boulevard
  - a. House #78 – vertical stack broken 1' below grade with water infiltration.
  - b. Clean outs need to be cut down to grade with brass caps installed (Lots undeveloped) – Lot #2, 3, 4, 5, 6, 14, 15, 26, 27 and 28
- B. Copper Court

- a. Clean outs need to be cut down to grade with brass caps installed (Lots undeveloped) – Lot #16, 17, 18, 21, 23 and 25

C. Norwalk Lane

- a. Clean outs need to be cut down to grade with brass caps installed. (Lots undeveloped incomplete) – Lot #6, 7, 8, 9, 28, 34, 35, 36,37, 38 and 39

D. Bear Island

- a. Clean outs need to be cut down to grade with brass caps installed. (Lots undeveloped) – Lot 3 20, 21, 23, 24 and 25
- b. Clean out at house #24 – vertical stack is broken at cap.

E. Rockland Street

- a. Clean outs need to be cut down to grade with brass caps installed (Lots undeveloped incomplete) – Lot #1, 2, 3, 4, 5, 8, 9, 10, 11, 12, 13 14 and 15

III. Water Curb Stops

A. Rockland Street

- a. Unable to locate (curb box buried) – Lot #8, 9, 10, 11, 12, 13, 14 and 15
- b. Cur boxes need to be set to final grade 0 Lot #1, 2, 3, 4 and 5 (lots undeveloped)

B. Heritage Point Boulevard

- a. Unable to operate – House #10
- b. Cur boxes need to be set to final grade – Lot #2, 3, 5, 10, 15, 26 and 27
- c. Unable to locate (buried) Lot #14 and 28

C. Copper Court

- a. Cur boxes need to be set to final grade – Lot #16 and 21
- b. Riser stem damaged – Lot #18
- c. Unable to open cap – House #8

D. Norwalk Lane

- a. Curb boxes need to be set to final grade – Lot #6, 7, 8, 9, 34, 36 and 39
- b. Riser stem damaged (unable to operate) Lot #8
- c. Unable to locate (buried) – Lot #34

E. Bear Island Drive

- a. Unable to open cap – Lot #25 and 27
- b. Curb boxes need to be set to final grade – Lot #21, 20, 23, 24 and 25

IV. Main Live Valves

A. Rockland Street – (Intersection of Heritage and Rockland)

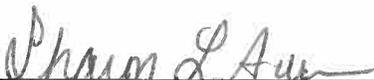
Unable to operate valves (full of soil)

- a. West valve on Rockland

- b. North valve on High Pointe Boulevard
- c. South valve on High Pointe Boulevard (adjacent to West Bay Avenue)
- B. Bear Island Drive
  - a. Line valve across from House #22 – unable to operate, full of debris
- C. Norwalk @ Heritage Pointe Boulevard
  - a. Valve for Norwalk – unable to operate, possibly offset
- D. Heritage Pointe Boulevard
  - a. Unable to operate valve – Lot #28, full of debris and cap is broken

#### 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 15<sup>th</sup> 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

**Corporate Headquarters**  
331 Newman Springs Road, Suite 203  
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April 8, 2013

**VIA FAX AND 1<sup>ST</sup> 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 6A & 6B  
*Applicant:* Mignatti Companies  
MC Project No.: BGW-007

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 6A & 6B as set forth in Barnegat Township Resolutions #2011-189 and 2011-190, adopted April 14, 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. 5791) in the amount of \$22,627.50 for water system improvements and a Standby Letter of Credit (Credit No. 5792) in the amount of \$27,466.95 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.



Mayor Morano & Township Committee  
Maintenance Guarantee Release Request  
Heritage Point North - Sections 6A & 6B  
MC Project No.: BGW-007  
April 8, 2013  
Page 2 of 2

In addition, prior to the release of the maintenance bonds, 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  
Surveyors  
Landscape Architects  
Environmental Scientists

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**MAINTENANCE BOND DEFICIENCY REPORT  
HERITAGE POINT NORTH SECTION 6 A & B  
BARNEGAT TOWNSHIP  
LOT111.03, BLOCK 93.20  
LOT6.01, BLOCK 93.34  
APRIL 8, 2013  
MC PROJECT NO. BGW-007**

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

**SANITARY SEWER**

**I. MANHOLES**

**A. NORWALK LANE**

1. SMH # 31, # 32 - Epoxy coating failing at riser joints.

**B. ROCKLAND STREET**

1. SMH # 9, 8, 7, 6 & 5 - Epoxy coating failing at riser joints

**II. CLEAN OUTS**

**A. HERITAGE POINT BOULEVARD**

1. House # 78 - vertical stack broken 1' below grade with water infiltration.
2. Clean outs need to be cut down to grade with brass caps installed (Lots undeveloped) - Lot # 2, 3, 4, 5, 6, 14, 15, 26, 27, 28.

**B. COPPER COURT**

1. Clean outs need to be cut down to grade with brass caps installed (Lots undeveloped) - Lot # 16, 17, 18, 21, 23, 25.

**C. NORWALK LANE**

1. Clean outs need to be cut down to grade with brass caps installed (Lots undeveloped incomplete) - Lot #6, 7, 8, 9, 28, 34, 35, 36, 37, 38, 39.

**D. BEAR ISLAND .**

1. Clean outs need to be cut down to grade with brass caps installed. (Lots undeveloped) - Lot # 20, 21, 23, 24, 25.
2. Clean out at house # 24 - vertical stack is broken at cap.

**E. ROCKLAND STREET**

1. Clean outs need to be cut down to grade with brass caps installed (Lots undeveloped incomplete) - Lot #1, 2, 3, 4, 5, 8, 9, 10, 11, 12, 13, 14, 15



**MAINTENANCE BOND DEFICIENCY LIST  
HERITAGE POINT NORTH SECTION 6 A & B  
BARNEGAT TOWNSHIP  
LOT111.03, BLOCK 93.20  
LOT6.01, BLOCK 93.34  
APRIL 8, 2013  
MC PROJECT NO. BGW-007  
PAGE 2 OF 3**

**III. WATER CURB STOPS**

**A. ROCKLAND STREET**

1. Unable to locate (curb box buried) - Lot# 8, 9, 10, 11, 12, 13, 14, 15.
2. Curb boxes need to be set to final grade - Lot #1, 2, 3, 4, 5 (lots undeveloped).

**B. HERITAGE POINTE BLVD**

1. Unable to operate - House #110
2. Curb boxes need to be set to final grade - Lot # 2, 3, 5, 10, 15, 26, 27.
3. Unable to locate (buried) - Lot #14, 28.

**C. COPPER COURT**

1. Curb boxes need to be set to final grade - Lot # 16, 21.
2. Riser stem damaged - Lot #18.
3. Unable to open cap - House #8.

**D. NORWALK LANE**

1. Curb boxes need to be set to final grade - Lot #6, 7, 8, 9, 34, 36, 39.
2. Riser stem damaged (unable to operate) - Lot # 8.
3. Unable to locate (buried) - Lot # 34.

**E. BEAR ISLAND DRIVE**

1. Unable to open cap - Lot #25, 27.
2. Curb boxes need to be set to final grade - Lot # 21, 20, 23, 24, 25

**IV. MAIN LIVE VALVES**

**A. ROCKLAND STREET - (Intersection of Heritage and Rockland)**

Unable to operate valves (full of soil)

1. West valve on Rockland.
2. North valve on High Pointe Blvd.
3. South valve on High Pointe Blvd (adjacent to West Bay Ave).

**B. BEAR ISLAND DRIVE**

1. Line valve across from House #22 - unable to operate, full of debris

**C. NORWALK @ HERITAGE POINTE BLVD**

1. Valve for Norwalk - unable to operate, possibly offset.



**MAINTENANCE BOND DEFICIENCY LIST  
HERITAGE POINT NORTH SECTION 6 A & B  
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PAGE 3 OF 3**

**D. HERITAGE POINTE BOULEVARD**

1. Unable to operate valve – Lot #28, full of debris and cap is broken.

SPH/msd