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**WEST DEPTFORD TOWNSHIP**

**RESOLUTION #2017- 119**

**RESOLUTION OF THE TOWNSHIP OF WEST DEPTFORD AUTHORIZING THE RELEASE OF PERFORMANCE BOND NOS. 8862282 82169921 17S102195 IN THE AMOUNT OF \$3,211,198.70 POSTED BY CH2M HILL ENGINEERS, INCORPORATED AND SAIFSU0487766 IN THE AMOUNT OF \$116,030.00 POSTED BY WD ENERGY ASSOCIATES URBAN RENEWAL, LP AND WAIVING THE REQUIREMENT OF POSTING A MAINTENANCE BOND (LS POWER)**

**WHEREAS**, CH2M Hill Engineers, Incorporated had previously posted Performance Bond No. 8862282 82169921 17S102195 in the amount of \$3,211,198.70 on the work to be completed related to the LS Power- Phase I Project; and

**WHEREAS**, WD Energy Associates Urban Renewal, LP had previously posted Performance Bond No. SAIFSU0487766 in the amount of \$116,030.00 on the work to be completed related to the LS Power- Phase I Project; and

**WHEREAS**, Kevin L. Snowden, P.E., CME, the Township Engineer, has made an inspection and rendered a report dated December 6, 2016 and revised February 2, 2017, a copy of which is attached hereto, and made a part hereof, recommending that the Performance Bond Nos. 8862282 82169921 17S102195 and SAIFSU0487766 be released; and

**WHEREAS**, prior to the release of said Performance Bond, all outstanding engineering escrow and legal fees, if any, shall be paid in full; and

**WHEREAS**, West Deptford Energy Associates Urban Renewal, LP has requested, via letter dated January 25, 2017 and attached hereto, a waiver of the requirement to post a maintenance bond; and

**WHEREAS**, the Township Engineer, in his letter dated December 6, 2016 and revised February 2, 2017, recommends the waiver of the posting of the maintenance bond if acceptable to the Township Committee; and

**WHEREAS**, the Township Zoning Officer/Land Use Administrator, by Memo dated February 8, 2017, also recommends the waiver of the maintenance bond requirement for the following reasons: (1) there are no dedicated municipal improvements; (2) there is no landscaping to maintain (due to the site being heavily vegetated, nothing additional was required, nor visible from Township Roads); and (3) the Plant has been in operation for over two years without an enforceable maintenance issue.

**NOW, THEREFORE BE IT RESOLVED** by the Mayor and Township Committee of the Township of West Deptford, County of Gloucester and State of New Jersey on this 1<sup>st</sup> day of March, 2017 that the Township of West Deptford does hereby authorize the release of the Performance Bond Nos. 8862282 82169921 17S102195 in the amount of \$3,211,198.70 posted by CH2M Hill Engineers, Incorporated and SAIFSU0487766 in the amount of \$116,030.00 posted by WD Energy Associates Urban Renewal, LP and waiving the requirement of posting a maintenance bond on the work completed for the LS Power – Phase I Project; and

**BE IT FURTHER RESOLVED** that prior to the release of said Performance Bond, all outstanding engineering escrow and legal fees, if any, shall be paid in full.

**BE IT FURTHER RESOLVED** that the Municipal Clerk is hereby authorized to return said original Performance Bonds to CH2M Hill Engineers Incorporated and West Deptford Energy Associates Urban Renewal, LP.

**ADOPTED** at the meeting of the Township Committee of the Township of West Deptford held on March 1, 2017.

**TOWNSHIP OF WEST DEPTFORD**

  
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DENICE DICARLO, Mayor

**ATTEST:**

  
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LEE ANN DEHART, RMC

**CERTIFICATION**

I, Lee Ann DeHart, Registered Municipal Clerk, of the Township of West Deptford, in the County of Gloucester, do hereby certify that the foregoing Resolution was presented and duly adopted by the Township Committee at a meeting of the Township of West Deptford held on March 1, 2017.

  
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LEE ANN DEHART, RMC