

R E S O L U T I O N

WHEREAS, J & S Construction Management of 405 Northfield Avenue, West Orange, N.J. 07052, J & S C.M.U. LLC of 322 Runnymead Road, Essex Fells, New Jersey 07021 and Stuart Dahan and Joseph Rolandelli as Principals collectively referred to as Developer were the prior owner and builder of a single family residence on Block 152.28, Lot 1271 commonly known as 2 Henry Street; and

WHEREAS, the Developer as part of their Land Use Approval from the West Orange Planning Board and as part of the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq were required to make certain on site, off site and off tract improvements; and

WHEREAS, at the time a Certificate of Occupancy was requested for the residence at 2 Henry Street some of the Developer's obligations were incomplete; and

WHEREAS, to secure the future performance of the Developer to complete these obligations a bond consisting of \$2,811.00 in cash and a Surety Bond issued by Western Surety Company, Bond No. 70922793 in the amount of \$28,110.00 was posted with the Township; and

WHEREAS, the Certificate of Occupancy was issued with the requirement that the Developer complete all the improvements and obligations secured by the Performance Bond by October 30, 2010; and

WHEREAS, the work to be performed by the Developer is not complete; and

WHEREAS, the Municipal Engineer by letter dated December 1, 2010 advised CNA Surety as the agent for Western Surety Company that the obligations were not completed; and

WHEREAS, CNA Surety by e-mail dated December 15, 2010 advised the Township that one of the principals Stewart Dahan advised CNA Surety that he intends to construct one of the obligations - the installation of a hot mix bituminous concrete base pavement; and

WHEREAS, by letter dated December 22, 2010 from the Municipal Engineer to CNA Surety, CNA Surety was advised that over a month has passed since Mr. Dahan advised the

Township of his intentions; and

WHEREAS, in the December 22, 2010 letter to CNA Surety, the Municipal Engineer advises CNA Surety he will request the Township Council find the Developers in default of their obligations secured by Western Surety Company Bond No. 70922793 for improvements associated with 2 Henry Street, Block 152.28, Lot 1271, and demand Western Surety Company complete all outstanding improvements; and

WHEREAS, the Township Council concurs in the foregoing.

NOW, THEREFORE BE IT RESOLVED by the Township Council of the Township of West Orange that J & S Construction Management of 405 Northfield Avenue, West Orange, N.J. 07052, J & S C.M.U. LLC of 322 Runnymead Road, Essex Fells, New Jersey 07021 and Stuart Dahan and Joseph Rolandelli as Principals are found to be in default of their obligations to make certain on site, off site and off tract improvements associated with the development of 2 Henry Street, Block 152.28, Lot 1271 as required by the Land Use Approval of the West Orange Planning Board and the Municipal Land Use Law N.J.S.A. 40:55D-1 et seq. whose performance was guaranteed by Western Surety Company Bond No. 70922793.

BE IT FURTHER RESOLVED that the Township Council of the Township of West Orange demands Western Surety Company complete the work secured by Bond No. 70922793.

BE IT FURTHER RESOLVED that certified copies of this Resolution be sent by Certified Mail to J & S Construction Management of 405 Northfield Avenue, West Orange, N.J. 07052, J & S C.M.U. LLC of 322 Runnymead Road, Essex Fells, New Jersey 07021 and Stuart Dahan and Joseph Rolandelli.

SAL M. ANDERTON, COUNCIL PRESIDENT
MUNICIPAL CLERK

KAREN J. CARNEVALE,

Adopted: January 4, 2011