

**RESOLUTION REJECTING RETURN OF PERFORMANCE BOND TO
RNC DEVELOPERS, INC.**

WHEREAS, RNC Developers, Inc. (“RNC”) is a developer of the twenty-seven (27) lot subdivision in the Township designated as Block 173, Lot 12 and Block 172.29, Lot 40.02 on the Township of West Orange’s (the “Township”) Tax Map pursuant to the February 9, 2009 Developer’s Agreement (the “Developer’s Agreement”); and

WHEREAS, performance bonds in the amount of \$178,620.00 (the “Performance Bond”) were posted with the Township by RNC to guarantee completion of site improvements to be performed in accordance with the preliminary and final major subdivision approval from the Planning Board of the Township (the “Planning Board”) and said approval was memorialized by resolution adopted by the Board on August 7, 2003; and

WHEREAS, on January 26, 2024, after receiving various complaints from residents of the Subdivision regarding flooding to their homes, the Township Engineer inspected the Subdivision; and

WHEREAS, on March 23, 2024, the Township Engineer authored a report (the “Township Engineering Report”) determining that the Subdivision was not built in compliance with the plans approved by the Planning Board;

WHEREAS, the Township retained Greeman Pedersen, Inc. (“GPI”), an outside engineering firm, to inspect the Subdivision and construction of the same; and

WHEREAS, GPI authored an engineering report on April 3, 2024 (the “GPI Report”) opining that the Township Engineering Report was accurate and that the Subdivision was not constructed in accordance with the plans approved by the Planning Board; and

WHEREAS, the Township Council has reviewed both the GPI Report and the Township Engineering Report and determined that the construction of the Subdivision is not substantially complete in accordance with N.J.S.A. 40:55D-53(e)(1); and

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of West Orange that the Township is hereby authorized to “reject all of the bonded improvements” in accordance with N.J.S.A. 40:55-53(e)(1) and rejects the return of the Performance Bond to RNC until the Subdivision and flooding issues therein are addressed and resolved to the satisfaction of the Township Engineer; and

RESOLVED, that a copy of this Resolution shall be made available in the Clerk’s office in accordance with applicable law.

Karen J. Carnevale, R.M.C.
Township Clerk

Bill Rutherford
Council President

Adopted: April 24, 2024