

RESOLUTION NO. 2012 - 633

RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF BARNEGAT, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING A RELEASE OF PERFORMANCE AND MAINTENANCE BONDS FOR THE HORIZONS AND STERLING WOODS PROJECT AND AUTHORIZING RELEASE OF REMAINING UNUSED RETAINAGE AND INSPECTIONS FEES

WHEREAS, the Township Committee of the Township of Barnegat, County of Ocean, State of New Jersey (hereinafter referred to as the "Township") has been involved in extensive litigation with representatives of the bonding company which provided performance and maintenance bonds for the Sterling Woods and Horizons developments in Barnegat Township; and

WHEREAS, the developments were constructed by Kara Homes, which has filed bankruptcy and therefore no longer can have a legal obligation to the Township; and

WHEREAS, the Township has resolved all remaining site improvement issues with the bonding company, and has entered into an agreement with the bonding company to the effect that the bonding company will pay to the Township \$38,000.00 to complete the remaining site improvement issues, including the renovation of the retention basin in the Horizons development; and

WHEREAS, this proposal has been recommended by the Township Solicitor and the Township professional and administrative staff:

NOW, THEREFORE, BE IT RESOLVED, this 17th day of December, 2012, by the Township Committee of the Township of Barnegat, County of Ocean, State of New Jersey, as follows:

1. The Township authorizes a release of the performance and maintenance guarantees issued by the bonding company for the Horizons and Sterling Woods project.

**DASTI, MURPHY
McGUCKIN, ULAKY,
CHERKOS & CONNORS**

COUNSELLORS AT LAW

620 WEST LACEY ROAD
P.O. BOX 1057
FORKED RIVER, N.J. 08731

2. The Township accepts \$38,000.00 of the monies previously posted by the bonding company and will utilize said funds to complete the renovations at the drainage basin in Horizons, as well as complete any and all minor site improvement issues in either of the two developments. The remaining funds being held by the Township shall promptly be remitted to the bonding company.

3. The Township authorizes and directs the Mayor, Township Administrator, and Township Clerk to execute any and all necessary documents in order to implement the intent of this Resolution.

4. A certified copy of this Resolution shall be forwarded by the Township Clerk to the following:

- (a) Honorable Alfonse Cirulli, Barnegat Township Mayor;
- (b) David Breeden, Township Administrator;
- (c) Kathleen Janeski, C.F.O.;
- (d) Jerry J. Dasti, Esquire; and
- (e) John J. Hess, P.E., P.P., C.M.E.

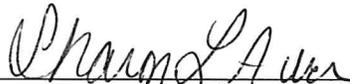
CERTIFICATION

I certify that the foregoing Resolution was duly adopted by the Township of Barnegat at a meeting held on December 17, 2012, a quorum being present and voting in the majority.

**DASTI, MURPHY
McGUCKIN, ULAKY,
CHERKOS & CONNORS**

COUNSELLORS AT LAW

620 WEST LACEY ROAD
P.O. BOX 1057
FORKED RIVER, N.J. 08731



SHARON L. AUER, Acting Township Clerk

Prepared by:

**DASTI, MURPHY, McGUCKIN, ULAKY,
CHERKOS & CONNORS**
Forked River, New Jersey 08731

Kathy Janeski

From: Kathy Janeski <kathyj@barnegat.net>
To: Sharon Auer <sharon@barnegat.net>, Jerry Dasti <JDasti@dmmlawfirm.com>
Subject: Re: Horizons and Sterling Woods
Copies to: David Breeden <dbreeden@barnegat.net>
Date sent: Fri, 14 Dec 2012 12:58:28 -0500

All,

OK, the final refund amount for the Sterling Woods resolution is \$21,012.94.

Kathy

On 14 Dec 2012 at 13:44, Jerry Dasti wrote:

> OK
>
> Kathy, can u speak with Dave re the \$35K referenced in my letter?
>
> Thanks
>
> Regards
>
> Jerry
>
> Jerry J. Dasti, Esquire
> Dasti, Murphy, McGuckin, Ulaky
> Cherkos & Connors
> 620 West Lacey Road
> Forked River, NJ 08731
> 609-971-1010
> jdasti@dmmlawfirm.com
>
>
>

> From: Sharon Auer [<mailto:sharon@barnegat.net>]
> Sent: Friday, December 14, 2012 8:37 AM
> To: Jerry Dasti
> Subject: Horizons and Sterling Woods
>
> Jerry,
> In going through my agenda file I found the bonds for Horizons and
> Sterling Woods that I was suppose to do a resolution to release them. I
> never did it. I am attaching a copy of your letter dated October 9, 2012
> which says that I should do this. Can you prepare the necessary

- > resolutions for this for Monday. I need to get this on the agenda. I
- > would really appreciate it. Sharon _____
- >
- >

DASTI, MURPHY, McGUCKIN, ULAKY, CHERKOS & CONNORS

GEORGE F. MURPHY, JR. † †
JERRY J. DASTI
GREGORY P. McGUCKIN
ROBERT E. ULAKY † †
RUSSELL P. CHERKOS
CHRISTOPHER J. CONNORS
CHRISTOPHER K. KOUTSOURIS *
CHRISTOPHER J. DASTI

† CERTIFIED CIVIL TRIAL ATTY
‡ MEMBER, NATIONAL ACADEMY OF
ELDER LAW ATTORNEYS, INC
+ MEMBER NJ AND FLA BAR
‡ MEMBER NJ AND PA BAR
* MEMBER NJ AND NY BAR

A Professional Corporation
COUNSELLORS AT LAW
THE CLOCK TOWER BUILDING
620 WEST LACEY ROAD
POST OFFICE BOX 1057
FORKED RIVER, NEW JERSEY 08731

E-MAIL: forkedriver@dmmlawfirm.com

WRITER'S E-MAIL: jdasti@dmmlawfirm.com

December 13, 2012

Fed I.D. #22-3450668

TELEPHONE NUMBERS

(609) 971-1010
(609) 693-4100
(732) 349-2446
(732) 295-3000
(609) 918-1292

FACSIMILE NUMBERS

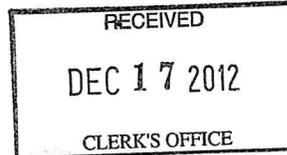
(609) 971-7093
(732) 349-1590
Real Estate: (609) 971-6176

PLEASE REFER TO:

Township of Barnegat
Resolutions 2012
Our File No: GL-20148

Sent Via E-Mail and Regular Mail

Sharon L. Auer, Acting Township Clerk
Township of Barnegat
900 West Bay Avenue
Barnegat, New Jersey 08005



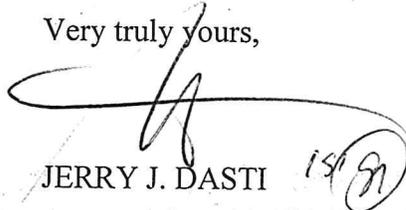
Re: Resolution Authorizing a Release of Performance and Maintenance Bonds for the Horizons and Sterling Woods Project and Authorizing a Release of Remaining Unused Retainage and Inspection Fees

Dear Ms. Auer:

As requested, we enclose herein the above-referenced Resolution for consideration by the Township Committee at the meeting scheduled for Monday, December 17, 2012.

If after reviewing the enclosed should you have any questions, or we can be of additional assistance, please do not hesitate to contact our office.

Very truly yours,


JERRY J. DASTI

JJD/gj

Enclosure

cc: David Breeden, Administrator, (w/enc.), (via e-mail)
John J. Hess, P.E., P.P., C.M.E., (w/enc.), (via e-mail)

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WHEREAS, the developments were constructed by Kara Homes, which has filed bankruptcy and therefore no longer can have a legal obligation to the Township; and

WHEREAS, the Township has resolved all remaining site improvement issues with the bonding company, and has entered into an agreement with the bonding company to the effect that the bonding company will pay to the Township \$35,000.00 to complete the remaining site improvement issues, including the renovation of the retention basin in the Horizons development; and

WHEREAS, this proposal has been recommended by the Township Solicitor and the Township professional and administrative staff:

NOW, THEREFORE, BE IT RESOLVED, this 17th day of December, 2012, by the Township Committee of the Township of Barnegat, County of Ocean, State of New Jersey, as follows:

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SHARON L. AUER, Acting Township Clerk

Prepared by:

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