

## RESOLUTION 2013-181

### RESOLUTION OF THE TOWNSHIP OF BARNEGAT, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING THE RELEASE OF A PERFORMANCE BOND FOR WELL NO. 9 AND WATER SYSTEM FACILITIES

**WHEREAS**, The Walters Group, the developer of Well No. 9 has requested the release of the Performance Bond and Water System Facilities; and

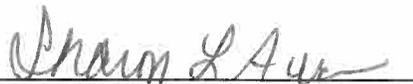
**WHEREAS**, the Township Engineer has inspected subject site, and recommends authorizing the release of the Performance Bond for Well No. 9 and Water System Facilities; now

**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 Performance Bond for Well No. 9 and Water System Facilities is hereby approved based on the recommendation of the Township Engineer, in his letter dated April 4, 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")
4. The applicant must post a two-year maintenance guarantee in the amount of \$93,477.00 which represents 15% of the original construction cost of \$623,179.25

#### 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



**BIRDSALL SERVICES GROUP**

ENGINEERS & CONSULTANTS

*Sent via U.S. Mail*

April 4, 2013

Job No. 2-06351-330077

Sharon L. Auer, CMR, Acting Municipal Clerk  
Township of Barnegat  
900 West Bay Avenue  
Barnegat, NJ 08005



**Re: Request for Release of Performance Bond  
Well No. 9 and Water System Facilities  
Barnegat Boulevard North & Pennsylvania Avenue  
Bond No. 5012448**

Dear Mrs. Auer:

In accordance with your request, our office has performed a site observation of the above-referenced project relative to the request from the Walters Group that the performance guarantees be released. Based on our inspection, we find that the well and water system facilities constructed at the site to be acceptable.

Prior to the performance guarantee being released, the applicant must address the following items as set forth in the Water System Rules and Regulations:

- The applicant must make application to the Township of Barnegat for a "Certificate of Completion" as set forth in the Water Supply System Rules and Regulations (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 materialmen have been paid (Exhibit "F").
- The applicant must post a two-year maintenance guarantee in the amount of \$93,477.00 which represents 15% of the original construction cost of \$623,179.25.

We trust that this letter will answer all of your questions regarding the subject matter. If we can be of further assistance, please feel free to call.

Very truly yours,

**BIRDSALL SERVICES GROUP, INC.**

John J. Hess, P.E., P.P., C.M.E.

JJH/cmc

cc: David Breeden, Administrator  
Kathleen Janeski, CFO  
Roger Budd, Water & Sewer Superintendent  
Kevin N. Starkey, Esq.  
The Walters Group  
Joseph A. Del Duca, Esq.  
Speitel & Speitel, Inc.  
GPM Associates, Inc.

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ENGINEERS & CONSULTANTS

*Sent via U.S. Mail*

April 4, 2013

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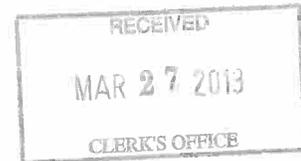
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March 26, 2013

VIA CERTIFIED MAIL RETURN RECEIPT REQUESTED

Township Committee  
Township of Barnegat  
900 West Bay Avenue  
Barnegat, NJ 08005-1298



Attention: Sharon Auer, Township Clerk

Re: **Well No. 9**  
**Barnegat Township, Ocean County, New Jersey**  
**Bond Number 5012448**

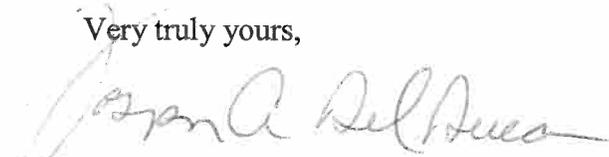
Dear Members of the Township Committee:

Please accept this correspondence in accordance with N.J.S.A. 40:55D-53(d). We believe that the improvements for Well No. 9 have been completed and the bond referenced above can be released.

In accordance with the statute, we are requesting Birdsell Engineering to inspect the project and provide the requisite report to both the Township Committee and the developer within 45 days.

If you have any questions, please feel free to contact me at any time. As always, I appreciate your consideration.

Very truly yours,



JOSEPH A. DEL DUCA  
GENERAL COUNSEL



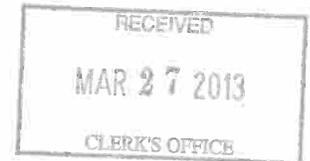
JAD:mmr

- cc: Mr. David Breeden, Township Administrator (via cmrrr)
- Ms. Kathleen Janeski, Chief Financial Officer (via cmrrr)
- Kevin Starkey, Esquire, Township Solicitor (via cmrrr)
- Mr. John J. Hess, P.E., P.P., C.M.E. (via cmrrr)

March 26, 2013

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Township Committee  
Township of Barnegat  
900 West Bay Avenue  
Barnegat, NJ 08005-1298



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**Barnegat Township, Ocean County, New Jersey**  
**Bond Number 5012448**

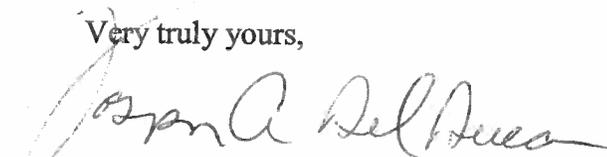
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JOSEPH A. DEL DUCA  
GENERAL COUNSEL



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