

RESOLUTION 2016-397

**RESOLUTION OF THE TOWNSHIP COMMITTEE OF
THE TOWNSHIP OF BARNEGAT, COUNTY OF
OCEAN, STATE OF NEW JERSEY DENYING THE
REQUEST FOR THE RELEASE OF A PERFORMANCE
BOND FOR PROPERTY KNOWN AND DESIGNATED
AS BLOCK 250, LOT 15, A/K/A 396 N. MAIN STREET,
BARNEGAT TOWNSHIP, NEW JERSEY**

WHEREAS, the Township Committee of the Township of Barnegat, County of Ocean, State of New Jersey (hereinafter referred to as the "Township") has received a request from Robert Woodcock, P.E. on behalf of the owner/applicant, Frank E. Kearney, for a release of the Performance Bond affecting Block 250, Lot 15, A/K/A 396 N. Main Street, Barnegat Township, New Jersey (hereinafter referred to as the "Property"); and

WHEREAS, in conjunction therewith, the Township has received and carefully reviewed a letter of recommendation from its consulting engineer for the project, John J. Hess, P.E., P.P., dated September 26, 2016; and

WHEREAS, the consulting engineer for the Township has recommended that the request for the Performance Bond to be released be **denied** for the reasons set forth below:

Right-of-Way Improvements:

1. All disturbed areas must receive topsoil, fertilize and seed
2. The applicant must obtain a letter of final acceptance from the New Jersey Department of Transportation
3. An As-Built plan must be submitted to the Township

On-Site Improvements:

1. The concrete sidewalk must be completed to the rear building
2. The site lighting must be installed as shown on the approved plan
3. The required landscaping must be installed
4. All disturbed areas must receive topsoil, fertilize and seed
5. An As-Built plan must be submitted to the Township

Once the above items have been completed and accepted by the Township, the performance guarantee may be released subject to the Applicant posting a 2-year maintenance guarantee in the amount of \$2,039.00 which is 15% of the estimated cost of the right-of-way improvements. We note that no maintenance guarantee is required for the on-site improvements.

WHEREAS, the Township finds that the recommendations of its consulting engineer are appropriate and in accordance with the provisions of the Township Land Use Ordinance and the New Jersey Municipal Land Use Law.

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

COUNSELLORS AT LAW

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

NOW, THEREFORE, BE IT RESOLVED, this 15th day of November, 2016, that the Township Committee of the Township of Barnegat, County of Ocean, State of New Jersey as follows; and

1. The Township accepts the recommendations of its consulting engineer for the project and denies the request for the release of the Performance Bond for the reasons set forth in the aforementioned review letter dated September 26, 2016.

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

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

- 1.) Honorable John J. Novak, Mayor, Mayor;
- 2.) Martin Lisella, Township Administrator;
- 3.) John J. Hess, PE, PP, CME Associates;
- 4.) Thomas Lombarski, Township CFO;
- 5.) Jerry J. Dasti, Esquire;
- 6.) Robert Woodcock, P.E.

CERTIFICATION

I, Michele Rivers, Municipal Clerk of the Township of Barnegat, County of Ocean, State of New Jersey de hereby certify that the foregoing Resolution was duly adopted by the Township Committee at a meeting held in the Municipal Complex, 900 W. Bay Avenue, Barnegat, NJ on the 15th day of November 2016

MICHELE RIVERS, RMC, TOWNSHIP CLERK

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

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Prepared by:

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