

**RESOLUTION 2018 - 140**

**RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF BARNEGAT, COUNTY OF OCEAN, STATE OF NEW JERSEY, DENYING THE REQUEST FOR THE RELEASE OF THE PERFORMANCE GUARANTEE FOR SANITARY SEWER FACILITIES, WHISPERING HILLS - PHASE I**

**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 for the release of performance guarantees for the sanitary sewer facilities, Whispering Hills - Phase I; and

**WHEREAS**, the request has been made by the developer, Walters Development Company; and

**WHEREAS**, in response to the request, the Township has received and carefully reviewed a recommendation from its Consulting Engineer for the project, John J. Hess, P.E., P.P., dated March 7, 2018; and

**WHEREAS**, the letter of recommendation from the Township Consulting Engineer is to the effect that the performance guarantee cannot be released until the punch list items referenced therein have been addressed and finalized; and

**WHEREAS**, in addition prior to the release of the performance guarantee the Applicant must address the items set forth in the sanitary sewer system Rules and Regulations as referenced therein;

**WHEREAS**, the Township finds that the letter of recommendation from its Consulting Engineer for the project is appropriate, and in accordance with the Township Land Use Ordinance and the Township Sanitary Sewer and Water Regulations.

**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 3<sup>rd</sup> day of April, 2018, by the Township Committee of the Township of Barnegat, County of Ocean, State of New Jersey as follows:

1. The Township accepts the recommendations of its Consulting Engineer for the project and denies the request for the release of the performance guarantees for the reasons set forth in the aforementioned review letter dated March 7, 2018.

2. The Township authorizes and directs the Mayor, the 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:

- a.) Honorable Frank Caputo, Mayor
- b.) Martin Lisella, Township Administrator;
- c.) Thomas Lombarski, Township C.F.O.;
- d.) John H. Hess, P.E., P.P.;
- e.) Joseph DelDuca, Esquire for Walters Development Co.; and
- f.) Jerry J. Dasti, Esquire, Water & Sewer Attorney

**CERTIFICATION**

I certify that the foregoing Resolution was duly adopted by the Barnegat Township Committee at a meeting held on April 3, 2018, a quorum being present and voting in the majority.

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**MICHELE RIVERS, RMC, TOWNSHIP CLERK**

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

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Prepared by:  
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