

RESOLUTION NO. 2019 - 361

**RESOLUTION OF THE TOWNSHIP OF BARNEGAT,
COUNTY OF OCEAN, STATE OF NEW JERSEY,
DENYING REQUEST FOR THE RELEASE OF A
MAINTENANCE GUARANTEE FOR FRANK E.
KEARNEY, 396 NORTH MAIN STREET, BLOCK 250,
LOT 15.**

WHEREAS, the Township Committee of the Township of Barnegat, County of Ocean, State of New Jersey (“the Township”), has received a request to release a Maintenance Guarantee from Frank E. Kearney, for property known as 396 North Main Street, otherwise known as Block 250 , Lot 15 on the Tax Map of the Township of Barnegat; and is desirous of entering into a Developer’s Agreement with US Homes, Corp. d/b/a Lennar (the “developer”), for the installation of water and sewer improvements by the developer to Block 113, Lot 4.01 for the Township; and

WHEREAS, the Maintenance Guarantee in the amount of \$2,039.00 was posted on December 18, 2017 and is in effect for a period of two years.

WHEREAS, the Township Engineer performed a site inspection and found that the required site improvements acceptable. However, the September 10, 2019 correspondence from the Township Landscape Architect indicated that the landscape improvement are not acceptable and as a result the Maintenance Guarantee should not be released; and

WHEREAS, the Township accepts the recommendations from its professional staff in the October 24, 2019 correspondence the Township Engineer and the September 10, 2019 correspondence from the Township Landscape Architect to deny the request for the release of the Performance Guarantee. Said correspondence is attached hereto and made a part hereof.

LAW OFFICES OF
CHRISTOPHER J. DASTI
COUNSELLOR AT LAW
900 NEWARK AVENUE
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FORKED RIVER, N.J. 08731

NOW, THEREFORE, BE IT RESOLVED this 7th day of November, 2019 by the Mayor and the Township Committee of the Township of Barnegat, County of Ocean, and State of New Jersey as follows:

1. The Township accepts the recommendations of its professional staff and denies the release of the Maintenance Bond on the subject property pursuant to the September 10, 2019 correspondence from the Landscape Architect and the October 24, 2019 correspondence from the Township Engineer.
2. A certified copy of this Resolution shall be forwarded by the Township Clerk to the following:
 - (a) Alfonso Cirulli, Mayor
 - (b) Martin Lisella, Township Administrator
 - (c) Thomas Lombarski, C.F.O.
 - (d) Christine Roessner, Finance Office Kurt Otto, P.E., Township Engineer
 - (e) Christopher J. Dasti, Esq., Township Attorney
 - (f) Kurt J. Otto, P.E., Township Engineer
 - (g) Scott D. Taylor, Township Landscape Architect
 - (h) Frank E. Kearney, The Applicant

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CERTIFICATION

I CERTIFY that the forgoing Resolution was duly adopted by the Township of Barnegat at a meeting held on November 7, 2019, a quorum being present and voting in the majority.

Michele Rivers, Township Clerk

Prepared by:

**THE LAW OFFICES OF
CHRISTOPHER J. DASTI**

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