

RESOLUTION NO. 2020-63

**RESOLUTION OF THE TOWNSHIP OF BARNEGAT,
COUNTY OF OCEAN, STATE OF NEW JERSEY,
AUTHORIZING THE REDUCTION OF THE
PERFORMANCE GUARANTEE FOR SITE
IMPROVEMENTS LOCATED AT COURY'S BODY
SHOP, BLOCK 174.3, LOT 38.02**

WHEREAS, the Township Committee of the Township of Barnegat, County of Ocean, State of New Jersey ("the Township"), has received a request of a reduction of a Performance Guarantee for site improvements located at property known as Coury's Body Shop located at Block 174.3, Lot 38.02 on the Tax Map of the Township of Barnegat; and

WHEREAS, the Township Engineer has performed the requisite site inspections with regard to the project; and

WHEREAS, the Township Engineer issued correspondence dated December 11, 2019 which is attached hereto and the Township Landscape Architect authored correspondence dated December 10, 2019 which is attached hereto; and

WHEREAS, the Township Engineer has indicated that there is no objection to the Performance Guarantee being reduced ~~by~~^{to} 30% of the original amount as set forth below:

	<u>Original Amounts</u>	<u>New Amounts by this Reduction</u>
Performance Guarantee:	\$ 22,272.00	\$ 6,681.60
Surety Bond or Letter of Credit:	\$ 20,045.00	\$ 6,013.50
Cash:	\$ 2,227.00	\$ 668.10

Pursuant to the provision of the Municipal Liens Law the reduction of the Performance Guarantee to 30% is the minimum amount that can be held by the Township, pending completion of all bonded site improvements.

LAW OFFICES OF
CHRISTOPHER J. DASTI
COUNSELLOR AT LAW
900 NEWARK AVENUE
P.O. BOX 779
FORKED RIVER, N.J. 08731

WHEREAS, the Township accepts the recommendations of its professional staff.

NOW, THEREFORE, BE IT RESOLVED this 1st day of January, 2020 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 set forth in the December 11, 2019 correspondence from the Township Engineer and the December 10, 2019 correspondence from the Township Landscape Architect. It hereby authorizes the reduction of the Performance amounts as follows:

	<u>Original Amounts</u>	<u>New Amounts by this Reduction</u>
Performance Guarantee:	\$ 22,272.00	\$ 6,681.60
Surety Bond or Letter of Credit:	\$ 20,045.00	\$ 6,013.50
Cash:	\$ 2,227.00	\$ 668.10

2. The Performance Guarantee will not be released any further until the site is completed and improvements are accepted by the Township.
3. 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) Christopher J. Dasti, Esq., Township Attorney
- (d) Scott Taylor, Landscape Architect
- (e) Thomas Lombarski, C.F.O.
- (f) Kurt J. Otto, P.E., Township Engineer
- (g) John Sevastikis – Applicant’s General Contractor

LAW OFFICES OF
CHRISTOPHER J. DASTI
COUNSELLOR AT LAW
900 NEWARK AVENUE
P.O. BOX 779
FORKED RIVER, N.J. 08731

CERTIFICATION

I CERTIFY that the forgoing Resolution was duly adopted by the Township of Barnegat at a meeting held on January 1, 2020, a quorum being present and voting in the majority.

Michele Rivers, Township Clerk

Prepared by:

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

**LAW OFFICES OF
CHRISTOPHER J. DASTI**

COUNSELLOR AT LAW

900 NEWARK AVENUE
P.O. BOX 779
FORKED RIVER, N.J. 08731