

RESOLUTION NO. 2022-202

**A RESOLUTION OF THE TOWNSHIP COMMITTEE OF
THE TOWNSHIP OF BARNEGAT, COUNTY OF OCEAN
AND STATE OF NEW JERSEY DENYING REQUESTED
RELEASE FOR SEWER MAINTENANCE GUARANTEE
FOR BOND NO. 30100758 FOR
SEA CREST PINES PHASE 1**

WHEREAS, the Township Committee of the Township of Barnegat, County of Ocean, State of New Jersey (the "Township") has received a request from the Developer D.R. Horton, Inc., for a release of the Sewer Maintenance Guarantee, Bond No. 30100758 for Sea Crest Pines, Phase 1; and

WHEREAS, the date of the bond is June 16, 2020; and

WHEREAS, the Township's Consulting Engineer CME Associates has inspected the site improvements and has found that the Developer has failed to provide complete as built drawings indicating the location, profile, size of all stormwater, sanitary and all other utilities including service connections. CME Associates issued a review memorandum dated May 18, 2022, a copy of which is attached hereto and made a part hereof, recommending denial of their request to release the Sewer Maintenance Guarantee, Bond No. 30100758 until such time as the Developer, D.R. Horton, Inc., completes all of the required site improvements to the satisfaction of the Township Engineer as well as addressing all the items set forth in the May 18, 2022 review memorandum; and

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

NOW THEREFORE BE IT RESOLVED this 9th day of June 2022 by the Mayor and Township Committee of the Township of Barnegat, County of Ocean, and State of New Jersey as follows:

DASTI & ASSOCIATES

ATTORNEYS AT LAW

310 Lacey Road
P.O. Box 779
Forked River, N.J. 08731

1. The Township accepts the recommendation of its professional staff and hereby denies the request to release the Sewer Maintenance Guarantee, Bond No. 30100758 for Sea Crest Pines, Phase 1 by Developer D.R. Horton, Inc.

2. D.R. Horton, Inc., shall complete all of the site improvements subject to the inspection and approval of the Township's professional staff at which time the Developer can request release of the guarantee at that time.

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) Kurt Otto, PE, Township Engineer
- (e) David Barry, PE, CME Associates
- (f) Tom Lombarski, CFO
- (g) Christine Roessner, Finance Office
- (h) Christopher J. Dasti, Esq., Township Attorney
- (i) D.R. Horton, Inc., Applicant

CERTIFICATION

I certify that the foregoing Resolution was duly adopted by the Township of Barnegat at a meeting held on June 9, 2022, a quorum being present and voting in the majority.

DASTI & ASSOCIATES
ATTORNEYS AT LAW

310 Lacey Road
P.O. Box 779
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Donna M. Manno, RMC
Municipal Clerk