

RESOLUTION NO. 2012-585

**RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE OF
BARNEGAT, COUNTY OF OCEAN, STATE OF NEW JERSEY,
AUTHORIZING ACCEPTANCE OF CLOSE-OUT DOCUMENTS,
RELEASE OF PERFORMANCE BONDS AND ACCEPTANCE OF
MAINTENANCE GUARANTEES FROM FORTE BUILDERS, LLC FOR
THE BAY AVENUE ESTATES PROJECT**

WHEREAS, the Township Committee of the Township of Barnegat, County of Ocean, State of New Jersey (hereinafter referred to as the “Township”) has initiated litigation against Forte Builders, LLC (“Forte”) and its bonding company seeking completion of sanitary sewer, water and site improvement facilities in the Bay Avenue Estates project (hereinafter referred to as the “project”);

WHEREAS, the litigation has been successfully completed in favor of the Township, including the fact that all site improvements have been properly concluded and Forte has reimbursed the Township for litigation expenses and attorneys fees expended in the litigation; and

WHEREAS, as part of the resolution of the litigation, Forte and its bonding company have provided two (2) year maintenance guarantees for the site improvements, water and sanitary sewer facilities; and

WHEREAS, Forte has provided appropriate close-out documents in conjunction with the aforementioned improvements, all of which have been properly reviewed and found to be acceptable by the Township Attorney and Township Consulting Engineer for the project;

WHEREAS, the Township is therefore authorized, in accordance with its rules and regulations, to accept the close-out documents and Maintenance Guarantees after the improvements have been successfully installed and completed:

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

COUNSELLORS AT LAW

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

NOW, THEREFORE, BE IT RESOLVED, this 3rd day of December, 2012,
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 the Township Attorney
and Township Consulting Engineer and accepts the close-out documents and Maintenance
Guarantees posted on behalf of Forte Builders, LLC by its bonding company.

2. The Township authorizes a release of the Performance Bonds for the
project.

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

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

- (a) Honorable Alfonse Cirulli, Barnegat Township Mayor;
- (b) David Breeden, Township Administrator;
- (c) Jerry J. Dasti, Esquire;
- (d) Steven Williams, P.E., Remington, Vernick & Vena;
- (e) Kathleen Janeski, CFO

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CERTIFICATION

I certify that the foregoing Resolution was duly adopted by the Township of Barnegat at a meeting held on November 3rd, 2012, a quorum being present and voting in the majority.

SHARON AUER, ACTING TOWNSHIP CLERK

Prepared by:

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

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Forte-Bay Avenue Estates GL-18679\Resolution auth acceptance of closeout docs.doc

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