

RESOLUTION NO. 2016-368

**RESOLUTION OF THE TOWNSHIP COMMITTEE OF
THE TOWNSHIP OF BARNEGAT, COUNTY OF
OCEAN, STATE OF NEW JERSEY DENYING THE
REQUEST FOR THE RELEASE OF A PERFORMANCE
GUARANTEE POSTED FOR SITE IMPROVEMENTS
AFFECTING BLOCK 164, LOT 2.01, BARNEGAT
TOWNSHIP, NEW JERSEY**

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 a Performance Bond posted by the developer, DeSapio Development, Inc., for site improvements located at Block 164, Lot 2.01, Barnegat Township, New Jersey (hereinafter referred to as the "Property"); and

WHEREAS, in response thereto, the Township has received a letter of recommendation from its consulting engineer for the project, John J. Hess, P.E., P.P., dated September 6, 2016; and

WHEREAS, the letter of recommendation from the Township's consulting engineer is to the effect that the Performance Guarantee should not be released inasmuch as required site improvements have not been completed in a satisfactory manner in accordance with the punch list of items which is attached to the letter of September 6, 2016; and

WHEREAS, the Township finds that the recommendations of its consulting engineer for the project is in accordance with the Township Land Use Ordinance.

NOW, THEREFORE, BE IT RESOLVED, this 4th day of October, 2016, that the Township Committee of the Township of Barnegat, County of Ocean, State of New Jersey as follows; and

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

COUNSELLORS AT LAW

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

1. The Township accepts the recommendations of its consulting engineer for the project and denies the request for the release of the Performance Guarantee for the reasons set forth in the September 6, 2016 review letter from John J. Hess, P.E., P.P.

2. The Township authorizes and directs the Mayor, 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:

- 1.) Honorable John J. Novak, Mayor, Mayor;
- 2.) Martin Lisella, Township Administrator;
- 3.) John J. Hess, PE, PP, CME Associates;
- 4.) Thomas Lombarski, Township CFO;
- 5.) Jerry J. Dasti, Esquire;

CERTIFICATION

I certify that the foregoing Resolution was duly adopted by the Township of Barnegat at a meeting held on October 4th, 2016, a quorum being present and voting in the majority.

MICHELE RIVERS, RMC, TOWNSHIP CLERK

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

COUNSELLORS AT LAW

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Prepared by:

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