

**RESOLUTION 2017 - 428**

**RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF BARNEGAT, COUNTY OF OCEAN, STATE OF NEW JERSEY AUTHORIZING A RELEASE OF THE PERFORMANCE GUARANTEE FOR BLOCK 250, LOT 15 A/K/A 396 N. MAIN STREET, 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 from the owner of Block 250, Lot 15 (hereinafter referred to as the “property”), Frank E. Kearney (hereinafter referred to as the “applicant”), for the release of the performance bond for landscape improvements on the property; and

**WHEREAS**, the Township has received and carefully considered the letters of recommendation from the Township Engineer, John J. Hess, P.E., P.P. dated November 27, 2017; Scott D. Taylor, LLA/AICP dated September 6, 2017; and the New Jersey Department of Transportation dated June 12, 2017, which letters recommend a release of the performance guarantee inasmuch as the landscape improvements have been installed in a satisfactory manner, and in accordance with the previously approved plans; and

**WHEREAS**, the release of the performance guarantee is subject to the Applicant posting a two-year maintenance guarantee in the amount of \$2,039.00 which represents fifteen (15%) percent of the original estimated construction cost of \$13,593.00 for the right-of-way improvements; and

**WHEREAS**, it is the recommendation of the Township’s Professional Engineer that a maintenance guarantee is not required for the on-site improvements; and

**WHEREAS**, the Township believes that the recommendations of the Township Professional Staff are appropriate and reasonable, and in accordance with the Township Land Use Ordinance.

**NOW, THEREFORE, BE IT RESOLVED**, this 5th day of December, 2017, 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 its Professional Staff for the project and authorizes a release of the performance bond for the landscape improvements to the property’s right-of-way.
2. Release of the performance guarantee is subject to the Applicant posting a two-year maintenance guarantee in the amount of \$2,039.00.
3. 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.

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

COUNSELLORS AT LAW

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

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

- (a) Honorable Al Bille, Mayor;
- (b) Martin Lisella, Township Administrator;
- (c) Jerry J. Dasti, Esquire;
- (d) John J. Hess, P.E., P.P.;
- (e) Scott D. Taylor, LLA/AICP;
- (f) State of New Jersey, Department of Transportation;
- (g) Tom Lombarski, CFO, Township of Barnegat; and
- (h) Frank E. Kearney, Applicant.

**CERTIFICATION**

I certify that the foregoing Resolution was duly adopted by the Township of Barnegat at a meeting held on December 5, 2017, a quorum being present and voting in the majority.

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**MICHELE RIVERS, RMC, TOWNSHIP CLERK**

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

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

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