

RESOLUTION NO. 2019 – 189

**RESOLUTION OF THE TOWNSHIP COMMITTEE OF
THE TOWNSHIP OF BARNEGAT, COUNTY OF
OCEAN, STATE OF NEW JERSEY, AUTHORIZING A
BIFURCATION OF SITE IMPROVEMENT BOND NO.
SN4004778, SEACREST PINES - SECTION I.**

WHEREAS, the Township of Barnegat, County of Ocean, State of New Jersey, (“The Township”), previously approved the acceptance of a Site Improvement Bond No. SN4004778 for Seacrest Pines – Section I, (the “Project”); and

WHEREAS, D. R. Horton, Inc. – New Jersey, (“Horton”), is the developer for the project; and

WHEREAS, Horton has issued correspondence dated April 18, 2019 to the Township requesting that the subject Site Improvement Bond be bifurcated by replacing the current bond with two new bonds; and

WHEREAS, Horton proposes that one bond would secure the completion of Fox Run Boulevard and the second bond would secure the balance of the site improvements including certain interior roads covered by the current bond; and

WHEREAS, attached to the April 18, 2019 correspondence from Horton’s attorney, Horton attached two bond estimates to be reviewed by the Township Engineer; and

WHEREAS, the Township Engineer issued correspondence dated May 1, 2019 to the Township Clerk with the new Bond estimates for Section 1A and Section 1B. The new Section 1A Performance Guarantee estimate will cover the residential area while the new Section 1B Performance Guarantee estimate will cover Fox Run Boulevard; and

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

WHEREAS, pursuant to the recommendation of the Township Engineer, it is recommended that Horton post two replacement Bonds for Sections 1A and 1B in the following amounts:

Section 1A

Total Performance Guarantee Amount	\$ 878,054.00
Cash Guarantee (10%)	\$ 87,805.00
Surety Bond or Letter of Credit (90%)	\$ 790,249.00

Section 1B

Total Performance Guarantee Amount	\$ 225,659.00
Cash Guarantee (10%)	\$ 22,566.00
Surety Bond or Letter of Credit (90%)	\$ 203,093.00

WHEREAS, the Township hereby finds it necessary and appropriate to authorize the replacement of Site Improvement Bond No. SN4004778 with two separate bonds for Sections 1A and 1B as recommended in the May 1, 2019 correspondence from the Township Engineer which is attached hereto.

NOW, THEREFORE, BE IT RESOLVED on the 2nd day of May, 2019 by the Mayor and the Township Committee of the Township of Barnegat, County of Ocean, State of New Jersey as follows:

1. The Township Committee hereby authorizes the replacement of Site Improvement Bond No. SN4004778 posted by D. R. Horton, Inc. – New Jersey for Seacrest Pines, Section I to be replaced by two site improvement bonds, for Sections 1A and 1B as follows:

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900 NEWARK AVENUE
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Section 1A

Total Performance Guarantee Amount	\$ 878,054.00
Cash Guarantee (10%)	\$ 87,805.00
Surety Bond or Letter of Credit (90%)	\$ 790,249.00

Section 1B

Total Performance Guarantee Amount	\$ 225,659.00
Cash Guarantee (10%)	\$ 22,566.00
Surety Bond or Letter of Credit (90%)	\$ 203,093.00

A certified copy of this Resolution shall be sent by the Township Clerk to the following:

- (a) D. R. Horton, Inc. – New Jersey
- (b) John Hess, The Township Engineer
- (c) Thomas Lombarski, Township C.F.O.

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 *May 7*, 2019, 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

GIORDANO, HALLERAN & CIESLA, P.C.

A PROFESSIONAL CORPORATION
ATTORNEYS AT LAW
WWW.GHCLAW.COM

TODD D. GREENE, ESQ.
SHAREHOLDER
TGREENE@GHCLAW.COM
DIRECT DIAL (732) 741-3900

Please Reply To:
125 HALF MILE ROAD
SUITE 300
RED BANK, NJ 07701
(732) 741-3900
FAX: (732) 224-6599

April 18, 2019

Client/Matter No. 17588-0015

Via Email and Regular Mail

Ms. Michelle Rivers
Township Clerk
Barnegat Township
900 West Bay Avenue
Barnegat, NJ 08005

**Re: Seacrest Pines – Section 1
Request for Bifurcation of Site Improvement Bond No. SN4004778**

Dear Ms. Rivers:

This office represents D.R. Horton, Inc. – New Jersey (“Horton”), the developer of Seacrest Pines (the “Project”). Horton has been in discussions with the Township regarding bifurcating Bond No. SN4004778 (the “Current Bond”), which secures certain site improvements in Section I of the Project. In short, Horton would like to replace the Current Bond with two new bonds. One bond would secure the completion of Fox Run Boulevard and the other bond would secure the balance of the site improvements, including certain interior roads, covered by the Current Bond. As explained herein, bifurcation of the Current Bond would be a benefit to the residents of the Project and the Township.

By way of background, the Current Bond secures completion of Fox Run Boulevard, the interior roads that branch off it, and other site improvements within Section I of the Project. Fox Run Boulevard is the main thoroughfare in Seacrest Pines. This road is also used by Horton’s contractors. It is industry practice, based on sound engineering principles, to wait until the majority of site is built-out before a road like Fox Run Boulevard is top coated. Otherwise, the top coat would prematurely wear from the heavy equipment running through the Project.

However, Horton would like to top coat the interior roads within Section I. The residents of the Project have been asking Horton to finish the roads. It also our understanding that some members of the community have spoken with the Township about top coating the interior roads as well. Yet, the Current Bond promotes an “all or nothing” approach to top coating. By bifurcating the Current Bond, Horton could top coat the interior roads, which would please the

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ATTORNEYS-AT-LAW

Ms. Michelle Rivers
April 18, 2019
Page 2

residents, while leaving Fox Run Boulevard at base course until the Project is nearly complete. As explained above, the latter would preserve the longevity of Fox Run Boulevard.

In furtherance of the bond bifurcation, Horton had its engineer prepare two bond estimates, which are attached for your review. It is our understanding that John Hess, P.E., the Township Engineer, has approved Horton's estimates and has no objection to bifurcating the Current Bond.

Accordingly, we respectfully that you please schedule the bond bifurcation for consideration by the Township Council at its next meeting.

Should you have any questions regarding this matter, please do not hesitate to contact me.

Very truly yours,


TODD D. GREENE

TDG/ct
Enclosures

cc: Martin Lisella, Administrator (via e-mail)
John Hess, P.E., Township Engineer (via e-mail)
Christopher Dasti, Esq., Township Attorney (via e-mail)
Jonathan Davern, Division President (via e-mail)
Robert Fecso, Vice President of Land Development (via e-mail)
Brian Scheetz, Land Development Manager (via e-mail)
Brian Murphy, P.E. (via e-mail)
Scott Anderson, Esq. (via e-mail)

Docs #3722790-v1

The Law Offices of
CHRISTOPHER J. DASTI

A Professional Corporation
Counsellor at Law
900 Newark Avenue
P.O. Box 779
Forked River, New Jersey 08731
609-549-8990
cdasti@DastiLaw.com
www.DastiLaw.com

Fed Id No.: 83-1186106
File No.: GL-540

May 2, 2019

Via Email
Ms. Michele Rivers
Township Clerk
Barnegat Township
900 West Bay Avenue
Barnegat, NJ 08005

RE: Barnegat Township – Resolution
Authorizing a Bifurcation of Site Improvement Bond
No. SN4004778, Seacrest Pines – Section I.

Dear Ms. Rivers:

Pursuant to the May 1, 2019 correspondence from the Township Engineer enclosed please find the Resolution authorizing the posting of the replacement Bonds for the above captioned matter.

If you have any questions, please contact me

Very truly yours,


CHRISTOPHER J. DASTI

CJD/bc

Encs.

cc: Alfonso Cirulli, Mayor, (Via Email)
Township Committee, (Via Email)
Martin Lisella, (Via Email)
John Hess, P.E., (Via Email)
Christine Roessner, (Via Email)
Thomas Lombarski, (Via Email)

PERFORMANCE GUARANTEE ESTIMATE					
Final Major Subdivision - Section 1					
Site Improvements - Fifth Avenue Tract					
West Bay Avenue, Barnegat Township, New Jersey					
Applicant: DR Horton					
ITEM #	QUANTITY	UNIT	DESCRIPTIONS	UNIT PRICE (\$)	AMOUNT
1	25	Acre	Clearing and Grubing	\$5,000.00	\$125,000.00
2	17,800	SF	Concrete Driveway Apron	\$8.00	\$142,400.00
3	3350	SY	4" Thick Concrete Sidewalk	\$36.00	\$120,600.00
4	9750	LF	Vertical Granite Block Curb	\$16.00	\$156,000.00
5	505	LF	Concrete Curb	\$12.00	\$6,060.00
6	33	EA	Handicap Ramp	\$250.00	\$8,250.00
7	17135	SY	2" FABC Surface Course	\$6.75	\$115,661.25
8	13708	SY	3" Bituminous Stabilized Base Course	\$8.00	\$109,664.00
9	3427	SY	4" Bituminous Stabilized Base Course	\$10.40	\$35,640.80
10	17135	SY	6" Dense Graded Aggregate Subgrade	\$7.00	\$119,945.00
11	4	EA	Stop Sign	\$175.00	\$700.00
12	4	EA	Street Sign	\$300.00	\$1,200.00
13	39	EA	Type "B" Inlet (0'-8' depth)	\$1,550.00	\$60,450.00
14	4	EA	Type "B" Inlet (8'-14' depth)	\$2,000.00	\$8,000.00
15	5	EA	Type "E" Inlet (0'-8' depth)	\$1,600.00	\$8,000.00
16	2	EA	Storm Manhole (0'-8' depth)	\$1,400.00	\$2,800.00
17	1	EA	Storm Manhole (8'-16' depth)	\$2,000.00	\$2,000.00
18	3	EA	Outlet Control Structure	\$2,000.00	\$6,000.00
19	2	EA	15" Flared End Section	\$600.00	\$1,200.00
20	1	EA	24" Flared End Section	\$900.00	\$900.00
21	3	EA	30" Flared End Section	\$1,200.00	\$3,600.00
22	1	EA	36" R.C.P. Flared End Section	\$1,500.00	\$1,500.00
23	27	Ton	Rip Rap	\$80.00	\$2,160.00
24	1430	LF	15" Perf. H.D.P.E. Pipe	\$39.00	\$55,770.00
25	158	LF	18" Perf. H.D.P.E. Pipe	\$45.00	\$7,110.00
26	210	LF	48" Perf. H.D.P.E. Pipe	\$118.00	\$24,780.00
27	780	LF	15" Perf. H.D.P.E. Pipe	\$23.00	\$17,940.00
28	1005	LF	24" Perf. H.D.P.E. Pipe	\$35.00	\$35,175.00
29	982	LF	30" Perf. H.D.P.E. Pipe	\$38.00	\$37,316.00
30	371	LF	36" Perf. H.D.P.E. Pipe	\$48.00	\$17,808.00
31	115	LF	15" RCP ((0'-8' depth)	\$23.00	\$2,645.00
32	165	LF	36" RCP ((0'-8' depth)	\$65.00	\$10,725.00
33	140	LF	18" P.C.P.E. Pipe	\$45.00	\$6,300.00
34	120	LF	48" P.C.P.E. Pipe	\$118.00	\$14,160.00
35	15277	CY	Basin Excavation	\$3.50	\$53,469.50
36	14550	SF	Basin Access Driveway	\$3.00	\$43,650.00
37	48	EA	Inlet Protection	\$100.00	\$4,800.00
38	8338	LF	Silt Fence	\$3.00	\$25,014.00
39	3850	LF	Post and Rail Fence, 4 ft. high	\$9.00	\$34,650.00
40	18	EA	150W Street Light, 25 ft. high	\$2,000.00	\$36,000.00
41	5355	SY	Topsoil, Fertilize & Seed	\$3.75	\$20,081.25
42	950	SY	Topsoil & Wildflower Seed	\$5.00	\$4,750.00
43	7000	SY	Wildflower Seed	\$2.00	\$14,000.00
44	17	EA	October Glory Red Maple, 2"-2.5" cal, 12'-14', B&B	\$250.00	\$4,250.00
45	13	EA	Scarlet Oak, 2"-2.5" cal, 12'-14', B&B	\$274.00	\$3,562.00

46	6	EA	Black Oak, 2"-2.5" cal, 12'-14', B&B	\$270.00	\$1,620.00
47	16	EA	American Holly, 4'-6', B&B	\$204.00	\$3,264.00
48	23	EA	Virginian Pine, 6'-8', B&B	\$180.00	\$4,140.00
49	67	EA	Blackgum, 8'-10', whips	\$300.00	\$20,100.00
50	80	EA	Scarlet Oak, 8'-10', whips	\$230.00	\$18,400.00
51	21	EA	Black Oak, 8'-10', whips	\$100.00	\$2,100.00
52	59	EA	Sassafras, 8'-10', whips	\$318.00	\$18,762.00
53	86	EA	Eastern White Pine, 6'-8' B&B	\$154.00	\$13,244.00
54	8	EA	Eastern Red Cedar, 6'-8' B&B	\$148.00	\$1,184.00
55	12	EA	White Oak, 2"-2.5" cal., 12'-14', B&B	\$416.00	\$4,992.00
56	8	EA	Shadbush, 2"-2.5" cal.	\$256.00	\$2,048.00
57	13	EA	Southern Red Oak, 2"-2.5" cal., 12'-14', B&B	\$416.00	\$5,408.00
58	7	EA	Sweetbay Magnolia, 2"-2.5" cal.	\$168.00	\$1,176.00
59	59	EA	Trident Red Maple, 8'-10', whips	\$338.00	\$19,942.00
60	12	EA	White Oak, 8'-10', B&B	\$212.00	\$2,544.00
61	4	EA	Gray Birch, 2"-2.5" cal.	\$280.00	\$1,120.00
62	2	EA	Blackgum, 2"-2.5" cal., 12'-14', B&B	\$294.00	\$588.00
63	14	EA	Franksred Maple, 2"-2.5" cal., 12'-14', B&B	\$250.00	\$3,500.00
64	27	EA	Sweetgum, 2"-2.5" cal., 12'-14', B&B	\$250.00	\$6,750.00
65	3	EA	Inkberry Holly, 24-30", #5 cont.	\$42.00	\$126.00
66	25	EA	Mountain Laurel, 24-30", #5 cont.	\$60.00	\$1,500.00
67	58	EA	Bayberry, 24-30", #5 cont.	\$40.00	\$2,320.00
68	6	EA	Northern Beauty Arrowwood Viburnum, 3-4', B&R	\$84.00	\$504.00
69	14	EA	Blackgum, 2-2.5" cal.	\$294.00	\$4,116.00
70	23	EA	Blackgum, 1.5-2" cal.	\$264.00	\$6,072.00
71	5	EA	White Oak, 2-2.5" cal.	\$250.00	\$1,250.00
72	20	EA	White Oak, 1.5-2" cal.	\$212.00	\$4,240.00
73	53	EA	White Oak, 8-10', whips	\$212.00	\$11,236.00
74	32	EA	Scarlet Oak, 2-2.5" cal.	\$274.00	\$8,768.00
75	9	EA	Scarlet Oak, 1.5-2" cal.	\$230.00	\$2,070.00
76	12	EA	Sassafras, 2-2.5" cal.	\$202.00	\$2,424.00
77	30	EA	Trident Red Maple, 1.5-2" cal.	\$226.00	\$6,780.00
78	14	EA	Black Oak, 2-2.5" cal.	\$270.00	\$3,780.00
79	27	EA	Arrowwood Viburnum, 3-4', B&R	\$84.00	\$2,268.00
80	4	EA	Sassafras, 1.5-2" cal.	\$162.00	\$648.00
81	7	EA	Trident Red Maple, 2-2.5" cal.	\$278.00	\$1,946.00
82	7	EA	Black Oak, 1.5-2" cal.	\$230.00	\$1,610.00
			TOTAL ALL IMPROVEMENTS		\$1,704,226.80
			20% Contingency		\$340,845.40
			Total Performance Estimate (Rounded)		\$2,045,072.00
			Cash Guarantee (10% of Total Performance Guarantee Estimate)		\$170,423.00
			Surety Bond or Letter of Credit (90% of Total Performance Guarantee Estimate)		\$1,533,804.00
			Inspection Escrow (All Improvements) 5% of the Cost of all Improvements (0.05 x \$1,704,226.80)		\$85,212.00
DATE: May 31, 2018					

PERFORMANCE GUARANTEE ESTIMATE					
Final Major Subdivision - Section 1-A					
Site Improvements - Fifth Avenue Tract					
West Bay Avenue, Barnegat Township, New Jersey					
Applicant: DR Horton					
ITEM #	QUANTITY	UNIT	DESCRIPTIONS	UNIT PRICE (\$)	AMOUNT
1	5	Acre	Clearing and Grubing	\$5,000.00	\$25,000.00
2	400	SY	4" Thick Concrete Sidewalk	\$36.00	\$14,400.00
3	3550	LF	Vertical Granite Block Curb	\$16.00	\$56,800.00
4	505	LF	Concrete Curb	\$12.00	\$6,060.00
5	5	EA	Handicap Ramp	\$250.00	\$1,250.00
6	5917	SY	2" FABC Surface Course	\$6.75	\$39,939.75
7	539	SY	2.5" FABC Surface Course	\$7.25	\$3,907.75
8	5917	SY	3" Bituminous Stabilized Base Course	\$8.00	\$47,336.00
9	5917	SY	6" Dense Graded Aggregate Subgrade	\$7.00	\$41,419.00
10	1	LS	Traffic Striping	\$200.00	\$200.00
11	2	EA	Pedestrian Trail Crossing Sign	\$150.00	\$300.00
12	3	EA	Stop Sign	\$175.00	\$525.00
13	2	EA	Street Sign	\$300.00	\$600.00
14	2	EA	Relocate Utility Pole	\$10,000.00	\$20,000.00
15	8	EA	Type "B" Inlet (0'-8' depth)	\$1,550.00	\$12,400.00
16	10	EA	Type "E" Inlet (0'-8' depth)	\$1,600.00	\$16,000.00
17	1	EA	Outlet Control Structure	\$2,000.00	\$2,000.00
18	1	EA	15" Flared End Section	\$600.00	\$600.00
19	1	EA	30" Flared End Section	\$1,200.00	\$1,200.00
20	7	Ton	Rip Rap	\$80.00	\$560.00
21	120	LF	48" Perf. H.D.P.E. Pipe	\$118.00	\$14,160.00
22	362	LF	15" H.D.P.E. Pipe	\$23.00	\$8,326.00
23	244	LF	18" H.D.P.E. Pipe	\$27.00	\$6,588.00
24	106	LF	24" H.D.P.E. Pipe	\$35.00	\$3,710.00
25	80	LF	30" H.D.P.E. Pipe	\$38.00	\$3,040.00
26	51	LF	18" RCP (0'-8' depth)	\$25.00	\$1,275.00
27	245	LF	18" RCP (0'-8' depth), under roadway	\$28.00	\$6,860.00
28	90	LF	18" RCP (8'-14' depth)	\$31.00	\$2,790.00
29	3800	CY	Basin Excavation	\$3.50	\$13,300.00
30	1950	SF	Basin Access Driveway	\$3.00	\$5,850.00
31	1	EA	Stabilized Construction Entrance	\$2,000.00	\$2,000.00
32	18	EA	Inlet Protection	\$100.00	\$1,800.00
33	1480	LF	Silt Fence	\$3.00	\$4,440.00
34	580	LF	Post and Rail Fence, 4 ft. high	\$9.00	\$5,220.00
35	1	EA	Gate House	\$15,000.00	\$15,000.00
36	8	EA	150W Street Light, 25 ft. high	\$2,000.00	\$16,000.00
37	945	SY	Topsoil, Fertilize & Seed	\$3.75	\$3,543.75
38	3	EA	American Holly, 4'-6', B&B	\$204.00	\$612.00
39	22	EA	Blackgum, 8'-10', whips	\$300.00	\$6,600.00
40	10	EA	Scarlet Oak, 8'-10', whips	\$230.00	\$2,300.00
41	10	EA	Sassafras, 8'-10', whips	\$318.00	\$3,180.00
42	36	EA	Eastern White Pine, 6'-8', B&B	\$154.00	\$5,544.00
43	12	EA	White Oak, 2"-2.5 cal., 12'-14', B&B	\$416.00	\$4,992.00
44	56	EA	Inkberry Holly, 24-30", #5 cont.	\$42.00	\$2,352.00
45	4	EA	White Oak, 2"-2.5 cal.	\$250.00	\$1,000.00

46	4	EA	White Oak, 1.5"-2" cal.	\$212.00	\$848.00
47	7	EA	Scarlet Oak, 1.5"-2" cal.	\$230.00	\$1,610.00
48	11	EA	Sassafras, 2-2.5" cal.	\$202.00	\$2,222.00
49	4	EA	Sassafras, 1.5-2" cal.	\$162.00	\$648.00
			TOTAL ALL IMPROVEMENTS		\$436,308.25
			20% Contingency		\$87,261.65
			Total Performance Estimate (Rounded)		\$523,570.00
			Cash Guarantee (10% of Total Performance Guarantee Estimate)		\$43,631.00
			Surety Bond or Letter of Credit (90% of Total Performance Guarantee Estimate)		\$392,678.00
			Inspection Escrow (All Improvements) 5% of the Cost of all Improvements (0.05 x \$436,308.25)		\$21,816.00
DATE: May 31, 2018					

Subject: Re: Seacrest Pines - Request for Bond Bifurcation
From: Christopher Dasti <cdasti@dastilaw.com>
To: "Hess, John" <jhess@cmeusa1.com>
Cc: Michele Rivers <clerk@barnegat.net>, Marty Lisella <mlisella@barnegat.net>
Date: Thursday, 18/04/2019 4:14 PM

Excellent. Happy Easter to all

Sent from my iPhone

On Apr 18, 2019, at 4:08 PM, Hess, John <jhess@cmeusa1.com> wrote:

Hi Chris. Now that we have their letter, our office will prepare the necessary bond estimates. We should have them done in about a week.

Regards,

John

From: Christopher Dasti [<mailto:cdasti@dastilaw.com>]
Sent: Thursday, April 18, 2019 2:01 PM
To: Hess, John
Cc: Michele Rivers; Marty Lisella
Subject: FW: Seacrest Pines - Request for Bond Bifurcation

John please confirm and I'll prepare a resolution

Christopher J. Dasti, Esq.

Law Offices of Christopher J. Dasti, P.C.

900 Newark Avenue

P.O. Box 779

Forked River, New Jersey 08731

Office: 609-549-8990

Cell: 609-221-5873

Fax: 609-622-2309

Email: cdasti@DastiLaw.com

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From: Todd D. Greene <tgreene@ghclaw.com>
Sent: Thursday, April 18, 2019 9:20 AM
To: 'clerk@barnegat.net' <clerk@barnegat.net>
Cc: 'Hess, John' <jhess@cmeusa1.com>; 'mlisella@barnegat.net' <mlisella@barnegat.net>; Robert C. Fecso <rcfecso@drhorton.com>; 'Brian Johnson Scheetz' <BJScheetz@drhorton.com>; Christopher Dasti <cdasti@dastilaw.com>; 'Jon Davern' <JDavern@drhorton.com>; Colleen M Keefer <cmkeefer@drhorton.com>; 'Brian P. Murphy' <bmurphy@fwhassociates.com>; Scott Anderson <Sanderson@ghclaw.com>
Subject: Seacrest Pines - Request for Bond Bifurcation

Ms. Rivers:

Please see the attached letter and let me know if you have any questions.

Thank you,

Todd

Giordano
Halleran &
Ciesla

Attorneys at Law

Todd D. Greene, Esq.

Shareholder

www.ghclaw.com

Phone: (732) 741-3900 • Fax: (732) 224-6599

[125 Half Mile Road • Suite 300 • Red Bank, NJ 07701-6777](#)

[website](#) | [vcard](#)

JOHN H. ALLGAIR, PE, PP, LS (1983-2001)
DAVID J. SAMUEL, PE, PP, CME
JOHN J. STEFANI, PE, LS, PP, CME
JAY B. CORNELL, PE, PP, CME
MICHAEL J. McCLELLAND, PE, PP, CME
GREGORY R. VALES, PE, PP, CME



May 1, 2019

TIMOTHY W. GILLEN, PE, PP, CME
BRUCE M. KOCH, PE, PP, CME
LOUIS J. PLOSKONKA, PE, CME
TREVOR J. TAYLOR, PE, PP, CME
BEHRAM TURAN, PE, LSRP
LAURA J. NEUMANN, PE, PP
DOUGLAS ROHMEYER, PE, CFM, CME
ROBERT J. RUSSO, PE, PP, CME
JOHN J. HESS, PE, PP, CME

Michele Rivers, RMC, Municipal Clerk
Township of Barnegat
900 West Bay Avenue
Barnegat, NJ 08005

**Re: Application No. PB 01-11
Bifurcation of the Section 1
Performance Guarantee Estimate
Sea Crest Pines
Barnegat Township, Ocean County, New Jersey
Our File: VBGP0087.02 (63001)**

Dear Mrs. Rivers,

As you know, Mr. Robert Fecso with D.R. Horton, Inc. appeared before the Township Committee at the April 2, 2019 Township Committee meeting to request approval to bifurcate the site improvement bond for Section 1 of Sea Crest Pines to allow a separate bond to be posted for the entrance road. Mr. Fecso explained that they want to delay paving of the entrance road until the rest of the project has been completed. The Township Committee was receptive to this request and asked that it be submitted to the Township in writing.

In this regard, our office is in receipt of a copy of an April 18, 2019 letter from Mr. Todd D. Greene, Esq. with Giordano, Halleran & Ciesla, PC, the attorney for D.R. Horton, Inc., to Ms. Michele Rivers which requests approval to replace the current Section 1 site improvement bond with two new bonds. One of the bonds would secure completion of Fox Run Boulevard while the other bond would secure completion of the balance of the site improvements in the residential area. Mr. Greene further states that D.R. Horton plans to delay the final paving of Fox Run Boulevard until the majority of the project has been built out. However, they plan to move forward with completion of the balance of the improvements within the residential area.

In response to Mr. Greene request, our office has prepared two (2) new performance guarantee estimates (copies attached) for bifurcation of the original Section 1 site improvement performance guarantee estimate. The new Section 1A performance guarantee estimate will cover the residential area while the new Section 1B performance guarantee estimate will cover Fox Run Boulevard.

Please note that the attached performance guarantee estimates reflect the original value of the site improvements in each new section after bifurcation. On September 5, 2017, the Township Committee adopted Resolution 2017-312 which reduced the Section 1 site improvement performance guarantee from \$2,560,819.00 to \$1,103,587.00 based on the work that had been completed at the site. This represents a reduction to 43.1% of the original performance guarantee amount.

Based on the prior reduction that was approved by the Township Committee, it is our recommendation the Applicant be permitted to post replacement bonds for new Sections 1A & 1B in the following amounts:

Section 1A

- | | |
|---|---------------|
| • Total Performance Guarantee Amount | \$ 878,054.00 |
| • Cash Guarantee (10%) | \$ 87,805.00 |
| • Surety Bond or Letter of Credit (90%) | \$ 790,249.00 |



Michele Rivers, RMC, Municipal Clerk
Township of Barnegat
Re: Sea Crest Pines – Section 1
Bifurcation of Section 1 Performance Guarantee Estimate

May 1, 2019
Our File No. VBGP0087.02
Page 2


Section 1B

- Total Performance Guarantee Amount \$ 225,659.00
- Cash Guarantee (10%) \$ 22,566.00
- Surety Bond or Letter of Credit (90%) \$ 203,093.00

We trust that this letter will answer all of your questions regarding the subject Matter. If we can be of further assistance, please feel free to call.

Very truly yours,

CME ASSOCIATES


John J. Hess, PE, PP, CME
Township Engineer

JJH/JJK/lr
Enclosures

cc: Marty Lisella, Administrator
Thomas Lombarski, CFO
Christine Roessner, Finance Office
Barnegat Township Zoning Official
Christopher J. Dasti, Esq. – Township Attorney
Robert Fecso – DR Horton, Inc.
Todd D. Greene, Esq. – Applicant's Attorney
Brian Murphy, PE, PP, CME - Applicant's Engineer

PERFORMANCE GUARANTEE AND INSPECTION ESCROW ESTIMATE

PROJECT: Preliminary & Final Major Subdivision
 Four Seasons at Sea Crest Pines
 Section 1A - Residential Area
 Barnegat Township, Ocean County, New Jersey



CONSULTING AND MUNICIPAL ENGINEERS

OWNER: D.R. Horton, Inc.
 Eight Neshaminy Interplex, Suite 115
 Trevoze, PA 19053

849 W. Bay Avenue, Suite 7, Barnegat NJ 08005
 Phone: (732) 410-2650 Fax: (609) 698-1680

The plans used to prepare this estimate are comprised of fifty two (52 sheets) entitled "Final Major Subdivision - Fifth Avenue - Section 1" prepared by Charles A. Boyles, PE with Flannery, Webb & Hansen, PA of Toms River, New Jersey and bearing a latest revision date of April 8, 2008.

ITEM	DESCRIPTION	QUANTITY	UNIT	PRICE	TOTAL PRICE
1	Clearing and Grubbing	25	AC	\$5,000.00	\$125,000.00
2	Concrete Driveway Apron	17,800	SF	\$8.00	\$142,400.00
3	4" Thick Concrete Sidewalk	3,350	SY	\$36.00	\$120,600.00
4	Vertical Granite Block Curb	9,750	LF	\$16.00	\$156,000.00
5	Handicap Ramp	33	EA	\$250.00	\$8,250.00
6	2" FABC Surface Course	17,135	SY	\$6.75	\$115,661.25
7	3" Bituminous Stabilized Base Course	13,708	SY	\$8.00	\$109,664.00
8	4" Bituminous Stabilized Base Course	3,427	SY	\$10.40	\$35,640.80
9	6" Dense Graded Aggregate Subgrade	17,674	SY	\$7.00	\$123,718.00
10	Stop Sign	4	EA	\$175.00	\$700.00
11	Street Sign	4	EA	\$300.00	\$1,200.00
12	Type B Inlet (0'-8' depth)	39	EA	\$1,550.00	\$60,450.00
13	Type B Inlet (8'-14' depth)	4	EA	\$2,000.00	\$8,000.00
14	Type E Inlet (0'-8' depth)	5	EA	\$1,600.00	\$8,000.00
15	Storm Manhole (0'-8' depth)	2	EA	\$1,400.00	\$2,800.00
16	Storm Manhole (8'-16' depth)	1	EA	\$2,000.00	\$2,000.00
17	Outlet Control Structure	3	EA	\$2,000.00	\$6,000.00
18	15" Flared End Section	2	EA	\$600.00	\$1,200.00
19	24" Flared End Section	1	EA	\$900.00	\$900.00
20	30" Flared End Section	3	EA	\$1,200.00	\$3,600.00
21	36" R.C.P. Flared End Section	1	EA	\$1,500.00	\$1,500.00
22	Rip Rap	27	TON	\$80.00	\$2,160.00
23	15" Perf. H.D.P.E. Pipe	1,430	LF	\$39.00	\$55,770.00
24	18" Perf. H.D.P.E. Pipe	158	LF	\$45.00	\$7,110.00
25	48" Perf. H.D.P.E. Pipe	210	LF	\$118.00	\$24,780.00
26	15" H.D.P.E. Pipe	780	LF	\$23.00	\$17,940.00
27	24" H.D.P.E. Pipe	1,005	LF	\$35.00	\$35,175.00
28	30" H.D.P.E. Pipe	1,002	LF	\$38.00	\$38,076.00
29	36" H.D.P.E. Pipe	371	LF	\$48.00	\$17,808.00
30	15" RCP Pipe (0'-8' depth)	115	LF	\$23.00	\$2,645.00
31	36" RCP Pipe (0'-8' depth)	165	LF	\$65.00	\$10,725.00
32	18" P.C.P.E. Pipe	140	LF	\$45.00	\$6,300.00

ITEM	DESCRIPTION	QUANTITY		UNIT PRICE	TOTAL PRICE
33	48" P.C.P.E. Pipe	120	LF	\$118.00	\$14,160.00
34	Basin Excavation	15,277	CY	\$3.50	\$53,469.50
35	Basin Access Driveway	14,550	SY	\$3.00	\$43,650.00
36	Inlet Protection	48	EA	\$100.00	\$4,800.00
37	Silt Fence	8,338	LF	\$3.00	\$25,014.00
38	Post and Rail Fence, 4 ft High	3,850	LF	\$9.00	\$34,650.00
39	150 Watt Street Light, 25 ft High	18	EA	\$2,000.00	\$36,000.00
40	Topsoil, Fertilize & Seed	5,355	SY	\$3.75	\$20,081.25
41	Topsoil & Wildflower Seed	950	SY	\$5.00	\$4,750.00
42	Wildflower Seed	7,000	SY	\$2.00	\$14,000.00
43	October Glory Red Maple, 2"-2½" Cal., 12'-14' B&B	17	EA	\$250.00	\$4,250.00
44	Scarlet Oak, 2"-2½" Cal., 12'-14' B&B	13	EA	\$274.00	\$3,562.00
45	Black Oak, 2"-2½" Cal., 12'-14' B&B	6	EA	\$270.00	\$1,620.00
46	American Holly, 4'-6', B&B	16	EA	\$204.00	\$3,264.00
47	Virginian Pine, 6'-8', B&B	23	EA	\$180.00	\$4,140.00
48	Blackgum, 8'-10' Whips	67	EA	\$300.00	\$20,100.00
49	Scarlet Oak, 8'-10' Whips	80	EA	\$230.00	\$18,400.00
50	Black Oak, 8'-10' Whips	21	EA	\$100.00	\$2,100.00
51	Sassafras, 8'-10' Whips	59	EA	\$318.00	\$18,762.00
52	Eastern Pine, 6'-8', B&B	86	EA	\$154.00	\$13,244.00
53	Eastern Red Cedar, 6'-8', B&B	8	EA	\$148.00	\$1,184.00
54	Shadbush, 2"-2½" Cal.	8	EA	\$256.00	\$2,048.00
55	Southern Red Oak, 2"-2½" Cal., 12'-14' B&B	13	EA	\$416.00	\$5,408.00
56	Sweetbay Magnolia, 2"-2½" Cal.	7	EA	\$168.00	\$1,176.00
57	Trident Red Maple, 8'-10' Whips	59	EA	\$338.00	\$19,942.00
58	White Oak, 8'-10', B&B	12	EA	\$212.00	\$2,544.00
59	Gray Birch, 2"-2½" Cal.	4	EA	\$280.00	\$1,120.00
60	Blackgum, 2"-2½" Cal., 12'-14' B&B	2	EA	\$294.00	\$588.00
61	Franksred Maple, 2"-2½" Cal., 12'-14' B&B	14	EA	\$250.00	\$3,500.00
62	Sweetgum, 2"-2½" Cal., 12'-14' B&B	27	EA	\$250.00	\$6,750.00
63	Inkberry Holly, 24"-30", #5 Cont.	3	EA	\$42.00	\$126.00
64	Mountain Laurel, 24"-30", #5 Cont.	25	EA	\$60.00	\$1,500.00
65	Bayberry, 24"-30", #5 Cont.	58	EA	\$40.00	\$2,320.00
66	Northern Beauty Arrowwood Viburnum, 3'-4', B&B	6	EA	\$84.00	\$504.00
67	Blackgum, 2"-2½" Cal.	14	EA	\$294.00	\$4,116.00
68	Blackgum, 1½"-2" Cal.	23	EA	\$264.00	\$6,072.00
69	White Oak, 2"-2½" Cal.	5	EA	\$250.00	\$1,250.00
70	White Oak, 1½"-2" Cal.	20	EA	\$212.00	\$4,240.00
71	White Oak, 8'-10' Whips	53	EA	\$212.00	\$11,236.00
72	Scarlet Oak, 2"-2½" Cal.	32	EA	\$274.00	\$8,768.00
73	Scarlet Oak, 1½"-2" Cal.	9	EA	\$230.00	\$2,070.00
74	Sassafras, 2"-2½" Cal.	12	EA	\$202.00	\$2,424.00
75	Trident Red Maple, 1½"-2" Cal.	30	EA	\$226.00	\$6,780.00
76	Black Oak, 2"-2½" Cal.	14	EA	\$270.00	\$3,780.00
77	Arrowwood Viburnum, 3'-4', B&B	27	EA	\$84.00	\$2,268.00

ITEM	DESCRIPTION	QUANTITY		UNIT PRICE	TOTAL PRICE
78	Sassafras, 1½"-2" Cal.	4	EA	\$162.00	\$648.00
79	Trident Red Maple, 2"-2½" Cal.	7	EA	\$278.00	\$1,946.00
80	Black Oak, 1½"-2" Cal.	7	EA	\$230.00	\$1,610.00
Total All Improvements					\$1,697,707.80

Total All Improvements **\$1,697,707.80**

20% Contingency **\$339,542.00**

Total Performance Guarantee Estimate **\$2,037,249.00**

Cash Guarantee
 (10% of Total Performance Guarantee Amount) **\$203,725.00**

Surety Bond or Letter of Credit
 (90% of Total Performance Guarantee Amount) **\$1,833,524.00**

Inspection Escrow
 5% of Total All Improvements
 (.05 x \$1,697,707.80) **\$84,886.00**

PERFORMANCE GUARANTEE AND INSPECTION ESCROW ESTIMATE

PROJECT: Preliminary & Final Major Subdivision
 Four Seasons at Sea Crest Pines
 Section 1B - Fox Run Boulevard from
 West Bay Avenue to Section 1 Limit Line
 Barnegat Township, Ocean County, New Jersey



CONSULTING AND MUNICIPAL ENGINEERS

849 W. Bay Avenue, Suite 7, Barnegat NJ 08005
 Phone: (732) 410-2650 Fax: (609) 698-1680

OWNER: D.R. Horton, Inc.
 Eight Neshaminy Interplex, Suite 115
 Trevoise, PA 19053

The plans used to prepare this estimate are comprised of fifty two (52 sheets) entitled "Final Major Subdivision - Fifth Avenue - Section 1" prepared by Charles A. Boyles, PE with Flannery, Webb & Hansen, PA of Toms River, New Jersey and bearing a latest revision date of April 8, 2008.

ITEM	DESCRIPTION	QUANTITY	UNIT	PRICE	TOTAL PRICE
1	Clearing and Grubbing	5	AC	\$5,000.00	\$25,000.00
2	4" Thick Concrete Sidewalk	400	SY	\$36.00	\$14,400.00
3	Vertical Granite Block Curb	3,550	LF	\$16.00	\$56,800.00
4	Concrete Curb	505	LF	\$12.00	\$6,060.00
5	Handicap Ramp	5	EA	\$250.00	\$1,250.00
6	2" FABC Surface Course	5,917	SY	\$6.75	\$39,939.75
7	2½" FABC Surface Course	539	SY	\$7.25	\$3,907.75
8	3" Bituminous Stabilized Base Course	5,917	SY	\$8.00	\$47,336.00
9	6" Dense Graded Aggregate Subgrade	5,917	SY	\$7.00	\$41,419.00
10	Traffic Striping	1	LS	\$200.00	\$200.00
11	Pedestrian Trail Crossing Sign	2	EA	\$150.00	\$300.00
12	Stop Sign	3	EA	\$175.00	\$525.00
13	Street Sign	2	EA	\$300.00	\$600.00
14	Relocate Utility Pole	2	EA	\$10,000.00	\$20,000.00
15	Type B Inlet (0'-8' depth)	8	EA	\$1,550.00	\$12,400.00
16	Type E Inlet (0'-8' depth)	10	EA	\$1,600.00	\$16,000.00
17	Outlet Control Structure	1	EA	\$2,000.00	\$2,000.00
18	15" Flared End Section	1	EA	\$600.00	\$600.00
19	30" Flared End Section	1	EA	\$1,200.00	\$1,200.00
20	Rip Rap	7	TON	\$80.00	\$560.00
21	48" Perf. H.D.P.E. Pipe	120	LF	\$118.00	\$14,160.00
22	15" H.D.P.E. Pipe	362	LF	\$23.00	\$8,326.00
23	18" H.D.P.E. Pipe	244	LF	\$27.00	\$6,588.00
24	24" H.D.P.E. Pipe	106	LF	\$35.00	\$3,710.00
25	30" H.D.P.E. Pipe	80	LF	\$38.00	\$3,040.00
26	18" R.C.P. Pipe (0'-8' depth)	51	LF	\$25.00	\$1,275.00
27	18" R.C.P. Pipe (0'-8' depth) Under Roadway	245	LF	\$28.00	\$6,860.00
28	18" R.C.P. Pipe (8'-14' depth)	90	LF	\$31.00	\$2,790.00
29	Basin Excavation	3,800	CY	\$3.50	\$13,300.00
30	Basin Access Driveway	1,950	SY	\$3.00	\$5,850.00
31	Stabilized Construction Entrance	2,000	EA	\$1.00	\$2,000.00

ITEM	DESCRIPTION	QUANTITY		UNIT PRICE	TOTAL PRICE
32	Inlet Protection	18	EA	\$100.00	\$1,800.00
33	Silt Fence	1,480	LF	\$3.00	\$4,440.00
34	Post and Rail Fence, 4 ft High	580	LF	\$9.00	\$5,220.00
35	Gate House	1	EA	\$15,000.00	\$15,000.00
36	150 Watt Street Light, 25 ft High	8	EA	\$2,000.00	\$16,000.00
37	Topsoil, Fertilize & Seed	945	SY	\$3.75	\$3,543.75
38	American Holly, 4'-6', B&B	3	EA	\$204.00	\$612.00
39	Balckgum, 8'-10' Whips	22	EA	\$300.00	\$6,600.00
40	Scarlet Oak, 8'-10' Whips	10	EA	\$230.00	\$2,300.00
41	Sassafras, 8'-10' Whips	10	EA	\$318.00	\$3,180.00
42	Eastern Pine, 6'-8', B&B	36	EA	\$154.00	\$5,544.00
43	White Oak, 2"-2½" Cal., 12'-14' B&B	12	EA	\$416.00	\$4,992.00
44	Inkberry Holly, 24"-30", #5 Cont.	56	EA	\$42.00	\$2,352.00
45	White Oak, 2"-2½" Cal.	4	EA	\$250.00	\$1,000.00
46	White Oak, 1½"-2" Cal.	4	EA	\$212.00	\$848.00
47	Scarlet Oak, 1½"-2" Cal.	7	EA	\$230.00	\$1,610.00
48	Sassafras, 2"-2½" Cal.	11	EA	\$202.00	\$2,222.00
49	Sassafras, 1½"-2" Cal.	4	EA	\$162.00	\$648.00

Total All Improvements **\$436,308.25**

Total All Improvements **\$436,308.25**

20% Contingency **\$87,262.00**

Total Performance Guarantee Estimate **\$523,570.00**

Cash Guarantee
 (10% of Total Performance Guarantee Amount) **\$52,357.00**

Surety Bond or Letter of Credit
 (90% of Total Performance Guarantee Amount) **\$471,213.00**

Inspection Escrow
 5% of Total All Improvements
 (.05 x \$436,308.25) **\$21,815.00**