

**RESOLUTION NO. 2019 – 364**

**RESOLUTION OF THE TOWNSHIP OF BARNEGAT,  
COUNTY OF OCEAN, STATE OF NEW JERSEY,  
DENYING THE REQUEST FOR THE RELEASE OF A  
PERFORMANCE BOND FOR OCEAN ACRES, PHASE  
8.**

**WHEREAS**, the Township of Barnegat, County of Ocean, State of New Jersey, (“The Township”), has received a request from the developer, Walters Homes, for the release of a Performance Bond for Ocean Acres Phase 8; and

**WHEREAS**, the Township Engineer has inspected the site improvements and has issued correspondence dated October 4, 2019, a copy of which is attached hereto indicating that the Performance Bond has previously been reduced; and

**WHEREAS**, the Township Engineer has opined that the Performance Bond cannot be fully released, as the required site improvements have not yet been completed in a manner satisfactory to the Township Engineer; and

**WHEREAS**, the October 4, 2019 correspondence from the Township Engineer includes a number of punch list items that remain to be completed at the site. Additionally, there is a punch list being prepared by the Township Landscape Architect; and

**WHEREAS**, the Township accepts the recommendations of the professional staff.

**NOW, THEREFORE, BE IT RESOLVED** on the 7th day of November 2019 by the Mayor and the Township Committee as follows:

1. The Township accepts the recommendations of its professional staff and hereby denies the request for the release of the Performance Bond to Walters Development for Ocean Acres Phase 8.

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) Walters Homes
- (d) Christopher J. Dasti, Esq., Township Attorney
- (e) Kurt Otto, P.E., Township Engineer
- (f) Scott Taylor, Township Landscape Architect
- (g) Thomas Lombarski, CFO
- (h) Christine Roessner, Finance Department

**CERTIFICATION**

I CERTIFY that the forgoing Resolution was duly adopted by the Township of Barnegat at a meeting held on November 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  
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JOHN H. ALLGAIR, PE, PP, LS (1983-2001)  
DAVID J. SAMUEL, PE, PP, CME  
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JAY B. CORNELL, PE, PP, CME  
MICHAEL J. McCLELLAND, PE, PP, CME  
GREGORY R. VALES, PE, PP, CME

TIM W. GILLEN, PE, PP, CME (1981-2019)  
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

October 4, 2019

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

**Re: Request for Release of Performance Bond  
Ocean Acres Phase 8  
Site Improvements – Bond #4082033  
Applicant: Walters Homes  
Our File: VBGE0092.01 (63008)**

Dear Mrs. Rivers:

In accordance with your request, we have reviewed our records and have performed a site observation of the site improvements at the subject site relative to the developer's request for release of the performance guarantee. We note site performance guarantee was reduced to 30% which is the minimal amount MLUL allows the Township to hold, pending final completeness and acceptance.

**Amount per Previous Reduction**

Performance Guarantee:	\$938,187.00
Surety Bond or Letter of Credit:	\$844,368.00
Cash:	\$ 93,819.00

At this time we cannot recommend full release of the performance guarantee as the required site improvements have not been completed in a satisfactory manner. Attached is a punch list of items that remain to be completed at the site. In addition, we have yet to receive a punch list from the Township Landscape Architect, and will be forwarded under separate cover.



Michele Rivers, RMC, Municipal Clerk  
Township of Barnegat  
Re: Request for Release of Performance Bond  
Ocean Acres Phase 8

October 4, 2019  
Our File No. VBGE0092.01  
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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**

Kurt J. Otto, PE, CME, CFM  
*Office of the Township Engineer*

KJO/lr  
Enclosure

cc: Martin Lisella, Township Administrator  
Tom Lombarski, CFO  
Christopher Dasti, Esq., Township Attorney  
Christine Roessner, Township Finance/Escrow  
Kevin Price, Controller, Walters Homes



CONSULTING AND MUNICIPAL ENGINEERS

849 W. Bay Avenue, Suite 7, Barnegat, NJ 08005  
TEL: (732) 410-2650 FAX: (609) 698-1880

**Ocean Acres Phase 8  
Block, Lot  
Barnegat Township, New Jersey**

**Site Improvement Performance Bond Punch List**

**Date: October 4, 2019**

**Our File: VBGE0092.01**

**A. Storm Drainage:**

1. Tina Way:
  - Inlet #1553 – Remove debris, mortar casting
  - Inlet #1556 – Repair broken block at inlet, mortar casting
  - Inlet #1558 – Mortar casting
  - Inlet #1560 – Repair broken block, mortar casting
2. Pilot Court:
  - Inlet #1562 – Replace broken curb piece
  - DMH #8-E1, 8-E2 – Remove silt and debris
3. Bobstay Road:
  - Inlet #1618 – Remove debris
4. Breakers Drive:
  - Inlet #1610, #1612 – Mortar casting
5. Fawcett Boulevard:
  - Inlets #1569 - #1577 – along Fawcett Boulevard and all inlets located on Dylan Boulevard, Fullrigger Avenue, Outsail Avenue and Michael Avenue are filled with silt and need to be cleaned.
6. All 24", 36", 42", 48" and 60" perforated pipe from Dylan Boulevard to terminus DMH at end of Fawcett including all storm drainage pipe on Dylan Boulevard, Fullrigger Avenue, Outsail Avenue and Michael Avenue is silted and needs to be cleaned.
7. Provide remediation plan to address issues regarding storm drainage pipe as noted in storm drainage video inspection report, dated July 2019, by North American Pipeline Services.

**B. Miscellaneous:**

1. Install missing street sign at Fawcett Boulevard and Michael Avenue.
2. Install missing street sign at Fawcett Boulevard and Tina Way.
3. Provide Asbuilt Plans to be reviewed and approved by the Township