

RESOLUTION NO. 2021 -229

**RESOLUTION OF THE TOWNSHIP OF
BARNEGAT, COUNTY OF OCEAN, STATE OF
NEW JERSEY, DENYING THE RELEASE OF A
MAINTENANCE GUARANTEE FOR WHISPERING
HILLS, SECTION 1.**

WHEREAS, The Township of Barnegat, County of Ocean, State of New Jersey is the holder of certain maintenance guarantees for Whispering Hills, Section 1 (the "Project"); and

WHEREAS, the Township is holding Maintenance Bond No. 5041739 which was originally posted on July 16, 2019 in the amount of \$290,360.00; and

WHEREAS, the Township is in receipt of correspondence dated July 2, 2021 from the Township Engineer Kurt J. Otto, PE of CME Associates advising that there are still outstanding items to be inspected that are covered under the maintenance guarantee.

WHEREAS, pursuant to the provisions of the New Jersey Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq. a maintenance guarantee is in effect for two (2) years; and

WHEREAS, the Township finds it necessary and appropriate to advise the developer that the Township will not release the maintenance guarantee at this time until the outstanding items noted by the Township Engineer are inspected, reviewed, and approved; and

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

NOW, THEREFORE, BE IT RESOLVED on this 6th day of July, 2021 by the Mayor and 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 and pursuant to the July 2, 2021 review memorandum of the Township Engineer, attached hereto and made a part hereof, the Township hereby denies release of the maintenance guarantee for Whispering Hills, Section 1, Bond No. 5041739 pursuant to the Township Engineer's recommendation. The punch list items noted by the Township Engineer and the Township Landscape Architect will be reviewed, reinspected, and once the items are addressed, the issue of release of the maintenance guarantee will be reviewed.

DASTI & ASSOCIATES

ATTORNEYS AT LAW

310 Lacey Road
P.O. Box 779
Forked River, N.J. 08753

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

- (a) Al Bille, Mayor
- (b) Martin Lisella, Administrator
- (c) Tom Lombarski, CFO
- (d) Kurt Otto, PE, Township Engineer
- (e) Scott Taylor, LLA, AICP, Township Landscape Architect
- (f) Connor Fesco, DR Horton
- (g) Christopher J. Dasti, Township Attorney

CERTIFICATION

I certify that the forgoing Resolution was duly adopted by the Township of Barnegat at a meeting held on 6th of July, 2021, a quorum being present and voting in the majority.

Donna M. Manno, RMC
Township Clerk

Prepared by:

DASTI & ASSOCIATES, P.C.

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