

**RESOLUTION NO. 2021-347**

**RESOLUTION OF THE TOWNSHIP OF  
BARNEGAT, COUNTY OF OCEAN, STATE OF  
NEW JERSEY, AUTHORIZING THE RELEASE  
OF PERFORMANCE GUARANTEE FOR  
WHISPERING HILLS PHASE 3.**

**WHEREAS**, the Township of Barnegat, County of Ocean, State of New Jersey (the “Township”) has received and reviewed a request from the developer Walters Development Company for release of the Performance Guarantee for improvements associated with Whispering Hills Phase 3 Development (the “Project”); and

**WHEREAS**, the Township Engineer has inspected these site improvements and found same to be acceptable; and

**WHEREAS**, the Township Engineer issued a review memorandum dated November 1, 2021, a copy of which is attached hereto and made a part hereof, recommending release of the Performance Guarantee subject to the Applicant posting a two-year maintenance guarantee in the amount of \$118,898.00; and

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

**NOW, THEREFORE, BE IT RESOLVED** on this 7<sup>th</sup> day of December, 2021 by the Mayor and the Township Committee of the Township of Barnegat, County of Ocean, State of New Jersey as follows:

1. The Township accepts the recommendation of the Township Engineer and authorizes the release of the Performance Guarantee posted by Walters Development Company for Whispering Hills Phase 3 subject to the Applicant posting a two-year maintenance guarantee in the amount of \$118,898.00 as recommended in the Township Engineer’s November 1, 2021 review memorandum, which is attached hereto and made a part hereof, that is reviewed and approved by the Township Engineer.

DASTI & ASSOCIATES

ATTORNEYS AT LAW

310 Lacey Road  
P.O. Box 779  
Forked River, N.J. 08731

2. The release of the Performance Guarantee shall also be subject to the Applicant paying all outstanding escrow fees to date.

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

- (a) Al Bille, Mayor
- (b) Martin Lisella, Township Administrator
- (c) Thomas Lombarski, CFO
- (d) Christine Roessner, Finance Office
- (e) Kurt J. Otto, PE, CME, CFM, Township Engineer
- (f) Christopher J. Dasti, Township Attorney
- (g) Walters Development, Applicant

### CERTIFICATION

I certify that the forgoing Resolution was duly adopted by the Township of Barnegat at a meeting held on December 7, 2021, a quorum being present and voting in the majority.

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Donna M. Manno, RMC  
Township Clerk

Prepared by:  
**DASTI & ASSOCIATES**

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