

RESOLUTION NO. 2021 – 94

**RESOLUTION OF THE TOWNSHIP OF
BARNEGAT, COUNTY OF OCEAN, STATE OF
NEW JERSEY, DENYING REQUEST FOR
RELEASE OF PERFORMANCE GUARANTEES
FOR WATER SYSTEMS FACILITIES FOR
WHISPERING HILLS PHASE 3**

WHEREAS, the Township of Barnegat, County of Ocean, State of New Jersey (the “Township”) has received a request from the developer Walters Development Company, for bond releases for water system facilities for the project known as Whispering Hills Phase 3 (the “Project”); and

WHEREAS, the Township Engineer has performed a site inspection of the water system facilities improvements; and

WHEREAS, the Township Engineer has confirmed that all the present improvements have been installed in a satisfactory manner; and

WHEREAS, pursuant to the October 4, 2017 review memorandum by the Township Engineer, the Township Engineer previously noted substantial completion of the improvements and recommended at that time, the maximum reduction to 30% of the original performance guarantee amount; and

WHEREAS, the Township Engineer issued a review memorandum dated January 8, 2021 which is attached hereto and made a part hereof confirming that no further reductions can be granted at this time; and

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

NOW, THEREFORE, BE IT RESOLVED on this 2nd day of February 2021 by the Mayor and the Township Committee of the Township of Barnegat, County of Ocean, State of New Jersey as follows:

DASTI & ASSOCIATES
ATTORNEYS AT LAW

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

1. The Township accepts the recommendations of its professional staff in the Township Engineer's January 8, 2021 review memorandum and hereby denies the Applicant Walters Development Company's request for a release of the performance guarantee for the water system facilities at Whispering Hills Phase 3.

2. 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) Kurt Otto, PE, CME, CFM, Township Engineer
- (d) Christopher J. Dasti, Township Attorney
- (e) Walters Development Company
- (f) Tom Lombarski, CFO
- (g) Christine Roessner, Finance Office

CERTIFICATION

I certify that the forgoing Resolution was duly adopted by the Township of Barnegat at a meeting held on February 2, 2021, a quorum being present and voting in the majority.

Michele Rivers, Township Clerk

Prepared by:
DASTI & ASSOCIATES

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