

**RESOLUTION NO. 2023 -72**

**RESOLUTION OF THE TOWNSHIP COMMITTEE  
OF THE TOWNSHIP OF BARNEGAT, COUNTY OF  
OCEAN, STATE OF NEW JERSEY, AUTHORIZING  
PAYMENT FROM DEVELOPER ESCROW  
ACCOUNT AFTER PROTEST TO AUTHORIZE  
DISBURSEMENT TO MARK MADISON LLC IN  
ACCORDANCE WITH THE WATER FACILITIES  
AGREEMENT REGARDING BARNEGAT TERRACE.**

**WHEREAS**, the Township Committee of the Township of Barnegat, County of Ocean, State of New Jersey, (hereinafter the “Township”) previously entered into a Water Facilities Agreement with Mark Madison LLC dated June 5, 2006 and amendments thereto; and

**WHEREAS**, the Agreement provides that as developer’s who benefit from water and sewer improvements constructed by Mark Madison, LLC and its related entities participate in a cost sharing arrangement to properly reimburse Mark Madison, LLC pursuant to the provisions of the Municipal Land Use Law N.J.S.A. 40:55D-1 et seq.; and

**WHEREAS**, the developer R. Stone & Company has posted an escrow payment to the Township in accordance with the Water Facilities Agreement for a development known as Barnegat Terrace and said developer posted an escrow payment in the amount of \$24,644.22, which is attributed to the Water Facilities Reimbursement Agreement due to Mark Madison LLC and Walters Development Company an additional \$13,320.10 as posted in escrow which is attributable to the Township for the water pressure improvements; and

**WHEREAS**, the developer posted the payment under protest pursuant to Municipal Land Use Law granting the developer one year from the date of posting the payments to challenge the action of the monies collected, and no challenge has been made

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and therefore, pursuant to the provisions of the Municipal Land Use Law, the Township is obligated to disburse the escrow payment; and

**WHEREAS**, pursuant to the Water Facilities Agreement, the money posted by R. Stone & Company for the water escrow in the amount of \$24,644.22 can at this point be released to Mark Madison LLC; and

**WHEREAS**, the posting of the escrow amount of \$13,320.10 which is payable to the Township, shall remain in the escrow account until further notice; and

**NOW, THEREFORE, BE IT RESOLVED** on this 1<sup>st</sup> day of January 2023, by the Mayor and Township Committee of the Township of Barnegat, County of Ocean, and State of New Jersey as follows:

1. The Township hereby authorizes payment under the Water Facilities Agreement out of the developer escrow account posted by R. Stone & Company to Mark Madison LLC in the amount of \$24,644.22 for the development known as Barnegat Terrace.

2. The escrow posted in the amount of \$13,320.10 which is attributable to the Township, shall remain in escrow until further resolution by the Township.

3. The Township hereby authorizes and directs the Mayor, Township Clerk, Township Administrator, and any other Township Official to execute any and all necessary documents to implement the intent of this resolution.

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

- a. Pasquale Papi, Mayor
- b. Martin Lisella, Township Administrator
- c. Thomas Lombarski, CFO

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- d. Christine Roessner, Finance Department
- e. Christopher J. Dasti, Esq., Township Attorney
- f. Kevin Price, Walters Development Co.
- g. Richard J. Hoff, Jr., Esq., Attorney for Mark Madison LLC
- h. Stephan R. Leone, Esq., Attorney for R. Stone & Company

**CERTIFICATION**

I, Donna M. Manno, Municipal Clerk, of the Township of Barnegat, County of Ocean, State of New Jersey, do hereby certify that the foregoing resolution was duly adopted by the Township Committee of said Township at their Reorganization meeting held in the Municipal Complex, 900 West Bay Avenue, Barnegat on January 1, 2023.

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Donna M. Manno, RMC  
Municipal Clerk

Prepared by:  
**DASTI & ASSOCIATES**

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