

**RESOLUTION NO. 2023-97**

**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 THE TOWNSHIP OF  
BARNEGAT IN ACCORDANCE WITH THE WATER  
FACILITIES AGREEMENT.**

**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

DASTI & ASSOCIATES

ATTORNEYS AT LAW

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**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 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 was previously authorized to be released to Mark Madison LLC pursuant to Resolution No. 2023-72, at the time of the adoption of that resolution, the Developer did not agree to the release of \$13,320.10 to the Township; and

**WHEREAS**, the Developer has forwarded correspondence to the Township Attorney confirming that the money held in escrow that is attributable to the Township can now be released to the Township of Barnegat; 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 escrow posted in the amount of \$13,320.10 which is attributable to the Township of Barnegat is now released to the Township of Barnegat.
2. 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.

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3. 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
- d. Christine Roessner, Finance Department
- e. Christopher J. Dasti, Esq., Township Attorney
- f. 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 at their meeting held in the Municipal Complex, 900 West Bay Avenue, Barnegat, NJ on the 7<sup>th</sup> day of February, 2023

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Donna M. Manno, RMC  
Municipal Clerk

Prepared by:  
**DASTI & ASSOCIATES**

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