

RESOLUTION 2024 –133

**RESOLUTION OF THE TOWNSHIP OF BARNEGAT,
COUNTY OF OCEAN, STATE OF NEW JERSEY,
DENYING RELEASE OF A SITE PERFORMANCE
GUARANTEE TO WALTERS DEVELOPMENT CO.
FOR WHISPERING HILLS PROJECT—PHASE 2**

WHEREAS, the Township of Barnegat, County of Ocean, State of New Jersey (the “Township”) has received a request from the Developer, Walters Development Co. (“Developer”) for the release of a performance guarantee Bond No. 86C000609 for site improvements for property known as Whispering Hills—Phase 2 (“the Project”); and

WHEREAS, the Township Committee previously adopted Resolution 2021-346 on December 7, 2021 which authorizes the release of the site performance bond subject to the Developer posting a two-year maintenance guarantee. Pursuant to the February 21, 2024 review memorandum of the Township Consulting Engineer CME Associates, a copy of which is attached hereto and made a part hereof, the maintenance bond was never posted and therefore the performance guarantee remains in effect; and

WHEREAS, the Township’s Consulting Engineer CME Associates performed a site inspection and found some of the required site improvements are unacceptable and set forth a punch list in the attached memorandum; and

WHEREAS, the Township’s Consulting Engineer does not recommend release of the performance guarantee at this time; and

WHEREAS, the Township accepts the recommendation of its professional staff; and

NOW, THEREFORE, BE IT RESOLVED on this 5th day of March 2024 by the Mayor and the Township Committee of the Township of Barnegat, County of Ocean, State of New Jersey as follows:

1. The Township hereby denies release of the performance guarantee pursuant to the February 21, 2024 review memorandum of the Township Consulting Engineer which is attached hereto and made a part hereof.

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

- (a) Joe Marte, Mayor
- (b) Martin Lisella, Township Administrator
- (c) Kurt Otto, PE, CME, CFM Township Engineer
- (d) Zachary Jordan, CME
- (e) Christine Roessner, Finance Dept.
- (f) Tom Lombarski, CFO
- (g) Christopher J. Dasti, Township Attorney
- (h) Walters Development Co.

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 regular meeting held in the Municipal Complex at 900 West Bay Avenue, Barnegat, on 5th day of March, 2024.

Donna M. Manno, RMC
Municipal Clerk