

RESOLUTION NO. 2024 -351

**RESOLUTION OF THE TOWNSHIP OF
BARNEGAT, COUNTY OF OCEAN, STATE OF
NEW JERSEY, DENYING REQUEST FOR
RELEASE OF PERFORMANCE GUARANTEE FOR
SANITARY SEWER SYSTEM IMPROVEMENTS
FOR BARNEGAT 67
(FORMERLY BARNEGAT CROSSING)**

WHEREAS, the Township of Barnegat, County of Ocean, State of New Jersey (the “Township”) is holding performance guarantee (Bond #1001049305) for sanitary sewer system improvements posted for a development known as Barnegat 67, (formerly known as Barnegat Crossing); and

WHEREAS, the Township has received a request from the applicant Extell Development Company (“the Applicant”) for the release of the performance guarantee (Bond #1001049305) for sanitary sewer improvements for the project known as Barnegat 67 (formerly Barnegat Crossing) (“the Project”); and

WHEREAS, the Township’s Consulting Engineer CME Associates has issued a review memorandum dated September 24, 2024 which is attached hereto and made a part hereof; and

WHEREAS, as set forth in the Engineer’s review memorandum, the Township has already approved the maximum 30% reduction of the original performance guarantee and pursuant to the provisions of the Municipal Land Use Law, no further reductions are permitted until all improvements have been completed and accepted; and

WHEREAS, the Engineer’s review memorandum sets forth what corrective measures the Applicant must complete in order to then reapply for a release of the performance guarantee subject to the posting of a two year maintenance guarantee; and

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

NOW, THEREFORE, BE IT RESOLVED on this 1st day of October, 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 the request for the release of the performance guarantee pursuant to the September 24, 2024 review memorandum of the Township Engineer CME Associates.

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

- (a) Joseph Marte, Mayor
- (b) Martin Lisella, Township Administrator
- (c) Thomas Lombarski, CFO
- (d) Christine Roessner, Finance Office
- (e) Kurt J. Otto, PE, Township Engineer
- (f) Roger Budd, Water and Sewer Utility Manager
- (g) Christopher J. Dasti, Township Attorney
- (h) Zachary M. Jordan, PE, CME Associates
- (i) Extell Development Company, Applicant

CERTIFICATION

I certify that the foregoing Resolution was duly adopted by the Township of Barnegat at a meeting held on October 1, 2024, a quorum being present and voting in the majority.

Donna M. Manno, RMC
Municipal Clerk

Prepared by:
DASTI & STAIGER