

**RESOLUTION NO. 2024 –352**

**RESOLUTION OF THE TOWNSHIP OF  
BARNEGAT, COUNTY OF OCEAN, STATE OF  
NEW JERSEY, DENYING REQUEST FOR  
RELEASE OF PERFORMANCE GUARANTEE FOR  
WATER 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 #1001049306) for water 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 #1001049306) for water system 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 1<sup>st</sup> 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.

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Donna M. Manno, RMC  
Municipal Clerk