

RESOLUTION NO. 2025 –218

**RESOLUTION OF THE TOWNSHIP OF
BARNEGAT, COUNTY OF OCEAN, STATE OF
NEW JERSEY, DENYING RELEASE OF
PERFORMANCE GUARANTEE FOR SANITARY
SEWER SYSTEM IMPROVEMENTS FOR
BARNEGAT TERRACE**

WHEREAS, the Township of Barnegat, County of Ocean, State of New Jersey (the “Township”) has received a request from the Developer Barnegat Terrace, LLC (“Developer”) for the release of Performance Guarantee Bond No. S315802 for sanitary sewer system improvements for a development known as Barnegat Terrace (the “Project”); and

WHEREAS, the Township’s Consulting Engineer CME Associates performed an inspection of the site improvements and issued a memorandum dated May 2, 2025, a copy of which is attached hereto and made a part hereof, recommending that the request be denied because a stop work order was issued on February 4, 2025 due to the Developer’s escrow account being depleted; and

WHEREAS, the Township’s Consulting Engineer recommends that once the escrow account has been replenished, the Performance Bond can be discharged subject to the Developer complying with the rules and regulations set forth in the review memorandum and posting a two year maintenance guarantee in the amount of \$15,938.55; and

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

NOW, THEREFORE, BE IT RESOLVED on this 5th day of June, 2025, 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 Developer's request for release of the Performance Guarantee Bond #S315802 pursuant to the May 2, 2025 review memorandum of the Township Consulting Engineer CME Associates, which is attached hereto and made a part hereof.

2. Upon proof of the Developer replenishing the escrow account, the Developer can reapply for release of the Performance Guarantee.

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

- (a) Alfonso Cirulli, Mayor
- (b) Martin Lisella, Township Administrator
- (c) Tom Lombarski, CFO
- (d) Christine Roessner, Finance Department
- (e) Kurt J. Otto, PE, Township Engineer
- (f) Zachary M. Jordan, PE, CME Associates
- (g) Barnegat Terrace, LLC, Applicant
- (h) Stephan R. Leone, Esq., Applicant's Attorney
- (i) Christopher J. Dasti, Esq., Township Attorney

CERTIFICATION

I certify that the forgoing Resolution was duly adopted by the Township of Barnegat at a meeting held on June 5, 2025, a quorum being present and voting in the majority.

Donna M. Manno, RMC
Municipal Clerk