

**TOWNSHIP OF MANSFIELD
BURLINGTON COUNTY**

RESOLUTION 2019-3-10

**RESOLUTION AUTHORIZING UTILIZATION OF
PREVIOUSLY POSTED PERFORMANCE GUARANTEE
MONIES FOR USE AT MEADOWS AT MANSFIELD**

WHEREAS, Orleans Homebuilders, Inc. was the developer of a certain residential development known as “The Meadows at Mansfield”, and following approval of construction of said development, posted a performance bond pursuant to the performance guarantee provisions of the Municipal Land Use Law; and

WHEREAS, by Resolution 2014-12-25, the Township Committee required Orleans to post the sum of Seventeen Thousand Dollars (\$17,000.00) to be held as a cash guarantee for the satisfaction of certain conditions to the release of Orleans’ performance guarantee, which Resolution was adopted December 29, 2014; and

WHEREAS, despite said Resolution, Orleans has failed to complete the required repair work, and has failed to meet the conditions of said Resolution, and certain deficiencies remain that were brought to the attention of the Township Committee by The Meadows at Mansfield Community Associate; and

WHEREAS, by letter dated February 12, 2019, and sent by certified, regular mail and e-mail, the Township Solicitor advised Orleans Homebuilders, Inc. that the Township Committee would declare Orleans in default of its obligations, and utilize the Seventeen Thousand Dollars (\$17,000.00) previously posted as a cash performance guarantee to apply towards the completion of those items; and

WHEREAS, in said correspondence, the Township Solicitor gave Orleans Homebuilders, Inc. an opportunity to address the matter, and advised that the Township Committee would delay taking formal action until its meeting of March 7, 2019; and

WHEREAS, neither the Township Solicitor nor the Township Administrator, or Clerk, have received any response from Orleans Homebuilders, Inc. to said February 12, 2019 correspondence, a copy of which is attached hereto and made a part hereof; and

WHEREAS, it is therefore appropriate for the Township Committee to declare Orleans Homebuilders, Inc. in default of its obligations under the approvals previously granted, and the performance guarantee release authorized by Resolution 2014-12-25.

NOW, THEREFORE BE IT RESOLVED, that the Township Committee of the Township of Mansfield, County of Burlington, State of New Jersey, as follows:

1. Recitals Incorporated. The foregoing Recitals are incorporated herein as the factual predicate for the adoption of this Resolution.
2. Default Declared. The Township Committee hereby determines that Orleans Homebuilders, Inc. has defaulted in its obligations to complete the necessary repairs and perform the necessary work required as a condition to the release of its performance guarantee, thereby resulting in a forfeiture by Orleans Homebuilders, Inc. of the previously posted Seventeen Thousand Dollars (\$17,000.00) cash performance guarantee.
3. Cash Guarantee Authorized to be used. The Township Committee hereby authorizes the Township administration to utilize the Seventeen Thousand Dollars (\$17,000.00) cash performance guarantee to address the deficiencies remaining at the development, including the use of said monies, if deemed appropriate, to be given to The Meadows at Mansfield Community Association by way of reimbursement for work undertaken by the Association in effectuating the repairs which should have been undertaken by Orleans Homebuilders, Inc.

BE IT FURTHER RESOLVED that this Resolution shall take effect immediately upon adoption by the Township Committee.

MOTION: HIGGINS SECOND: DIGIUSEPPE

ROLL CALL VOTE

AYES: HIGGINS, DIGIUSEPPE, CAIN, MAGEE, GABLE

NAYS: ABSTAIN: ABSENT:

CERTIFICATION

I, **LINDA SEMUS, RMC, CMR, Municipal Clerk** of the Township of Mansfield, County of Burlington, State of New Jersey do hereby certify the foregoing to be a true and accurate copy of the Resolution adopted by the Township Committee of the Township of Mansfield, County of Burlington, State of New Jersey at a meeting held on March 7, 2019 at the Mansfield Municipal Complex at 6:00 PM.

LINDA SEMUS, RMC, CMR
Municipal Clerk