

**TABLED INDEFINITELY**  
**MANSFIELD TOWNSHIP**  
**BURLINGTON COUNTY**

**RESOLUTION NO. 2023-9-14**

**RESOLUTION DECLARING DEFAULT AND DEMANDING PAYMENT ON  
PERFORMANCE GUARANTEE FOR NEW HORIZON HOLDINGS LLC,  
SUBDIVISION AT THE INTERSECTION OF ISLAND ROAD AND MANSFIELD  
ROAD EAST, ALSO KNOWN AS MANSFIELD-GEORGETOWN ROAD, BLOCK 25,  
LOT 6, MANSFIELD TOWNSHIP**

**WHEREAS**, on May 26, 2020, the Mansfield Planning Board sitting as a Joint Land Use Board adopted Resolution 2020-5-11 (the “Resolution”) granting final subdivision approval for 8 residential building lots (the “Project”) on property located at the intersection of Island Road and Mansfield Road East also known as Mansfield-Georgetown Road, and further known as Block 25, Lot 6 on the Mansfield Township Tax Map (the “Property”); and

**WHEREAS**, as required by the Resolution and the approvals for the Project, an Irrevocable Standby Letter of Credit No. 20009798, in the amount of \$167,043.31, dated November 21, 2021, issued by TD Bank (“Performance Guarantee”) was posted as and for a performance guarantee by New Horizon Holdings LLC to guarantee the construction of the subdivision improvements required for the Project, as set forth in the Engineers Estimate dated September 13, 2021, by the Mansfield Township Engineer, Remington & Vernick; and

**WHEREAS**, the Mansfield Township Administrator, through the Township Department of Planning & Zoning, and the Township Engineer have advised the Township Committee that (1) all or a portion of the required subdivision improvements for the Project on the Property covered by said Performance Guarantee have not been completed; (2) a number of the homes in the Project have been completed and are occupied by private homeowners; (3) the construction of the Project has caused flooding and siltation on Island Road, a public street; thus (4) creating dangerous and unsafe conditions at the Property, and to the public health, safety and welfare; and

**WHEREAS**, the Township Engineer has certified same by letter dated September \_\_\_\_, 2023 and the Township Attorney has so notified the developer by certified mail on the same date; and

**WHEREAS**, the governing body hereby endorses the findings of the Township Engineer.

**NOW, THEREFORE, BE IT RESOLVED, THAT**, pursuant to the terms of said Performance Guarantee and N.J.S. 40:55D-53, the Project is hereby declared to be in default and demand is hereby made by the Township Committee of the Township of Mansfield for payment on Irrevocable Standby Letter of Credit No. 20009798, in the amount of \$167,043.31, dated November 21, 2021, issued by TD Bank.

**BE IT FURTHER RESOLVED, THAT** the Township Engineer is hereby directed to Stop Work at the Project and the Township Construction Official is hereby directed to not issue any further construction permits or Certificates of Occupancy for on the Property. Work may be resumed only upon written authorization by the Township Administrator on behalf of the Township Committee.

**MOTION: TALLON**

**SECOND: SISZ**

**ROLL CALL VOTE**

**AYE: TALLON, SISZ, MOJENA**

**NAY: NONE**

**ABSENT: GOLENDIA, BOYD**

**ABSTAIN: NONE**

**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 September 20, 2023.

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**LINDA SEMUS, RMC, CMR**  
**Municipal Clerk**