**RESOLUTION**
of the
**BOROUGH OF NEW PROVIDENCE**
Resolution No. 2011-57

Council Meeting Date: 1-24-2011 Date Adopted: 1-24-2011

TITLE: RESOLUTION AUTHORIZING THE RETURN OF $56,717.21 CASH PERFORMANCE GUARANTEE TO THE GREAT ATLANTIC AND PACIFIC TEA CO., INC., BLOCK 150, LOT 22.01

Councilperson Galluccio submitted the following resolution, which was duly seconded by Councilperson Cucco.

WHEREAS, the Great Atlantic And Pacific Tea Co., Inc. did post $64,817.21 cash performance guarantee for construction as required by the Planning Board, for property located at 1260 Springfield Avenue, Block 150, Lot 22.01; and

WHEREAS, the Borough Engineer has inspected the site, verified construction and recommends the return of $56,717.21 cash performance guarantee to the Great Atlantic And Pacific Tea Co., Inc., retaining the balance of $ 8,100.00 as maintenance guarantee for a period of two (2) years..

NOW THEREFORE BE IT RESOLVED by the Mayor and Borough Council of the Borough of New Providence, County of Union and State of New Jersey that $56,717.21 cash performance guarantee be returned to the Great Atlantic And Pacific Tea Co., Inc.

APPROVED, this 24th day of January, 2011.

Wendi B. Barry
Borough Clerk

# BOROUGH OF NEW PROVIDENCE PURCHASE ORDER 40502

360 ELKWOOD AVE

NEW PROVIDENCE, NJ 07974-1838

www.newprov.org

Plan bd-410

A&PESC

| | |
|---|---|
| DATE | 1/20/2011 |
| PAGE NO. | 1 |
| CHECK NO. | |
| TAX EXEMPT NO. 22-6002132 | |

*SIGN & RETURN TO ADDRESS ABOVE*

| VENDOR | SHIP TO |
|---|---|
| THE GREAT ATLANTIC & PACIFIC TEA CO., INC<br>Two Paragon Drive<br><br>Montvale, NJ 07645 | PLANNING BOARD<br>MUNICIPAL CENTER<br>360 ELKWOOD AVE<br>NEW PROVIDENCE, NJ 07974<br>Attn: LINDA FITZPATRICK |

SPECIAL INSTRUCTIONS

*BRC: 000000*

| ITEM NO. | ITEM DESCRIPTION | QUANTITY | UNIT PRICE | AMOUNT |
|---|---|---|---|---|
| 1 | Return of portion of Performance Guarantee Funds as per letter of Andrew Hipolit, PE dated 12/22/10 for A&P (new bldg), Village Shopping Center 70--002-02044-- | 1 | 56,717.21 | 56,717.21 |
| | NO ORDER VALID UNLESS SIGNED BELOW | TOTAL → | | 56,717.21 |

PURCHASING AGENT

CERTIFICATION OF AVAILABLE FUNDS

FINANCE DEPARTMENT

**DEPARTMENT HEAD CERTIFICATION**

I certify that the materials and supplies have been received or the services rendered.

AUTHORIZED SIGNATURE DATE

**APPROVAL FOR PAYMENT**

COUNCIL MEMBER DATE

ADMINISTRATOR DATE

**VENDOR CERTIFICATION AND DECLARATION**

I do solemnly declare and certify under the penalties of the law that the within bill is correct in all its particulars; that the articles have been furnished or services rendered as stated therein; that no bonus has been given or received by any person or persons within the knowledge of this claimant in connection with the above claim; that the amount therein stated is justly due and owing; and that the amount charged is a reasonable one.

X

VENDOR SIGN HERE

TITLE DATE

VENDOR SOCIAL SECURITY NO. OR TAX I.D. NO.

**VOUCHER - SIGN AT (X) AND RETURN FOR PAYMENT** *(SEE CONDITIONS ON REVERSE SIDE)*

BOROUGH OF
NEW PROVIDENCE
SETTLED IN 1720

**ENGINEERING DEPARTMENT**

**J. Brooke Hern, Mayor**
**Andrew R. Hipolit, P.E., Borough Engineer**
**Mark G. Demareski, Assistant Engineer**

To: Monica Marino, Finance Department
Wendi Barry, Borough Clerk
Borough Council

From: Nancy Pasquale, Secretary,
Andrew R. Hipolit, P.E., Borough Engineer

Re: A&P At Village Center
Block 150, Lot 22.01

Date: January 19, 2011

During 2009 the above application A&P at Village Center posted a cash Performance Guarantee in sum of $64,817.21. Please find attached letter from Andrew Hipolit authorizing release of a portion of said funds $56,717.21. The balance on hand $8,100.00 will be held as Maintenance Guarantee for this building within said site.

APPROVED:

Nancy M. Pasquale, Secretary

Andrew R. Hipolit, P. E.
Borough Engineer

nmp/encls

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BOROUGH OF
NEW PROVIDENCE
SETTLED IN 1720

ENGINEERING DEPARTMENT

John A. Thoms, Mayor
Andrew R. Hipolit, P.E., Borough Engineer
Mark G. Demareski, Asst. Borough Engineer

22DEC'10 AM10:35

December 21, 2010

David O'Sullivan
Sr. Director of Design & Building Services
The Great Atlantic & Pacific Tea Company, Inc.
2 Paragon Drive
Montvale, NJ 07645

**Re: A & P at the Village Center (New Providence, L.L.C.)**
**Project Compliance**
**Block 150, Lot 22.01**
**Springfield Avenue**
**Our File No. NPP-264**

Dear Mr. O'Sullivan:

We are in receipt of your request to release the Performance Guarantee for the above referenced matter. We have conducted a final site inspection and reviewed conditions in the Resolution to verify the completeness of site improvements.

Based on this work, all site improvements have been completed. Therefore, we recommend release of the remaining Performance Guarantee, provided that all invoices from professionals working on this project have been paid and a Maintenance Bond has been posted. N.J.S. 40:55D-53 allows the amount of the Maintenance Bond to be 15% of the site improvements. The estimated cost of the improvements was $54,000.00. Therefore, a Maintenance Bond shall be posted in the amount of **$8,100.00 for a period of two (2) years.**

It is our understanding that you are requesting release of the escrow account as well. We recommend that the Borough retain $500.00 in escrow until the Maintenance Guarantee period has expired. This remaining escrow will cover Borough expenses if maintenance issues arise during the two (2) year period.

Very truly yours,

FOR

Andrew R. Hipolit, P.E.
Borough Engineer

ARH/egm
CC: Mayor and Council (via Clerk)
Wendi B. Barry, Borough Clerk
Linda Fitzpatrick, Planning Board Secretary
Keith Lynch, Building Official

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BOROUGH OF
NEW PROVIDENCE
SETTLED IN 1720

ENGINEERING DEPARTMENT

John A. Thoms, Mayor
Andrew R. Hipolit, P.E., Borough Engineer
Mark G. Demareski, Asst. Borough Engineer

23DEC'10AM 9:51

December 22, 2010

David O'Sullivan
Sr. Director of Design & Building Services
The Great Atlantic & Pacific Tea Company, Inc.
2 Paragon Drive
Montvale, NJ 07645

**Re: A & P at the Village Center (New Providence, L.L.C.)**
**Project Compliance**
**Block 150, Lot 22.01**
**Springfield Avenue**
**Our File No. NPP-264**

Dear Mr. O'Sullivan:

Pursuant to our December 21, 2010 correspondence where we recommended release of the Performance Guarantee, you advised us that A & P posted cash ($64, 817.21) rather than a bond. With this understanding, we take no exception to your request of deducting $8,100.00 from the $64, 817.21 to cover the Maintenance Guarantee, which will remain with the Borough for two (2) years. Therefore, we recommend release of the remaining balance of $56,717.21.

Thank you for your attention to this matter. If you have any further questions, please do not hesitate to call me.

Very truly yours,

FOR

Andrew R. Hipolit, P.E.
Borough Engineer

ARH/egm
CC: Mayor and Council (via Clerk)
Wendi B. Barry, Borough Clerk
Linda Fitzpatrick, Planning Board Secretary
Keith Lynch, Building Official

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