

**RESOLUTION**  
of the  
**BOROUGH OF NEW PROVIDENCE**  
Resolution No. 2016-078

Council Meeting Date: 02-08-2016

Date Adopted: 02-08-2016

TITLE: RESOLUTION AUTHORIZING RELEASE OF SITE WORK  
PERFORMANCE GUARANTEE IN THE AMOUNT OF \$911,346.00 TO  
BAC CENTER OF EXCELLENCE , LLC

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

WHEREAS, the BAC Center of Excellence, LLC came before the Planning  
Board and received approval March 4, 2014, resolution 2014-05; and

WHEREAS, the Director, Planning and Development of the Borough of New  
Providence has reported that BAC Center for Excellence, LLC, owner of Block 220, Lot  
23, posted a cash performance guarantee, in the amount of \$911,346.00, as required  
by the approving resolution; and

WHEREAS, the Director, Planning and Development advises that work has been  
substantially completed to the satisfaction of the Planning and Development  
Department and recommends the return of the posted cash performance guarantee;  
and

WHEREAS, upon acceptance of the site improvements, the Borough Engineer  
requests, a two year maintenance bond in the amount of \$113,918.25, be posted with  
the Borough, as a condition of the release of the site performance guarantee; and

WHEREAS, the BAC Center of Excellence, LLC has requested the Borough of  
New Providence retain \$113,918.25 of the cash performance guarantee as a two year  
cash maintenance bond.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the  
Borough of New Providence, in the County of Union and State of New Jersey, that they  
do hereby authorize the release of the cash performance guarantee in the amount of  
\$911,346.00 to BAC Center of Excellence, LLC.

BE IT FURTHER RESOLVED, by the Mayor and Council of the Borough of New Providence, in the County of Union and State of New Jersey, that they do hereby authorize the posting of \$113,918.25 as a two year cash maintenance bond for BAC Center of Excellence, LLC and refund of \$797,427.75 to Bac Center of Excellence, LLC.

APPROVED, this 8<sup>th</sup> day of February, 2016.

RECORD OF VOTE

	AYE	NAY	ABSENT	NOT VOTING
GALLUCCIO	X			
GENNARO	X			
KAPNER	X			
MADDEN	X			
MUÑOZ	X			
ROBINSON	X			
MORGAN			TO BREAK COUNCIL TIE VOTE	

I hereby certify that the above resolution was adopted at a meeting of the Borough Council held on the 8<sup>th</sup> day of February, 2016.

Wendi B. Barry, Borough Clerk

# Memorandum

**To:** Wendi Barry, Borough Clerk  
**From:** Keith J. Lynch, Director, Planning & Development  
**CC:** File  
**Date:** February 3, 2016  
**Re:** BAC Center for Excellence, LLC  
Bonding and Escrow 629 Central Ave.; BI 220, Lot 23

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The applicant for the above-referenced matter has requested that a portion of the Site work Performance Bond be refunded. The applicant had submitted the full amount of the Performance Bond in cash totalling \$911,346. The construction of the site work improvements is nearly complete and we have received a completeness review prepared by the applicant's engineers, PS&S. The total value of work bonded was \$759,455 and the value of the work completed is \$754,765. Remaining site work to be performed is valued a \$4690.

The Borough Engineer has requested that after the Borough accepts the site improvements, a maintenance bond shall be posted. The amount shall be 15% of the cost of the improvements, which would result in \$113,918.25 maintenance bond. This shall be held for no more than two years.

The applicant has requested that the funds for the Maintenance Bond be withheld from the Performance Guarantee. A total of \$113,918.25 shall be maintained as a cash bond for a period not to exceed two (2) years. This amount shall be withheld from the current account balance of \$911,346. I would recommend that Council authorize the return of remaining funds in the amount of \$797,427.75.

Thank you for your consideration in this matter.