

RESOLUTION NO. 2019-40

WHEREAS, BNE Associates (Aberdeen Plaza Station Urban Renewal) has requested the release of performance guarantees posted on property located at Block 259, Lots 1 – 8 and Block 263, Lot 2 on the Official Tax Map of the Township of Aberdeen; and

WHEREAS, the Township Engineer has recommended release of performance guarantees in a letter dated January 15, 2019.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Aberdeen that it hereby authorizes release of performance guarantees as follows: Schedule A - Performance Bond #685407 in the amount of \$508,939.20 and Cash Bond in the amount of \$56,548.80; Schedule B – Performance Bond #685408 in the amount of \$649,047.78 in accordance with the January 15, 2019 recommendation of the Township Engineer.

BE IT FURTHER RESOLVED that the release of the aforesaid bond is subject to the posting of a satisfactory maintenance bond in the amount of \$649,047.78, payment of any outstanding inspection and professional fees and concurrence by the Township Manager and Township Attorney.

All resolutions or part of resolutions inconsistent herewith are hereby repealed.

JOHN H. ALLGAIR, PE, PP, LS (1983-2001)
DAVID J. SAMUEL, PE, PP, CME
JOHN J. STEFANI, PE, LS, PP, CME
JAY B. CORNELL, PE, PP, CME
MICHAEL J. McCLELLAND, PE, PP, CME
GREGORY R. VALES, PE, PP, CME



TIMOTHY W. GILLEN, PE, PP, CME
BRUCE M. KOCH, PE, PP, CME
LOUIS J. PLOSKONKA, PE, CME
TREVOR J. TAYLOR, PE, PP, CME
BEHRAM TURAN, PE, LSRP
LAURA J. NEUMANN, PE, PP
DOUGLAS ROHMEYER, PE, CFM, CME
ROBERT J. RUSSO, PE, PP, CME
JOHN J. HESS, PE, PP, CME

January 11, 2019
Revised January 15, 2019

Ms. Karen Ventura, Township Clerk
Township of Aberdeen
One Aberdeen Square
Aberdeen, NJ 07747

Re: Request for Performance Bond Release
Plaza Station – BNE Real Estate Group
Block 259, Lots 1 – 8; Block 263, Lot 2
Application No.: SP15-506
Our File No.: PABP0259.01

Dear Ms. Ventura:

Pursuant to a request from BNE Real Estate Group for a release of the performance guarantees posted for the work associated with the above referenced site, please be advised that we have made the necessary site evaluation and we are reporting herein.

OFF-SITE IMPROVEMENTS

The original off-site performance guarantees recommended by our office and posted by the developer were calculated as follows:

Total Performance Guarantee	\$ 565,488.00
10% Cash Portion	\$ 56,548.80
90% Bond Portion	\$ 508,939.20

Accordingly, the total performance guarantee which should have been posted for the off-site improvements is \$565,488.00 of which ten percent (\$56,548.80) should have been submitted as a cash guarantee with the remainder (\$508,939.20) submitted as a performance bond.

It is our understanding that the performance guarantees posted for this site have not been previously reduced and remain at 100% of the original amount or \$565,488.00 of which 10% (\$56,548.80) should have been retained as a cash guarantee with the remainder (\$508,939.20) as a performance bond until such time that the remaining off-site improvements at the site were completed.



Ms. Karen Ventura
Aberdeen Plaza Station – BNE Real Estate Group
January 15, 2019
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Relative to our recent observation of the site and review of our files, the BNE Plaza Station off-site improvements have been completed.

Accordingly, we recommend a release of the performance guarantee for the BNE Plaza Station off-site improvements at this time subject to the payment of all outstanding escrow fees, if any.

The Township ordinance indicates that a maintenance guarantee is required for a period not to exceed two (2) years after final acceptance of the improvement in an amount not to exceed fifteen percent (15%) of the cost of the improvement.

The maintenance guarantee amount for the BNE Plaza Station off-site improvements are calculated as follows:

$$\text{\$565,488.00} \times 0.15 = \text{\$84,823.32}$$

Total Maintenance Guarantee = \\$84,823.32

ON-SITE IMPROVEMENTS

The original on-site performance guarantees recommended by our office and posted by the developer were calculated as follows:

Total Performance Guarantee	\$4,326,985.20
10% Cash Portion	\$ 432,698.52
OR	
15% Bond Portion	\$ 649,047.78

Accordingly, the total performance guarantee which should have been posted for the on-site improvements is \$432,698.52 as a cash guarantee OR 15% \$649,047.78 submitted as a performance bond.

It is our understanding that the performance guarantees posted for this site have not previously been reduced and remain at 100% of the original amount or **\$4,326,985.20** of which 10% (**\$432,698.52**) should be retained as a cash guarantee OR 15% (**\$649,047.78**) as a performance bond until such time that the remaining on-site improvements have been completed.



Ms. Karen Ventura
Aberdeen Plaza Station – BNE Real Estate Group
January 15, 2019
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Relative to our recent observation of the site and review of our files, the BNE Plaza Station on-site improvements have been completed.

Accordingly, we recommend a release of the performance guarantee for the BNE Plaza Station on-site improvements at this time subject to the payment of all outstanding escrow fees, if any.

The Township ordinance indicates that a maintenance guarantee is required for a period not to exceed two (2) years after final acceptance of the improvement in an amount not to exceed fifteen percent (15%) of the cost of the improvement.

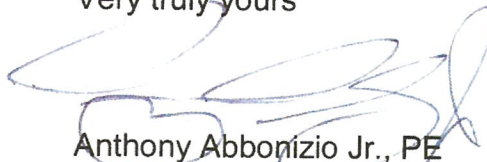
The maintenance guarantee amount for the BNE Plaza Station on-site improvements are calculated as follows:

$$\text{\$4,326,985.20} \times 0.15 = \text{\$649,047.78}$$

Total Maintenance Guarantee = \\$649,047.78

Should you have any questions concerning this matter, please do not hesitate to contact this office.

Very truly yours



Anthony Abbonizio Jr., PE
Township Engineer's Office

LP/aa

Enclosure

cc: Holly Reycraft, Township Manager
Karen Ventura, Township Clerk
Ron Gordon, Township Attorney
Andrew Herrmann, BNE Real Estate

Aberdeen Plaza Station Urban Renewal, LLC

16 Microlab Road
Suite A
Livingston, NJ 07039

January 15, 2019

Sent via email

To: Karen Ventura – Aberdeen Twp.

Cc: Anthony Abbonizio (CME, Associates)
Maxine Rescorl

From: Aberdeen Plaza Station Urban Renewal, LLC

RE: Performance Bond Release – Plaza Station at Aberdeen

Dear Ms. Ventura:

Please accept this letter as a formal request for a full Performance Bond release for the Plaza Station development located on Schindler Dr. in Aberdeen Twp. At this time, we have completed Plaza Station in it's entirety and have received sign-offs on all aspects of the project. If you have any questions or need anything else, please feel free to contact me anytime.

Applicant: Plaza Station Urban Renewal, LLC

Project: Plaza Station at Aberdeen

Application numbers: 685407
685408

Thank you.

Andrew Herrmann

Andrew Herrmann

Project Manager

973-255-0281

aherrmann@bnerealestate.com