

**RESOLUTION 2018 – 21**

**RESOLUTION OF THE BORDENTOWN SEWERAGE AUTHORITY,  
IN THE COUNTY OF BURLINGTON, STATE OF NEW JERSEY  
AUTHORIZING THE RELEASE OF A PERFORMANCE GUARANTEE  
FOR BORDENTOWN CORNER, LLC**

**WHEREAS**, The Bordentown Sewerage Authority has required the posting of performance guarantee from Bordentown Corner, LLC, the developer of **Pep Boys and Dollar General**, Block 20, Lot 1 and Block 22, Lot 1, in Bordentown Township; and

**WHEREAS**, the developer has requested a reduction in the amount of performance guarantee posted for the improvements, pursuant to Rule 301.C. of the Rules and Regulations of the Authority; and

**WHEREAS**, the Consulting Engineer to the Authority had reported that 50% of the improvements were constructed and tested in accordance with the rules, regulations, and specifications of the Bordentown Sewerage Authority; and

**WHEREAS**, the Consulting Engineer to the Authority has recommended the full release of the performance guarantee in the amount of \$34,645.20 provided all administrative obligations are completed to the satisfaction of the Engineer and payment of outstanding fees have been resolved and the conditions set forth below are satisfied.

NOW, THEREFORE, BE IT RESOLVED this 20<sup>th</sup> day of February, 2018, by The Bordentown Sewerage Authority as follows:

1. The performance bond # BMYA930567 previously posted in the amount of \$34,645.20 is hereby released subject to Bordentown Corner, LLC satisfying the Authority's Engineer's open items set forth on Exhibit "A" attached hereto.

2. A maintenance bond in the amount of \$3,464.52 shall be required to be posted by Bordentown Corner, LLC as a condition of this release.

3. Any and all resolutions inconsistent with this resolution are hereby repealed to the extent of such inconsistencies.

THE BORDENTOWN SEWERAGE AUTHORITY

By: \_\_\_\_\_

Chair, JAMES E. LYNCH, JR.

ATTEST:

\_\_\_\_\_  
Secretary, JOSEPH R. MALONE, III

**EXHIBIT "A"**

February 15, 2018

Bordentown Sewerage Authority  
954 Farnsworth Avenue  
PO Box 396  
Bordentown, NJ 08505

**Attention: Mr. Richard D. Eustace  
Executive Director**

**Reference: Bordentown Sewerage Authority  
Performance Bond Update – Bordentown Corner  
(Pep Boys & Dollar General Store Site)  
Township of Bordentown - Block 20, Lot 1; & Block 22, Lot 1  
Our file #: 0304N077**

Dear Mr. Eustace:

The applicant for the above referenced project at the June 19<sup>th</sup>, 2017 Authority Board meeting received a reduction in the performance bond from the original amount of \$34,645.20 to \$8,661.30. This reduction was because at least 50% of the improvements on the site were constructed in accordance with the rules, regulations, and specifications from the Bordentown Sewerage Authority (BSA).

In accordance with the Bordentown Sewerage Authority Rules and Regulations Section 301.B, the applicant is required to maintain a performance bond for the remaining amount of the project to be constructed. By copy of this letter, we request that the applicant assess if all of the improvement work has been completed. If the work has been completed we recommend the applicant notify the Authority's executive director of the completion status of all wastewater related work.

In anticipation of this correspondence stating all wastewater related work is completed we recommend the Authority Board authorize the executive director to accept the two year maintenance bond.

Based on the original performance bond, the maintenance bond amount is as follows:

Performance Bond Amount	\$34,645.20
Maintenance Bond Amount @ 10% of Performance Bond	\$3,464.52

Prior to performance bond release, all of the above items must be satisfied, as well as the following:

1. Provide as-builts for approval of the Bordentown Sewerage Authority Engineer for design conformance. Identify location of lateral connections from the nearest manhole; cleanout locations and pipe materials.
2. Final inspection of the system is performed by the Bordentown Sewerage Authority and all deficiency items are addressed by the Applicant.

3. Final surface paving has been installed.
4. All escrow fees are paid and at least \$2,000.00 is present in the Bordentown Sewerage Authority account.
5. The Bordentown Sewerage Authority Board approves release of the performance bond.
6. Submit the maintenance bond. The bond format must be approved by the Bordentown Sewerage Authority solicitor.

Should you have any questions concerning this review, please feel free to contact us.

Sincerely,

**REMINGTON & VERNICK ENGINEERS**

By:



Richard B. Czekanski, PE, BCEE, CME

RBC:rbc

cc: E. Kwelty, BSA  
Craig Dansbury, BSA  
Mark Malinowski, Stout and Caldwell LLC  
Tom Coleman, BSA Solicitor  
Bordentown Corner LLC, Applicant  
George Hann, R&V