

RESOLUTION 47-19

**RESOLUTION DENYING RELEASE OF PERFORMANCE
BOND FOR DOLLAR GENERAL – BLOCK 1001, LOT 33
DUE TO OUTSTANDING PUNCH LIST ITEMS**

WHEREAS, the applicant, 706 Delsea Associates, LLC, Block 1001, Lot 33, has posted, pursuant to the requirements of the Clayton Development Regulation and Zoning Ordinance, Performance Guarantees, guaranteeing the improvements in conjunction with said project; and

WHEREAS, the said applicant has completed said improvements and has applied for a release of said performance guarantees; and

WHEREAS, the Borough Engineer has made an inspection and rendered a report, a copy of which is attached hereto, and made a part hereof, certifying that the improvements have not been completed; and

WHEREAS, the Borough Engineer has also recommended that the performance bond not be released; and

WHEREAS, prior to release of said performance bond, all outstanding punch list items and all outstanding engineering, escrow and legal fees, if any, shall be paid in full.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Clayton, in the County of Gloucester and State of New Jersey, that the release of the aforementioned performance bond for 706 Delsea Associates, LLC, Block 1001, Lot 33, be and hereby is denied as per the Engineers letter.

ADOPTED, at a meeting of the Mayor and Council of the Borough of Clayton, in the County of Gloucester, held January 24, 2019

BOROUGH OF CLAYTON



THOMAS BIANCO, Mayor

Attest:



CHRISTINE NEWCOMB
Municipal Clerk

CERTIFICATION

I, Christine Newcomb, Municipal Clerk of the Borough of Clayton, do hereby certify that the foregoing Resolution was presented and duly adopted by the Borough Council at a regular meeting of the Borough of Clayton Council, held on January 24, 2019.



CHRISTINE NEWCOMB
Municipal Clerk

SICKELS & ASSOCIATES, INC.

Engineers • Planners • Surveyors

January 15, 2019

Borough of Clayton
125 North Delsea Drive
Clayton, New Jersey 08312

Attention: Mayor and Council Members

**Reference: Performance Bond Release
Dollar General – Block 1001, Lot 33
Borough of Clayton, Gloucester County, New Jersey
Applicant: 706 Delsea Associates, LLC
S&A File No. C-697**

Dear Mayor and Council Members:

We are in receipt of the Applicants e-mail, dated December 4, 2018 concerning the release of the performance bond for the site for above mentioned project. This office has completed our construction observation for the purpose of determining if the performance bond can be released for the above referenced commercial property.

Based on the findings of our observations, we have enclosed a list of items that need to be completed in order to comply with the approved construction drawings. (See attached construction punch list status no. 1). Items listed are reflected within the approved performance bond. We do not recommend the bonds be released at this time due to the outstanding punch list items. We request the Developer contact this office with regards to the schedule they intend to implement in completing the necessary work or in the event that they have any questions concerning the construction punch list items.

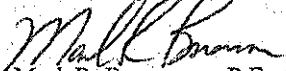
In accordance with M.L.U.L. Section 40:55D53.e.1, Council needs to adopt a resolution indicating the bond cannot be released due to the outstanding items.

As some of the repairs are weathered and season dependent, we are acceptable if the performance bond amount (\$317,626.20) be reduced to 30% of the original value (\$95,287.86), in accordance with the M.L.U.L. Section 40:55D53, at this time we are acceptable to a resolution being presented to Mayor and Council for same.

It should be noted that upon completion of the construction punch list and prior to the release of the performance bond, all outstanding engineering fees must be paid in full and a maintenance bond should be forwarded to this office and the Borough Solicitor for review and approval.

If you have any questions or require additional information, please contact this office at (856) 848-6800.

Very truly yours,
SICKELS & ASSOCIATES, INC.


Mark R. Brunermer, P.E., C.M.E.
Clayton Borough Engineer

MRB:osp
Enclosure (construction punch list status no. 1)

Copy To: Sue Miller, Borough Administrator, w/ enclosure (via e-mail only)
Christine Newcomb, Borough Clerk (via e-mail only)
Donna Nestore, Municipal Financial Officer (via e-mail only)
Joe Hunt, Director of Public Works, w/ enclosure (via e-mail only)
Debbie Schlosser, Clayton Combined Zoning/Planning Board Secretary (via e-mail only)
Timothy Scaffidi, Borough Solicitor (via e-mail only)
706 Delsea Associates, LLC, c/o Lee Brahin, Applicant (via e-mail only)
Michael Malinsky, Fox Rothschild LLP (via e-mail only)
David Roché, Sickels & Associates, Inc., w/ enclosure (via e-mail only)

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