

RESOLUTION 48-19

**RESOLUTION DENYING RELEASE OF PERFORMANCE
BOND FOR HOVBROS CLAYTON LLC , ABERDEEN – ESTATES
– SECTIONS 1.1 & 1.2 FOR SITE, WATER AND SEWER IMPROVEMENTS
DUE TO OUTSTANDING PUNCH LIST ITEMS**

WHEREAS, the applicant, Hovbros Clayton, LLC, Aberdeen Estates, 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 Hovbros Clayton, LLC, Aberdeen Estates, 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 23, 2019

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

Attention: Mayor and Council Members

Reference: Performance Bond Status Release
Aberdeen – Estates – Sections 1.1 & 1.2
Site, Water & Sewer Improvements
Borough of Clayton, Gloucester County, New Jersey
Applicant: Hovbros Clayton, LLC
Bond Nos: 1.1 (site) SU10001773 / 1.1 (water & sewer) SU1001775
1.2 (site) SU10001774 / 1.2 (water & sewer) SU1001776
S&A File No. CB-516-1a

Dear Mayor and Council Members:

We are in receipt of the Applicants letter, dated December 21, 2018 concerning the release of the performance bonds for the site, water & sewer improvements for above mentioned project. This office has completed our construction observation for the purpose of determining if the performance bonds can be released for the above referenced residential development.

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.

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:oap
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, w/ enclosure (via e-mail only)
Joe Hunt, Director of Public Works, w/ enclosure (via e-mail only)
Debbie Schlosser, Clayton Combined Zoning/Planning Board Secretary, w/ enclosure (via e-mail only)
Timothy Scaffidi, Borough Solicitor, w/ enclosure (via e-mail only)
Scott V. Bordiek, Hovbros Clayton, LLC, Site Development Manager, w/ enclosure (via e-mail only)
Colin Marshal, Hovbros Clayton, LLC, w/ enclosure (via e-mail only)
David Roché, Sickels & Associates, Inc., w/ enclosure (via e-mail only)

F:\PROJECTS\Clayton\CB-516-1A\Performance Bond Status Release 01-23-19.docx
Sherwood Meadows • 833 Kings Highway
Woodbury, New Jersey 08096-3110
(856) 848-6800 FAX (856) 848-8520
www.sickelsassoc.com

January 23, 2019

CONSTRUCTION PUNCHLIST – STATUS NO. 1

Aberdeen (Estates) – Single Family Housing
Borough of Clayton, Gloucester County, New Jersey
S&A File No. CB-516-1a
Punchlist compiled by Marc C. Knott & Phil F. Morgan

1. Landscaping – will need to be monitored during maintenance period.
2. Repair roadway that goes between single family and 55 & older.
3. Remove and replace (R/R) 1 block of sidewalk at right of home #2 Garwood Blvd.
4. 8 Garwood Blvd – repair driveway apron.
5. 4 Dubois Ave. – 1 block driveway apron cracked R/R. Remove/cap off tubing on each side of property.
6. OAP white caps photos? #4, #6, #8, #10, #12, #14, #16, #18, #20, #26.
7. 16 Dubois Ave. – R/R 1 section driveway apron cracked.
8. 1 Porch St. – Replace 2 damaged/missing caps. Top section of clean out shall be straightened.
9. 3 Porch St. – Adjust sanitary sewer c.o. to grade. Adjust 3 c.o. to grade and replace damaged cap.
10. 5 Porch St. – Adjust water service to grade.
11. 7 Porch St. – Adjust c.o. to grade - lower.
12. Porch St./Garwood Blvd. – water ponding at Intersection. Correct as needed.
13. Several areas of asphalt cracking throughout development. Photos taken at 8 Porch St. – correct as needed.
14. 4 Porch St. Adjust 2 c.o. to grade and replace 1 broken cap.
15. 2 Porch St. – Adjust 2 c.o. to grade to replace 1 broken cap. Soil restoration in same area. Backfill is required.
16. 18 Dubois Ave. – R/R 1 section of concrete driveway apron and sidewalk section behind apron.
17. Several c.o. caps are plastic. Replace with brass cover.
18. 20 Dubois Ave. – R/R 1 section of concrete apron – cracked.
19. 32 Dubois Ave. – Repair/Replace c.o. caps.
20. 38 Dubois Ave. – Complete soil restoration at right side of driveway.
21. 46 Dubois Ave. – Adjust c.o. to grade (lower).
22. 48 Dubois Ave. – Soil Restoration around c.o. Adjust c.o. to grade as needed.
23. 50 Dubois Ave. – Replace broken c.o. cap. Adjust c.o. to grade by mailbox and complete soil restoration.
24. 64 Dubois Ave. – R/R 2 sections of concrete sidewalk – cracked.
25. Empty lid to right of 336 Garwood Blvd. cracked sidewalk/apron.
26. 33 Garwood Blvd. – straighten c.o.
27. 25 Garwood Blvd. – Adjust c.o. to grade (lower).
28. 17 Garwood Blvd. – R/R 1 section concrete sidewalk – cracked.
29. 15 Garwood Blvd. – Replace broken c.o. cap and adjust to grade.
30. 11 Garwood Blvd. – Adjust water services to grade (lower).
31. Storm Inlet at Exit on Garwood between Basin and Soccer field parking lot. Soil restoration behind head piece.

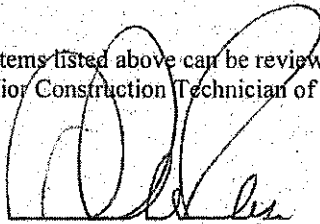
January 23, 2019

Construction Punch List – Status No. 1

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Borough of Clayton, Gloucester County, New Jersey
S&A File No. CB-516-1a
Punchlist compiled by Marc C. Knott & Phil F. Morgan**

32. 5 Dubois Ave. – Repair/replace 2 c.o.'s and adjust to grade (lower). Note: the utility company shall be contacted to raise the sunken utility box.
33. 19 Dubois Ave. – Adjust 2 c.o.'s to grade (lower).
34. Garwood Blvd. and Dubois Ave. – Inlet – Provide soil restoration behind inlet.
35. 34 Garwood Blvd. – Adjust 1 c.o. to grade (lower).
36. 32 Garwood Blvd. – Repair/Replace 1 c.o. cap and adjust to grade (lower).
37. 30 Garwood Blvd. – Replace cap and adjust 1 c.o. to grade (lower). Soil restoration needed.
38. Wafer ponding between 9 & 11 Garwood Blvd. at fire hydrant.

The items listed above can be reviewed with David D. Roche', Construction Manager or Olivier A. Peña, Senior Construction Technician of our office at 856.848.6800.



Olivier A. Peña, Senior Construction Technician

01.23.19

Date

OAP

Copy To: Sue Miller, Borough Administrator (via e-mail only)
Christine Newcomb, Borough Clerk (via e-mail only)
Donna Nestore, Municipal Financial Officer (via e-mail only)
Joe Hunt, Clayton Water Department (via e-mail only)
Debbie Schlosser, Clayton Combined Zoning/Planning Board Secretary (via e-mail only)
John M. Eckler, Construction Code Official (via e-mail only)
Timothy Scaffidi, Borough Solicitor (via e-mail only)
Scott Bordick, J.S. Hovnanian and Sons (via e-mail only)
Colin Marshall, J.S. Hovnanian and Sons (via e-mail only)
Mark R. Brunermer, Sickels & Associates, Inc. (via e-mail only)
David Roché, Sickels & Associates, Inc. (via e-mail only)