

RESOLUTION 197-19

**RESOLUTION AUTHORIZING RELEASE OF PERFORMANCE
BOND FOR EMERSON GREEN SUBDIVISION SITE IMPROVEMENTS
UPON THE POSTING OF A MAINTENANCE BOND**

WHEREAS, the applicant, Fernmoor Homes at Clayton, LLC, has posted, pursuant to the requirements of the Clayton Development Regulation and Zoning Ordinance, Performance Guarantees, guaranteeing the site improvements in conjunction with said project; and

WHEREAS, the said applicant has completed said site 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 been completed; and

WHEREAS, the Borough Engineer has also requested that the developer post a maintenance guarantee in the amount of \$131,497.50 for said improvements and an additional \$2,500.00 escrow deposit; and

WHEREAS, prior to release of said performance bond, 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 aforementioned performance guarantees for Fernmoor Homes at Clayton, LLC, be and hereby is released as per the Engineers letter.

BE IT FURTHER RESOLVED that any and all outstanding engineering, escrow and/or legal fees, if any, shall be paid in full.

ADOPTED, at a meeting of the Mayor and Council of the Borough of Clayton, in the County of Gloucester, held September 12, 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 September 12, 2019.



CHRISTINE NEWCOMB
Municipal Clerk

September 5, 2019

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

Attention: Mayor and Council Members

Reference: Performance Bond Release – Site Improvements
Emerson Green Subdivision
Borough of Clayton, Gloucester County, New Jersey
Applicant: Fernmoor Homes at Clayton, LLC
Bond No.: 5033594
S&A File No. C-543b

Dear Mayor and Council Members:

Pursuant to the request made by the Applicant, we have completed our review of the above referenced site to determine if the performance bond (\$315,594.00 reduced amount) can be released for the above referenced project. Based on the findings of our observations, we are informing the Borough that the work under this project has been completed, corrected and/or repaired.


As such, we would recommend that Borough consider the release of the performance bond contingent upon the posting of the required maintenance bond in the amount of \$131,497.50 and an additional \$2,500.00 to be deposited into the escrow account to cover the release of the maintenance bond. **The maintenance bond should provide coverage for the two (2) year period from the date the site-received acceptance of the site improvements. Therefore, the maintenance bond expiration date is August 9, 2021.**

It should be noted that prior to the release of the performance bond, all outstanding engineering fees must be paid in full. By copy of this letter to Christine Newcomb, Borough Clerk, we are requesting that this matter be placed on the agenda for approval at the next available Mayor & Council meeting.

If you have any questions regarding the above matter, please feel free to contact our office at (856) 848-6800 or via e-mail (oap@sickelsassoc.com) at your earliest convenience.

Very truly yours,

SICKELS & ASSOCIATES, INC.


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

MRB: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, Director of Public Works (via e-mail only)
Debbie Schlosser, Clayton Combined Zoning/Planning Board Secretary (via e-mail only)
Timothy Scaffidi, Borough Solicitor (via e-mail only)
Fernmoor Homes at Clayton, LLC, Applicant (via e-mail only)
Jeffrey Fernbach, Fernmoor Homes (via e-mail only)
Jack Kennedy, Fernmoor Homes (via e-mail only)
Patricia Owens, Sickels & Associates, Inc. w/ enclosure (via e-mail only)
David D. Roché, Sickels & Associates, Inc. w/ enclosure (via e-mail only)
Kim Croft, Sickels & Associates, Inc. w/ enclosure (via e-mail only)

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