

RESOLUTION 168-14

**RESOLUTION AUTHORIZING REDUCTION #5 OF PERFORMANCE
BOND - EMERSON GREEN SUBDIVISION
(SITE IMPROVEMENTS)**

WHEREAS, the developer of the Emerson Green Subdivision has posted, pursuant to the requirements of the Clayton Development Regulation and Zoning Ordinance, a Performance Bond guaranteeing site improvements in conjunction with said development; and

WHEREAS, the said developer of the Emerson Green Subdivision has partially installed said improvements and has applied for a commensurate reduction of said Performance Bond; and

WHEREAS, the Borough Engineer has made an inspection and rendered a report dated July 15, 2014, a copy of which is attached hereto, and made a part hereof, recommending reduction of said performance bond from the previous amount of \$380,652.00 to the revised amount of \$315,594.00.

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 site improvement performance bond for the Emerson Green Subdivision, be and hereby is reduced to \$315,594.00.

ADOPTED at a meeting of the Mayor and Council of the Borough of Clayton, in the County of Gloucester, held August 14, 2014.

BOROUGH OF CLAYTON



THOMAS BIANCO, Mayor

Attest:


CHRISTINE NEWCOMB, Borough Clerk

CERTIFICATION

I, Christine Newcomb, Borough Clerk of the Borough of Clayton, do hereby certify that the foregoing Resolution was presented and duly adopted by the Borough Council at a meeting of the Borough of Clayton, held on Thursday, August 14, 2014.


CHRISTINE NEWCOMB, Borough Clerk

SICKELS & ASSOCIATES, INC.

Engineers • Planners • Surveyors

July 15, 2014

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

Attention: Mayor and Council Members

**Reference: Site Improvement Performance Bond - Reduction No. 5
Emerson Green Subdivision - Block 404 Lots 13 & 15
Borough of Clayton, Gloucester County, New Jersey
Applicant: Fernmoor Homes at Clayton, LLC
S&A File No. C-543B**

Dear Mayor and Council:

Pursuant to the request made by Fernmoor Homes at Clayton, LLC letter dated June 25, 2014; we have completed our review of the above referenced site to determine the extent of work completed on the project for purposes of reducing the Applicant's performance guarantee.

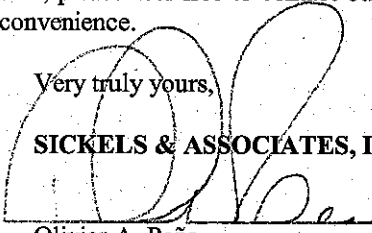
Based on the findings of our observations, we would recommend that the guarantee be reduced from **\$380,652.00 to \$315,594.00**. The reduced amount is thirty (30%) percent of the original bond amount, which is the maximum allowable reduction permitted by N.J.S.A. Section 40:55D-53(2e) of the Municipal Land Use Law.

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.


Olivier A. Peña
Senior Construction Technician

OAP
Enclosure

Copy To: Sue Miller, Borough Administrator, w/enclosure (via email only)
Christine Newcomb, Borough Clerk, w/enclosure (via email only)
Donna Nestore, Municipal Financial Officer, w/enclosure (via email only)
Duane Paul Pheasant, Director of Public Works, w/enclosure (via email only)
John M. Eckler, Construction Code Official, w/enclosure (via email only)
Joseph Kenney, Borough's Zoning Officer, w/enclosure (via email only)
Timothy Scaffidi, Borough Solicitor, w/enclosure (via email only)
Suzanne Pietranico, Fernmoor Homes, Applicant, w/enclosure
Denise Brezinski, Construction Assistant, Fernmoor Homes, Applicant, w/enclosure
Patricia Owens, Sickels & Associates, Inc., w/enclosure, (via email only)
Kim Croft, Sickels & Associates, Inc., w/enclosure, (via email only)

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Sherwood Mews • 833 Kings Highway
Woodbury, New Jersey 08096-3110
(856) 848-6800 FAX (856) 848-8520
www.sickelsassoc.com

SICKELS & ASSOCIATES, INC.

Site Improvement Bond Reduction No. 5

Emerson Green

Block 404 Lots 13 & 15

Borough of Clayton Gloucester County, New Jersey

October 15, 2013

S&A File No. CB-543B

Item No.	Description	Unit Meas.	Quantity	Unit Cost	Total Cost	Work Completed	Value of Work Remaining
1	Excavation & Grading	SY	57,000	\$ 2.00	\$ 114,000.00	49,000	\$ 16,000.00
2	4-1/2" HMA, Mix I-2, Roadway	SY	7,900	\$ 5.00	\$ 39,500.00	7,900	\$ -
3	1-1/2" HMA, Mix I-5, Roadway	SY	7,900	\$ 13.00	\$ 102,700.00		\$ 102,700.00
4	6" Subbase	CY	1,320	\$ 30.00	\$ 39,600.00	1,320	\$ -
5	Asphalt Sidewalk & Subbase	SY	225	\$ 12.00	\$ 2,700.00		\$ 2,700.00
6	Concrete Sidewalk	SY	1,500	\$ 38.00	\$ 57,000.00	750	\$ 28,500.00
7	Concrete Driveway & Apron	SY	2,020	\$ 50.00	\$ 101,000.00	1,010	\$ 50,500.00
8	Belgian Block Curb	LF	4,400	\$ 18.00	\$ 79,200.00	4,400	\$ -
9	Mountable Concrete Curb	LF	90	\$ 16.00	\$ 1,440.00		\$ 1,440.00
10	Handicapped Ramp	UN	10	\$ 750.00	\$ 7,500.00	5	\$ 3,750.00
11	15" RCP Class III	LF	291	\$ 25.00	\$ 7,275.00	291	\$ -
12	15" RCP, Class IV	LF	48	\$ 28.00	\$ 1,344.00	48	\$ -
13	18" RCP Class III	LF	375	\$ 26.00	\$ 9,750.00	375	\$ -
14	18" RCP Class IV	LF	48	\$ 29.00	\$ 1,392.00	48	\$ -
15	21" RCP Class IV	LF	274	\$ 31.00	\$ 8,494.00	274	\$ -
16	30" RCP, Class IV	LF	190	\$ 43.00	\$ 8,170.00	190	\$ -
17	14" x 23" HERCP, Class IV	LF	175	\$ 34.00	\$ 5,950.00	175	\$ -
18	16" x 27" HERCP, Class IV	LF	135	\$ 40.00	\$ 5,400.00	135	\$ -
19	22" x 34" HERCP, Class IV	LF	42	\$ 45.00	\$ 1,890.00	42	\$ -
20	15" HDPE	LF	605	\$ 25.00	\$ 15,125.00	605	\$ -
21	30" HDPE	LF	301	\$ 40.00	\$ 12,040.00	301	\$ -
22	Type "A", Inlet	UN	3	\$ 1,200.00	\$ 3,600.00	3	\$ -
23	Type "B", Inlet	UN	15	\$ 1,800.00	\$ 27,000.00	15	\$ -
24	Type "E", Inlet	UN	2	\$ 1,800.00	\$ 3,600.00	2	\$ -
25	Storm Manhole	UN	3	\$ 1,500.00	\$ 4,500.00	3	\$ -
26	15" FES	UN	1	\$ 300.00	\$ 300.00	1	\$ -
27	30" Headwall	UN	2	\$ 2,500.00	\$ 5,000.00	2	\$ -
28	Concrete Weir Structure	LS	1	\$ 4,000.00	\$ 4,000.00	1	\$ -
29	Stone Rip-Rap	CY	35	\$ 50.00	\$ 1,750.00	35	\$ -
30	Traffic Sign	UN	13	\$ 125.00	\$ 1,625.00	3	\$ 1,250.00
31	Street Sign	UN	3	\$ 175.00	\$ 525.00	3	\$ -
32	Street Light	UN	6	\$ 2,200.00	\$ 13,200.00	6	\$ -
33	Landscape Planting	LS	1	\$ 45,000.00	\$ 45,000.00	0.5	\$ 22,500.00
34	Topsoil & Seeding	SY	23,500	\$ 4.00	\$ 94,000.00	15,275	\$ 32,900.00
35	Playground	LS	1	\$ 20,000.00	\$ 20,000.00	1.00	\$ -
36	Stone Access Drive	SY	120	\$ 8.00	\$ 960.00	120	\$ -
37	Basin Fence	LF	1,260	\$ 12.00	\$ 15,120.00	1,260	\$ -
38	Soil Erosion Control	LS	1	\$ 15,000.00	\$ 15,000.00	1	\$ -

Total	\$ 876,650.00		\$ 262,240.00
20% Contingency	\$ 175,330.00		\$ 52,448.00
Amount of Performance Bond (120%)	\$ 1,051,980.00		\$ 314,688.00

Amount of Engineering Escrow (5%)	\$ 43,832.50		
Amount of Maintenance Bond (15%)	\$ 131,497.50		

This bond should not be reduced below 30% of the original bond amount until final acceptance as per Municipal Use Law. **\$ 315,594.00**

Notes:

1. This estimate has been prepared for guarantee determination.
2. This estimate is based upon plans last revised August 22, 2006, sheets 1 thru 2 as prepared by Engineering Design Associates.
3. All improvements within the county right-of-way shall be bonded with the county.

fernmoorHOMES

732-719-5000 x 32 – Telephone

732-719-5001 – Facsimile

VIA CMRRR

June 25, 2014

Christine Newcomb, Municipal Clerk
Borough of Clayton
125 North Delsea Drive
Clayton, NJ 08312

RE: Bond # 5033594 - \$380,652
Fernmoor Homes at Clayton LLC
Emerson Green Subdivision

Dear Ms. Newcomb:

Pursuant to NJSA 40:55D-53(d), Fernmoor Homes at Clayton, LLC, hereby requests a reduction of the above referenced performance bond from the current principal of \$ 380,652.00 to \$281,748.00. Attached to this letter is the itemized cost estimate attached to the bond indicating the status of the improvements and the requested reduction. Copies of this letter and the attached table have been sent to the municipal engineer. Fernmoor Homes at Clayton, LLC requests that the Municipal Engineer inspect the property and the improvements and file his report to the governing body, with a copy to Fernmoor Homes at Clayton, LLC.

Please mail to me a copy of the governing body's resolution.

Sincerely,



Denise Brzezinski
Construction Assistant

Cc (w/ encl.): Mark Brunermer, Municipal Engineer (CMRRR)

Fernmoor Homes @ Clayton Green Block 404 Lots 13 & 15		Emerson							
								6/23/2014	
Item #	Description	QTY		Unit Price	Amount	Quantity Remaining	Quantity Complete	Balance to Complete	
1	Excavation @ Grading	57,000	SY	\$ 2.00	\$ 114,000.00	8000	49000	\$16,000.00	
3	1-1/2" HMA, Mix 1.5, Roadway	7,900	SY	\$ 13.00	\$ 102,700.00	7900	0	\$102,700.00	
5	Asphalt Sidewalk & Subbase	225	SY	\$ 12.00	\$ 2,700.00	225	0	\$2,700.00	
6	Concrete Sidewalk	1,500	SY	\$ 38.00	\$ 57,000.00	600	900	\$22,800.00	
7	Concrete Driveway and Apron	2,020	SY	\$ 50.00	\$ 101,000.00	800	1220	\$40,000.00	
9	Mountable Concrete Curb	90	LF	\$ 16.00	\$ 1,440.00	90	0	\$1,440.00	
10	Handicapped Ramp	10	UN	\$ 750.00	\$ 7,500.00	5	5	\$3,750.00	
30	Traffic Sign	13	UN	\$ 125.00	\$ 1,625.00	10	3	\$1,250.00	
33	Landscape Planting	1	LS	\$ 45,000.00	\$ 45,000.00	0.25	0.75	\$11,250.00	
34	Topsoil & Seeding	23500	SY	\$ 4.00	\$ 94,000.00	8225	15275	\$32,900.00	
35	Playground	1	LS	\$ 20,000.00	\$ 20,000.00	0	1	\$0.00	
37	Basin Fence	1260	LF	\$ 12.00	\$ 15,120.00	0	1260	\$0.00	
					\$ -			\$0.00	

Amount of Performance Bond (120%)

\$ 562,085.00

\$234,790.00

\$281,748.00