RESOLUTION 81-16

RESOLUTION WAIVING REQUIREMENT FOR THE POSTING OF AN IMPROVEMENT BOND FOR PHASE I (SITE IMPROVEMENTS) FOR GREGORY RUGGIERO, 952 NORTH DELSEA DRIVE (BLOCK 1902, LOTS 23.01 & 24) IN THE BOROUGH OF CLAYTON

WHEREAS, Olivier A. Pena, Senior Construction Technician, of Sickels & Associates, Inc., Engineers for the Borough of Clayton has estimated the cost of site improvements for Gregory Ruggiero (Block 1902, Lots 23.01 & 24) (i.e., the Project) to be \$12,468.00 for Phase I (Amended), \$654,897.60 for Phase II (Amended) and \$338,640.00 for Phase III (Amended) as set forth in his letter dated March 25, 2016, a copy of which is attached hereto and made a part hereof; and

WHEREAS, Section 107-16 of the Clayton Development Regulations of the Zoning Ordinance provides that the total performance guarantee for developments shall equal 120 percent of the performance guarantee cost; and

WHEREAS, the total estimate is \$12,468.00 for Phase I (Amended), \$654,897.60 for Phase II (Amended) and \$338,640.00 for Phase III (Amended); and

WHEREAS, Gregory Ruggiero (Developer) has requested a waiver for the posting of the performance guarantee for Site Improvements for this Project; and

WHEREAS, the Borough Engineer has recommended the waiver of the posting of the performance bond for Phase I Site Improvements ONLY subject to certain terms and conditions to be met by the Developer; and

WHEREAS, the governing body is in agreement to grant such waiver for Phase I ONLY subject to said terms and conditions to be met by the Developer.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the

Borough of Clayton, County of Gloucester, and State of New Jersey, that the

aforementioned improvement bond estimates for this Project in the amount of

\$12,468.00 for Phase I (Amended), \$654,897.60 for Phase II (Amended) and

\$338,640.00 for Phase III (Amended) as submitted by the Borough Engineer be and

hereby is approved.

BE IT FURTHER RESOLVED by the Mayor and Council as follows:

1. That the Developer is hereby granted a waiver for the posting of a

Performance Bond for Phase I Site Improvements ONLY subject to the

Developer completing all site improvements for Phase I prior to the

issuance of any Certificate of Occupancy/Completion by the Borough for

Phase I.

2. That the Developer will be responsible, at this time, for the posting of

performance guarantees for the Site Improvements for Phase II and III of

this Project for the amounts established herein, or, in the alternative, for

any amended amounts to be determined by the Engineer when any work

should begin on either Phase II and/or Phase III.

ADOPTED at a meeting of the Mayor and Council of the Borough of Clayton

held on Thursday, April 14, 2016.

BOROUGH OF CLAYTON

THOMAS BIANCO, Mayor

ATTEST:

CHRISTINE NEWCOMB

Municipal Clerk

2

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 Thursday, April 14, 2016.

Christine Newrond
CHRISTINE NEWCOMB

Municipal Clerk

RILEY & SHOVLIN, P.A.

ATTORNEYS AT LAW

Dennis L. Riley
Thomas A. Shovlin*

*NJ & PA BAR

At Valleybrook Country Club 200 Golfview Drive Blackwood, New Jersey 08012

856-232-3800 FAX 856-232-3880

E-Mail Addresses: DennisLRiley@aol.com ThomasAShovlin@aol.com

March 28, 2016

Borough of Clayton 125 N. Delsea Drive Clayton, NJ 08312-1698 Attention: Mayor Thomas Bianco

Re:

Candy Carousel East

952 Delsea Drive; Block 1902; Lots 23.01 & 24

Our File No. 10175-12-R

Dear Mayor Bianco:

As you are well aware, the 952 Delsea Drive project has been on hold for quite awhile awaiting County approval. Having just received same and also knowing the plans are out for the engineer's signature, we hope to now move quickly as to the new warehouses. One is needed for Mr. Ruggiero as he rented his major spot at the newly acquired building to Inversand.

We then received the town's engineer's bond and escrow account requests. As to the Performance Bond, there are no public improvements and therefore we ask you to consider a waiver as to same as it is really only a hindrance while not harm the town in anyway. We do understand the inspection escrows as they are to insure quality during construction of the site improvements as long as reasonable.

Thank you in advance for your consideration of this request.

Sincerely,

RILEY & SHOVLIN, P.A.

DENNIS L. RILEY

DLR/lw

cc:

Gregory Ruggiero, Candy Carousel East, LLC

Alan J. Ippolito, CES

SICKELS &

${f A}$ SSOCIATES, inc.

March 25, 2016

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

Attention: Mayor and Council Members

Reference:

Site Improvement Bond Estimate & Escrow Fee – AMENDMENT NO. 1

Proposed Warehouse/Storage - Phases I, II & III

952 North Delsea Drive (NJSH 47) - Block 1902, Lots 23.01 & 24

Borough of Clayton, Gloucester County, New Jersey

Applicant: Gregory Ruggerio

S&A File No. C-659

Dear Mayor and Council Members:

Enclosed is the Amended No. 1 Site Improvement Bond estimate for the above referenced project. Our office has prepared the Amended No. 1 Site Improvement Bond from the approved plans prepared by Consulting Engineer Services, of Sicklerville, New Jersey for Phases I, II & III. Based upon our estimate, this office is recommending that the Amended No. 1 Site Improvement Bond be posted in the amount as shown below and reflected on the enclosed Amended No. 1 Site Improvement Bond estimate spreadsheet.

On July 10, 2014, Resolution 142-14 was adopted authorizing the Site Improvement Bond in the amounts of \$636,525.60 for Phase I and \$271,206.00 for Phase II. Since authorization of Resolution 142-14, the phasing for the project was revised. The Applicant has requested to phase the project and provide three separate bonds.

We have determined the amended engineering escrow fees that must be posted for the Amended No. 1 Site. Improvement Bond prior to the start of construction. In accordance with N.J.S.A. 40:55D-53h, we have calculated the engineering escrow fees for the observation of the site work and improvements as follows:

Phase I (Amended)	
Performance Bond Amount (w/ 20% Contingency)	\$12,468.00
Escrow Fee Amount (5% of Estimated Construction Cost)	\$519.50

Maria Britana da Astronomia	Phose	II (Amended)	
Performance Rond Amo	ount (w/ 20% Contingency		\$654.907.60
			\$654,897.60
Escrow Fee Amount (5%	6 of Estimated Construction	on Cost)	\$27,287.40

	Phase III (Amended)	
	Performance Bond Amount (w/ 20% Contingency)	\$338,640.00
·,	Escrow Fee Amount (5% of Estimated Construction Cost)	\$14,110.00

Page 2 March 25, 2016

Reference:

Site Improvement Bond Estimate & Escrow Fee - AMENDMENT NO. 1

Proposed Warehouse/Storage - Phases I, II & III

952 North Delsea Drive (NJSH 47) - Block 1902, Lots 23.01 & 24

Borough of Clayton, Gloucester County, New Jersey

Applicant: Gregory Ruggerio

S&A File No. C-659

At this time, we are informing the Applicant of the improvement bonds and escrow fee amounts. The Applicant should forward the bonds to the office of Timothy Scaffidi, Esquire, Borough Solicitor, for review and approval. The required escrow fees should be posted with Donna Nestore, Chief Financial Officer at the Borough Municipal Building. 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 the escrow becomes depleted due to unforeseen field conditions and/or plan revisions, a letter will be issued to the Applicant requiring additional escrow monies to be put into the engineering escrow account to cover those activities. With the final acceptance of the constructed site improvements by the Borough of Clayton, the balance of the engineering escrow account will be refunded to the Applicant.

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

SICKEL'S &\ASSOCIATES, INC.

Olivier A. Peña

Senior Construction Technician

OAP

Enclosures (Amended Site Improvement Bond Estimate Spreadsheets)

Copy To: Sue Miller, Borough Administrator, w/enclosure (via e-mail only)

Christine Newcomb, Borough Clerk, w/enclosure (via e-mail only)

John Alice, Esq., Board Solicitor, w/enclosure (via e-mail only)

George R. Stevenson, AICP, PP, Board Planner, w/enclosure (via e-mail only)

Donna Nestore, Chief Financial Officer, w/enclosure (via e-mail only)

Duane Paul Pheasant, Director of Public Works, w/enclosure (via e-mail only)

Jack Eckler, Construction Code Official, w/enclosure (via e-mail only)

Robert Broughton, Zoning Officer, w/enclosure (via e-mail only)

Timothy Scaffidi, Borough Solicitor, w/enclosure (via e-mail only)

Gregory Ruggerio, Candy Carousel East, LLC, Applicant, w/enclosure

Alan J. Ippolito, PE, Applicant's Engineer, CES, w/enclosure, (via e-mail only)

Dennis L. Riley, Esq., Applicant's Attorney, w/enclosure

Stephen A. Cosaboon, Sickels & Associates, Inc., w/enclosure, (via e-mail only)

Patricia A. Owens, Sickels & Associates, Inc., w/enclosure, (via e-mail only)

David D, Roché, P.E., Sickels & Associates, Inc., w/enclosure, (via e-mail only)

Kim A. Croft, Sickels & Associates, Inc., w/enclosure, (via e-mail only)

F:\PROJECTS\Clayton\C-659 - Ruggiero\Amended Site Plan (Phasing) Application\Bond Estimate\Site Bond Estimate & Escrow Fees 03:25.16.docx

SICKELS & ASSOCIATES, INC.

Amended Site Improvement Bond Estimate - Phase I

Proposed Warehouse/Storage - 952 North Delsea Drive (NJSH 47) - Block 1902, Lots 23.01 & 24

Borough of Clayton, Gloucester County, New Jersey

March 25, 2016

S&A File No. C-659

Item No.	Description	Unit Meas.	Quantity		Unit Cost		Total Cost	Work Completed		Value of Work Remaining
			Site Wor	k						
1	Site Clearing	LS	1	\$	2,500.00	\$	2,500.00		\$	2,500.00
2	Soil Erosion & Sediment Control Measures	LS	1	\$	750.00	\$	750,00		\$	750.0
3	Site Grading	LS	1	\$	1,375.00	\$	1,375.00		\$	1,375.0
4	2" Thick HMA Surface Course, Mix 9.5M64	TON	25	\$	70.00	\$	1,750.00		\$	1,750.0
5	6" Thick Compacted Dense Graded Aggregate	SY	175	\$	5.00	\$	875,00		\$	875.0
6	Sawing & Sealing Joints in Hot Mix Asphalt	LF	145	\$	2.00	\$	290.00		\$	290.0
7	Bollard	UNIT	6	\$	275.00	\$	1,650.00		\$	1,650.0
3 A.		1.	Landscapi	ing					14.	
8	Topsoil, Fertilize & Seed	LS	1	\$	1,200.00	\$	1,200.00		\$	1,200.0
mount of	Engineering Escrow (5%)					s	519.50			
mount of	Maintenance Bond (15%)					\$	1,558.50			
his bond s	hould not be reduced below 30% of the original bond amount unt	il final accepta	nce as per municij	pal land	use land law.				\$	3,740.40
otes:								•	_	
otes:			<u>. </u>		<u> </u>		· · · · · · · · · · · · · · · · · · ·	· · ·		
This esti	mate has been prepared for guarantee determination.									
	mate has been prepared for guarantee determination. ovements within the state right-of-way shall be bonded with the s	tate.								

SICKELS & ASSOCIATES, INC.

Amended Site Improvement Bond Estimate - Phase II

Proposed Warehouse/Storage - 952 North Delsea Drive (NJSH 47) - Block 1902, Lots 23,01 & 24 Storage - 952 North Deisea Dire (19652),
Borough of Clayton, Gloucester County, New Jersey

March 25, 2016

S&A File No. C-659

Item		Unit		1	Unit	Total	Work	Value of Work
No.	Description	Meas.	Quantity	<u> </u>	Cost	Cost	Completed	Remaining
			Site Wer					
	Site Clearing	LS	1	\$	11,500.00			\$ 11,50
	Soil Erosion & Sediment Control Measures	LS	1	\$	3,200.00	\$ 3,200.00		\$3,20
	Site Grading	LS	1	\$	8,400.00	\$ 8,400.00		\$ 8,40
	Bituminous Curb	LF CY	315	\$	20.00	\$ 6,300.00		\$ 6,30
	Concrete Sidewalk, 4" Thick	SY	50	\$	50.00	\$ 2,500.00		\$ 2,50
	2" Thick HMA Surface Course, Mix 9.5M64	SY	550	\$	75.00	\$ 41,250.00		\$ <u>41,25</u>
	3" Thick HMA Base Course, Mix 19M64	SY	825	\$	80.00	\$ 66,000.00		\$ 66,00
	* Thick Compacted Dense Graded Aggregate Thick Striping, Long Life Epoxy	SY LF	4,400 1,520	\$	5.00 4.00	\$ 22,000.00 \$ 6,080.00		\$ 22,00
	* Thick Striping, Doing Due Booky * Thick Striping, Thermoplastic	SF	30	s	5.00			\$ 6,08 \$ 15
_	France Sarping, Thermoplastic	UNIT	4	\$	175.00	\$ 150.00 \$ 700.00		
	Handicap Parking Sign	UNIT	2	\$	200.00	\$ 400.00		
	Handicap Parking Symbol	UNIT	2	s	150.00	\$ 300.00		
-	Frash Enclosure w/ Gate	UNIT	1	s	5,000.00	\$ 5,000.00		\$ 30 \$ 5,00
-	Bollard	UNIT	21	\$	275.00	\$ 5,775.00		\$ 5,77
	Concrete Wheel Stop	UNIT	27	s	200.00	\$ 5,400.00		\$ 5,40
	Relocate Utility Pole	UNIT	1	\$	8,500.00	\$ 8,500.00		\$ 8,50
			Landscapi					4 4,20
18 E	Evergreen Tree	UNIT	98	s	275.00	\$ 26,950.00		\$ 26,95
	Deciduous Tree	UNIT	23	\$	300.00	\$ 6,900.00		\$ 6,90
	Shade Tree	UNIT	10	\$	275.00	\$ 2,750.00		\$ 2,75
	Evergreen Shrub	UNIT	84	s	85.00	\$ 7,140.00		\$ <u>z,73</u> \$ 7,14
	Deciduous Shrub	UNIT	28	\$	100.00	\$ 2,800.00		\$ 2,80
	Aulch	LS	1	s	2,750.00	\$ 2,750.00		\$ 2,80
_	Opsoil, Fertilize & Seed	LS	1	s	2,750.00	\$ 2,750.00		\$ 2,75
	-		Lighting			4,00.00	<u>-</u>	
25 2:	.50' w, 23' High Gardco w/ Shield	UNIT	3	s	3,500.00	\$ 10,500.00	i.	\$ 10,50
_	50' w, 23' High Gardeo (Single Light Fixture)	UNIT	2	s	3,250.00	\$ 6,500.00		\$ 6,50
	50' w, 23' High Gardeo (Dual Light Fixture)	UNIT	2	\$	4,500.00	\$ 9,000.00		\$ 9,00
		, , , , , , , , , , , , , , , , , , , 	Potable Wa	ter				
28 6'	*PVC	LF	750	\$	35.00	\$ 26,250.00	1:	\$ 26,25
	" Misc. Fittings	UNIT	5	\$	750.00	\$ 3,750.00		\$ 3,75
	Connection to Existing Water Main	UNIT	ı	\$	1,250.00	\$ 1,250.00		\$ 1,25
	ire Hydrant (Complete)	UNIT	2	s	4,000.00	\$ 8,000.00		\$ 8,00
	avement Restoration	SY	125	s	30.00	\$ 3,750.00		\$ 3,750
	esting (i.e. Pressure, Certifed Asbuilt)	LS	1	\$	2,300.00	\$ 2,300.00		\$ 2,300
			Sanitary Ser	ver				
33 2"	Forecmain, Schedule 80	LF	314	s	14.50	\$ 4,553.00		\$ 4,55
34 4"	PVC, SDR 35, Sanitary Sewer	LF	125	\$	40.00	\$ 5,000.00	:	\$ 5,00
35 4*	PVC, SDR 35, Sanitary Sewer Lateral w/ Clean Out	UNIT	4	\$	950.00	\$ 3,800.00		\$ 3,80
	PVC, SDR 35, Sanitary Sewer	LF	750	\$	50.00			\$ 37,50
37 6*	* PVC, SDR 35, Sanitary Sewer Lateral w/ Clean Out	UNIT	5	\$	1,100.00	\$ 5,500.00		\$ 5,500
38 D	uplex Subermersible Pump Station (Complete)*	UNIT	ı	\$	72,500.00	\$ 72,500.00		\$ 72,500
39 Co	onnection to Existing Forcemain	UNIT	L	\$	3,500.00	\$ 3,500.00		\$ 3,500
10 Pa	avement Restoration	SY	70	\$	30.00	\$ 2,100.00		\$ 2,100
1 Te	esting (i.e. Pressure, Certifed Asbuilt)	1.S	1	\$	3,000.00	\$ 3,000.00		\$ 3,000
			Storm Drainage	System				
12 Ste	tormwater Basin Construction	LS	1	\$	48,000.00	\$ 48,000.00		\$ 48,000
13 Cc	oncrete Headwall	UNIT	3	\$	4,750.00	\$ 14,250.00	[14,250
4 O.	utjet Control Structure	UNIT	1	S	3,250.00	\$ 3,250.00		\$ 3,25
5 15	5" HDPE Pipe	LF	175	\$	30.00	\$ 5,250.00		\$ 5,250
6 24	4" HDPE Pipe	LF	40	s	35.00	\$ 1,400.00		\$ 1,400
7 24	I" RCP	LF	165	s	40.00	\$ 6,600.00		\$ 6,600
8 St	orm Manhole	UNIT	2	\$	2,750.00	\$ 5,500.00		\$ 5,500
9 Ty	ype "B" Inlet	UNIT	i	\$	2,750.00	\$ 2,750.00		\$ 2,750
0 Ve	egeatative Waste Containment Block Wall	LS	L	\$	4,500.00	\$ 4,500.00		\$ 4,500
								
						S 545,748.00		§ <u>545,74</u> 1
 Continge	ency					S 109,149.60		S 109,149
	rfermance Bond (120%)					S 654,897.60		S 654,897
ınt of Per			_					
nt of Per						· · · · · ·		
						S 27,287.40		
nt of Eng	gineering Escrow (5%)					S 81,862.20		
nt of Eng	gineering Escrow (5%) intenance Bond (15%)							
nt of Eng	Y							
int of Eng	intenance Bond (15%)							
int of Eng	Y	until final acceptant	re as per municipa	al land u	se land law.			S 196,469
int of Eng	intenance Bond (15%)	until final acceptant	ce as per municipa	al land u	se land law.			\$ 196,469
nt of Eng	intenance Bond (15%)	until final acceptant	ee as per municipa	el land u	se laud law.			\$ 196,465
nt of Eng	intenance Bond (15%)	until final acceptant	ce as per municipa	al land u	se land law.			\$ 196,469
nt of Eng nt of Ma	intenance Bond (15%)	until final acceptant	ce as per municipa	al land u	se land law.			\$ 196,469
nt of Eng nt of Ma ond shou s eatimat improve	lintenance Bond (15%) uld not be reduced below 30% of the original bond amount	ne state.						\$ 196,465

SICKELS & ASSOCIATES, INC.

Amended Site Improvement Bond Estimate - Phase III

Proposed Warehouse/Storage - 952 North Delsea Drive (NJSH 47) - Block 1902, Lots 23.01 & 24

Borough of Clayton, Gloucester County, New Jersey March 25, 2016

S&A File No. C-659

			S&A File No.	C-65	9		, i	· · · · · · · · · · · · · · · · · · ·		
Item No.	Description	Unit Meas,	Quantity		Unit Cost		Total Cost	Work Completed		Value of Work
INO.		ivicas.	Site Worl	k	Cust		Cost 1	Completed		Remaining
1	Site Clearing	LS	1	\$	7,500.00	\$	7,500.00		s	7,500.00
2	Soil Erosion & Sediment Control Measures	LS	1	\$	1,500.00	_	1,500.00		\$	1,500.00
3	Site Grading	LS	1	\$	10,250.00	+	10,250.00		\$	10,250.00
4	2" Thick HMA Surface Course, Mix 9.5M64	TON	745	\$	70.00	\$	52,150,00		\$	52,150.00
. 5	3" Thick HMA Base Course, Mix 19M64	TON	1,115	\$	85.00	\$	94,775.00		\$	94,775.00
6	4" Thick Compacted Dense Graded Aggregate	SY	5,950	\$	5.00	\$	29,750.00		\$	29,750.00
7	4" Thick Striping, Long Life Epoxy	LF	1,930	\$	4.00	\$	7,720.00		\$	7,720.00
8	6' High Vinyl Fence	LF	890	\$	37.50	\$	33,375.00		\$	33,375.00
9	Timber Guide Rail	LF	890	\$	12,00	\$	10,680.00		\$	10,680.00
10	30' Sliding Gate & Control System (Complete)	UNIT	1	\$	8,500.00	\$	8,500.00		\$	8,500.00
			Landscapi	ng						
11	Topsoil, Fertilize & Seed	LS	1	\$	2,750.00	\$	2,750.00		\$	2,750.00
			Lighting							
12	250' w, 23' High Gardeo (Single Light Fixture)	UNIT	3	\$	3,250.00	\$	9,750.00		\$	9,750.00
13	250' w, 23' High Gardeo (Dual Light Fixture)	UNIT	3	\$	4,500.00	\$	13,500.00		\$	13,500.00
otal						\$	282,200.00		\$	282,200.00
0% Contir	agency					\$	56,440.00		\$	56,440.00
mount of l	Performance Bond (120%)					\$	338,640.00		s	338,640.00
						_				
mount of l	Engineering Escrow (5%)					\$	14,110,00	<u>.</u>		