

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

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.

A handwritten signature in cursive script that reads "Christine Newcomb". The signature is written in dark ink and is positioned above a horizontal line.

CHRISTINE NEWCOMB
Municipal Clerk

RILEY & SHOVLIN, P.A.

ATTORNEYS AT LAW

Dennis L. Riley
Thomas A. Shovlin*

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

*NJ & PA BAR

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

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

Phase II (Amended)	
Performance Bond Amount (w/ 20% Contingency)	\$654,897.60
Escrow Fee Amount (5% of Estimated Construction 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

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

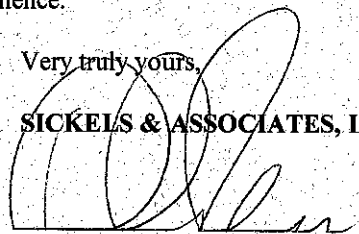
At this time, we are informing the Applicant of the improvement bonds and escrow fee amounts. The Applicant should forward the bonds to the office of Timothy Scaffidi, Esquire, Borough Solicitor, for review and approval. The required escrow fees should be posted with Donna Nestore, Chief Financial Officer 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,

SICKELS & 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)

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S&A File No. C-659

Item No.	Description	Unit Meas.	Quantity	Unit Cost	Total Cost	Work Completed	Value of Work Remaining
Site Work							
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		\$ 750.00
3	Site Grading	LS	1	\$ 1,375.00	\$ 1,375.00		\$ 1,375.00
4	2" Thick HMA Surface Course, Mix 9.5M64	TON	25	\$ 70.00	\$ 1,750.00		\$ 1,750.00
5	6" Thick Compacted Dense Graded Aggregate	SY	175	\$ 5.00	\$ 875.00		\$ 875.00
6	Sawing & Sealing Joints in Hot Mix Asphalt	LF	145	\$ 2.00	\$ 290.00		\$ 290.00
7	Bollard	UNIT	6	\$ 275.00	\$ 1,650.00		\$ 1,650.00
Landscaping							
8	Topsoil, Fertilize & Seed	LS	1	\$ 1,200.00	\$ 1,200.00		\$ 1,200.00
Total					\$ 10,390.00		\$ 10,390.00
20% Contingency					\$ 2,078.00		\$ 2,078.00
Amount of Performance Bond (120%)					\$ 12,468.00		\$ 12,468.00
Amount of Engineering Escrow (5%)					\$ 519.50		
Amount of Maintenance Bond (15%)					\$ 1,558.50		
This bond should not be reduced below 30% of the original bond amount until final acceptance as per municipal land use land law.						\$	3,740.40
Notes:							
1. This estimate has been prepared for guarantee determination.							
2. All improvements within the state right-of-way shall be bonded with the state.							
3. This estimate is based upon plans dated January 17, 2014, last revised December 23, 2015 Sheets 1 thru 14 (Including 3a and 13a), prepared by CES.							

S&A File No. C-659

Item No.	Description	Unit Meas.	Quantity	Unit Cost	Total Cost	Work Completed	Value of Work Remaining
Site Work							
1	Site Clearing	LS	1	\$ 7,500.00	\$ 7,500.00		\$ 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
Landscaping							
11	Topsoil, Fertilize & Seed	LS	1	\$ 2,750.00	\$ 2,750.00		\$ 2,750.00
Lighting							
12	250' w, 23' High Gardco (Single Light Fixture)	UNIT	3	\$ 3,250.00	\$ 9,750.00		\$ 9,750.00
13	250' w, 23' High Gardco (Dual Light Fixture)	UNIT	3	\$ 4,500.00	\$ 13,500.00		\$ 13,500.00
Total					\$ 282,200.00		\$ 282,200.00
20% Contingency					\$ 56,440.00		\$ 56,440.00
Amount of Performance Bond (120%)					\$ 338,640.00		\$ 338,640.00
Amount of Engineering Escrow (5%)					\$ 14,110.00		
Amount of Maintenance Bond (15%)					\$ 42,330.00		
This bond should not be reduced below 30% of the original bond amount until final acceptance as per municipal land use land law.							\$ 101,592.00
Notes:							
1. This estimate has been prepared for guarantee determination.							
2. All improvements within the state right-of-way shall be bonded with the state.							
3. This estimate is based upon plans dated January 17, 2014, last revised December 23, 2015 Sheets 1 thru 14 (Including 3a and 13a), prepared by CES.							