

**RESOLUTION 244-17**

**RESOLUTION AUTHORIZING RELEASE OF PERFORMANCE  
BOND (WATER AND SEWER IMPROVEMENTS) FOR  
4U CORPORATION – 7<sup>TH</sup> STREET, BLOCK 1817, LOTS 4 & 5  
UPON THE POSTING OF A MAINTENANCE BOND**

*WHEREAS*, the applicant, 4U Corporation – Water and Sewer Improvements (7<sup>th</sup> Street – Block 1817, Lots 4 & 5), has posted, pursuant to the requirements of the Clayton Development Regulation and Zoning Ordinance, Performance Guarantees, guaranteeing the water and sewer 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 water and sewer improvements have been completed; and

*WHEREAS*, the Borough Engineer has also requested that the developer post a maintenance guarantee in the amount of \$3,931.20 for water and sewer improvements and \$750.00 escrow deposit; and

*WHEREAS*, pursuant to the State Land Use Law and the Borough of Clayton Development Regulations and Zoning Ordinance, no performance guarantee shall be released until the developer/builder posts a maintenance bond for a period of two (2) years which amount represents fifteen (15%) percent of the original performance bond guarantee; 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 4U Corporation (7<sup>th</sup> Street – Block 1817, Lots 4 & 5) be and hereby is released upon the posting of a two (2) year maintenance

bond as per the Engineers letter with a maintenance guarantee in the amount of \$3,931.20 for water and sewer improvements.

**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 November 21, 2017.

BOROUGH OF CLAYTON

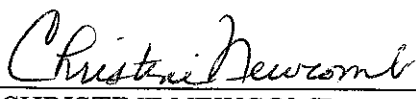
  
\_\_\_\_\_  
THOMAS BIANCO, Mayor

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 November 21, 2017.

  
\_\_\_\_\_  
CHRISTINE NEWCOMB  
Municipal Clerk

# SICKELS & ASSOCIATES, INC.

Engineers • Planners • Surveyors

November 15, 2017

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

Attention: Mayor and Council Members

**Reference: Performance Bond Release – Water & Sewer  
7th Street – Block 1817, Lots 4 & 5  
Borough of Clayton, Gloucester County, New Jersey  
Applicant: 4U Corporation  
S&A File No. CWS-584B**

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 reduced water & sewer performance bond (\$31,449.60) can be released for the above referenced project. Based on the findings of our observations, we are informing the Borough that the majority of the work under this project has been completed, corrected and/or repaired.

The Borough of Clayton requires that the Applicant post a two (2) year maintenance bond in the amount of 15% of the original performance bond amount. Upon the posting of the required maintenance bond in the amount of **\$3,931.20, with an additional \$750.00** shall be deposited into the escrow account to cover the inspection for the release of the maintenance bond. The maintenance bond should provide coverage for the two (2) year period. Therefore, the maintenance bond expiration date is **November 8, 2019**. We request that this matter be placed on the agenda for the next available Mayor and Council meeting.

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](mailto:oap@sickelsassoc.com)) at your earliest convenience.

Very truly yours,

**SICKELS & ASSOCIATES, INC.**

  
Olivier A. Peña

Senior Construction Technician

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)  
John M. Eckler, Construction Code Official (via e-mail only)  
Timothy Scaffidi, Borough Solicitor (via e-mail only)  
David Nguyen, 4U Corp, Applicant, w/enclosure (via email only)  
Sean Ruffin, Contractor (via e-mail only)  
Patricia Owens, Sickels & Associates, Inc. (via e-mail only)  
David D. Roché, Sickels & Associates, Inc. (via e-mail only)  
Kim Croft, Sickels & Associates, Inc. (via e-mail only)

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