

RESOLUTION 158-20

**RESOLUTION AUTHORIZING RELEASE OF PERFORMANCE
BONDS FOR THE VILLAGES AT ABERDEEN (SECTIONS 2.3) UPON THE
POSTING OF A MAINTENANCE BOND**

WHEREAS, the applicant, Hovbros 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 improvements and has applied for a release of said performance guarantees; and

WHEREAS, the Borough Engineer has made an inspection and rendered a report, dated September 2, 2020, a copy of which is attached hereto, and made a part hereof, certifying that the site improvements have been completed; and

WHEREAS, the Borough Engineer has also requested that the developer post a maintenance guarantee in the amount of \$6,366.75 for said improvements and \$2,150.00 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. The Borough Engineer is recommending a period of one (1) year, expiring September 10, 2021; 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 Hovbros Clayton, LLC, be and hereby is released upon the posting of a one (1) year maintenance bond as per the Engineers

letter with a maintenance guarantee in the amount of \$6,366.75 for improvements and \$2,150.00 escrow deposit.

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 10, 2020.

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 10, 2020.



CHRISTINE NEWCOMB
Municipal Clerk

September 2, 2020

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

Attention: Mayor and Council Members

**Reference: Performance Bond Release – Site Improvements
The Villages at Aberdeen (Section 2.3)
Borough of Clayton, Gloucester County, New Jersey
Applicant: Hovbros Clayton, L.L.C. – New Jersey
Bond No. 5019042
S&A File No. CB-516-1**

Dear Mayor and Council Members:

Pursuant to the request made by Applicant, via letter dated August 5th, 2020, we have completed our review of the above referenced site to determine if the reduced performance bond amount can be released for the above referenced residential development.

As such, this office has completed our construction observation of the site improvements for the purpose of determining if the performance bond (reduced amount) can be released in the amount of \$247,261.05. Based on the findings of our site observation, we are informing the Borough that the work under this project has been completed, corrected and/or repaired in accordance with the requirements of the Borough of Clayton. **However, prior to the release of the performance bond, the swale issue between 42 & 44 East Dehart Avenue shall be addressed.** As such, we are acceptable to Council releasing of the performance bond.

The Borough of Clayton will require that the Applicant post a one (1) year maintenance bond for the landscaping items within Section 2.3. Roadway / site improvements have been installed for a period of over two years, therefore we are acceptable for the applicant to provide a maintenance bond for the landscaping items only. However during the maintenance bond period, our office will monitor the concrete driveway of 77, 80 & 82 West Dehart Avenue for potential future settlement (included within the maintenance bond). If the depressed curb settles further it will need to be replaced at the end of the maintenance period. Upon the posting of the required maintenance bond in the amount of **\$6,366.75, with an additional \$2,150.00** 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 one (1) year period. Therefore, the maintenance bond expiration date is **September 10th, 2021**. We request that this matter be placed on the agenda for the next available Mayor and Council meeting.

The Applicant must submit draft deeds and legal descriptions for the dedication of the open space parcels to the Borough and Aberdeen Home Owners Association (HOA). We recommend the Applicant submit copies of the filed maps for Sections 2.3, 2.4 & 2.5, so the solicitor can create an ordinance documenting the dedication of Owens Lane, East Dehart Avenue, West Dehart Avenue, Groff Street & June Ann Drive.

September 2, 2020

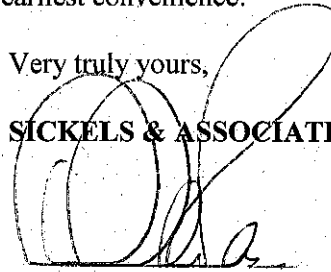
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**Reference: Performance Bond Release – Site Improvements
The Villages at Aberdeen (Section 2.3)
Borough of Clayton, Gloucester County, New Jersey
Applicant: Hovbros Clayton, L.L.C. – New Jersey
Bond No. 5019042
S&A File No. CB-516-1**

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
w/ enclosure (maintenance bond / escrow spreadsheet)

Copy To: Timothy D. Scaffidi, Borough Solicitor, w/ enclosure (via e-mail only)
Susan Miller, Borough Administrator, w/ enclosure (via e-mail only)
Christine Newcomb, Borough Clerk, w/ enclosure (via e-mail only)
Donna Nestore, Chief Financial Officer, w/ enclosure (via e-mail only)
Joe Hunt, CPWM, Director of Public Works Dept., w/ enclosure (via e-mail only)
Jack Eckler, Construction Code Office, w/ enclosure (via e-mail only)
Debbie Schlosser, Planning Board Secretary, w/ enclosure (via e-mail only)
Scott Bordick, J.S. Hovnanian and Sons, w/ enclosure (via e-mail only)
Jame Jobes, J.S. Hovnanian and Sons, w/ enclosure (via e-mail only)
Mark R. Brunermer, Borough Engineer, Sickels & Associates, Inc., w/ enclosure (via e-mail only)
Patricia Owens, Sickels & Associates, Inc., w/ enclosure (via e-mail only)
David Roché, Construction Manager, Sickels & Associates, Inc., w/ enclosure (via e-mail only)
Kim Croft, Sickels & Associates, Inc., w/ enclosure (via e-mail only)

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Sickels & Associates, Inc.
Site Improvement Bond - Landscaping & Lighting
The Villages at Aberdeen
Borough of Clayton, Gloucester County, New Jersey
July 20, 2020
S&A File No. C-516-1

Item No.	Description	Unit Meas.	Quantity	Unit Cost	Total Cost	Work Completed	Value of Work Remaining
Landscaping & Lighting (Section 2.3)							
1	Concrete Vertical Curb	LF	75	\$ 40.00	\$ 3,000.00		\$ 3,000.00
2	Concrete Apron, 6" Thick	SY	15	\$ 65.00	\$ 975.00		\$ 975.00
3	Hot Mix Asphalt Repair (Full Depth)	SY	15	\$ 110.00	\$ 1,650.00		\$ 1,650.00
4	Street Tree	UNIT	49	\$ 350.00	\$ 17,150.00		\$ 17,150.00
5	Evergreen Tree	UNIT	6	\$ 375.00	\$ 2,250.00		\$ 2,250.00
6	Ornamental Tree	UNIT	24	\$ 355.00	\$ 8,520.00		\$ 8,520.00
7	Shrub	UNIT	26	\$ 75.00	\$ 1,950.00		\$ 1,950.00
8	Bench	UNIT	4	\$ 1,100.00	\$ 4,400.00		\$ 4,400.00
9	Light (West Dehart Avenue)	UNIT	2	\$ 1,275.00	\$ 2,550.00		\$ 2,550.00
Total Amount of Landscaping & Lighting Items							\$ 42,445.00
Amount of Maintenance Bond (15%)							\$ 6,366.75
Landscaping & Lighting (Section 2.4)							
1	Street Tree	UNIT	68	\$ 350.00	\$ 23,800.00		\$ 23,800.00
2	Evergreen Tree	UNIT	104	\$ 375.00	\$ 39,000.00		\$ 39,000.00
Total Amount of Landscaping & Lighting Items							\$ 62,800.00
Amount of Maintenance Bond (15%)							\$ 9,420.00
Site, Landscaping & Lighting (Section 2.5)							
1	Concrete Vertical Curb	LF	25	\$ 40.00	\$ 1,000.00		\$ 1,000.00
2	Concrete Apron, 6" Thick	SY	5	\$ 65.00	\$ 325.00		\$ 325.00
3	Hot Mix Asphalt Repair (Full Depth)	SY	5	\$ 110.00	\$ 550.00		\$ 550.00
4	Street Tree	UNIT	125	\$ 350.00	\$ 43,750.00		\$ 43,750.00
5	Evergreen Tree	UNIT	47	\$ 375.00	\$ 17,625.00		\$ 17,625.00
6	Ornamental Tree	UNIT	53	\$ 355.00	\$ 18,815.00		\$ 18,815.00
7	Shrub	UNIT	109	\$ 75.00	\$ 8,175.00		\$ 8,175.00
Total Amount of Site, Landscaping & Lighting Items							\$ 90,240.00
Amount of Maintenance Bond (15%)							\$ 13,536.00

Notes:

1. This estimate has been prepared to determine the Maintenance Bond requirements for landscaping & lighting.
2. This estimate is based upon plans dated July 17, 2002, last revised July 29, 2005, Sheets 1 - 52, as prepared by FPPE Consulting Engineers, Inc.
3. The unit costs have been updated to reflect current pricing. The original estimate was prepared in 2005.