

RESOLUTION 152-21

**RESOLUTION DENYING RELEASE OF MAINTENANCE
BONDS FOR SITE IMPROVEMENTS / WATER & SEWER
IMPROVEMENTS FOR EMERSON GREEN SUBDIVISION
DUE TO OUTSTANDING PUNCH LIST ITEMS**

WHEREAS, the applicant, Fernmoor Homes at Clayton, LLC, has posted, pursuant to the requirements of the Clayton Development Regulation and Zoning Ordinance, Maintenance Guarantees, guaranteeing the site and 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 maintenance 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 improvements have not been completed; and

WHEREAS, the Borough Engineer has also recommended that the maintenance bond not be released; and

WHEREAS, prior to release of said maintenance bond, all outstanding punch list items and 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 release of the aforementioned maintenance bonds for Fernmoor Homes at Clayton, LLC, be and hereby is denied as per the Engineers letter.

ADOPTED, at a meeting of the Mayor and Council of the Borough of Clayton, in the County of Gloucester, held August 12, 2021.

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 August 12, 2021.

CHRISTINE NEWCOMB
Municipal Clerk

SICKELS & ASSOCIATES, INC.

Engineers • Planners • Surveyors

August 5, 2021

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

Attention: Mayor and Council Members

**Reference: Maintenance Bond Release –
Site Improvements / Water & Sewer Improvements
Emerson Green Subdivision
Borough of Clayton, Gloucester County, New Jersey
Applicant: Fernmoor Homes at Clayton, LLC
Bond No.: 5033594 (Site Improvements)
Bond No.: 5033595 (Water & Sewer Improvements)
S&A File No. C-543b**

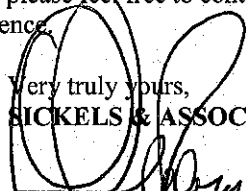
Dear Mayor and Council Members:

This office has completed a site walk through to determine if the maintenance bond can be released for the above referenced residential development. Based on the findings of our observations, we have prepared a construction punch list dated August 5, 2021 (attached). In accordance with M.L.U.L. Section 40:55D53.e.1, the Borough needs to take proper action to determine if the request is acceptable or not acceptable. The Borough must adopt a resolution indicating the maintenance bond will not be released for the site, water & sewer improvements. **We recommend the bond not be released at this time and a resolution be adopted stating same (site, water & sewer improvements).**

It should be noted that upon completion of the construction punch list and prior to the release of the maintenance bond, when applicable, all outstanding engineering fees must be paid in full.

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 (construction punchlist, landscaping markups and landscaping plan)

Copy To: Sue Miller, Borough Administrator, w/ enclosure (via e-mail only)
Christine Newcomb, Borough Clerk, w/ enclosure (via e-mail only)
Donna Nestore, Municipal Financial Officer, w/ enclosure (via e-mail only)
Greg Sawyer, Director of Public Works, w/ enclosure (via e-mail only)
Debbie Schlosser, Clayton Combined Zoning/Planning Board Secretary, w/ enclosure (via e-mail only)
Timothy Scaffidi, Borough Solicitor, w/ enclosure (via e-mail only)
Fernmoor Homes at Clayton, LLC, Applicant, w/ enclosure (via e-mail only)
Stephen Kessler, Esq., w/ enclosure (via e-mail only)
Jeffrey Fernbach, Fernmoor Homes, w/ enclosure (via e-mail only)
Jack Kennedy, Fernmoor Homes, w/ enclosure (via e-mail only)
Leanne Zawrotny, Target Property Management, w/ enclosure (via e-mail only)
Mark R. Brunermer, Sickels & Associates, Inc., w/ enclosure (via e-mail only)
Patricia Owens, Sickels & Associates, Inc., w/ enclosure (via e-mail only)
David Roché, Sickels & Associates, Inc., w/ enclosure (via e-mail only)
Kim Croft, Sickels & Associates, Inc., w/ enclosure (via e-mail only)

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(856) 848-6800 FAX (856) 848-8520
www.sickelsassoc.com

August 5, 2021

Maintenance Bond Release – Status Report No. 1

**Emerson Green Subdivision
Site Improvements / Water & Sewer Improvements
Borough of Clayton, Gloucester County, New Jersey
Applicant: Fernmoor Homes at Clayton, LLC
S&A File No. CB-543b
Punch List compiled by Dave Pearce**

The items below shall be completed prior to the release of the Maintenance Bond. The items below are the following items concerning site, water & sewer improvements:

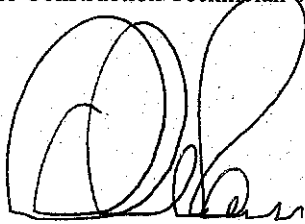
General Site Items:

1. Playground - replace 1 square of cracked sidewalk.
2. 3-13 Still Run - replace cracked driveway depressed curb.
3. 25 Still Run - replace cracked apron.
4. 57-65 Still Run - replace cracked sidewalk.
5. 65 Still Run – repair chipped curb.
6. 4 Still Run – replace 10 linear feet of concrete curb.
7. 62 Still Run – repair curb at 'B' inlet.
8. Future parking area – replace cracked curb depression.
9. 60 Campbell Street – replace cracked curb depression.
10. 9-11 Campbell Street – replace 30 lf of spalling curb.
11. 10 Campbell Street – replace cracked curb depression.
12. 19 & 30 Campbell Street – replace chipped curb depression.
13. Basin – both headwall riprap areas must be cleaned and un-covered with silt.
14. Basin – Headwall washout from burrowing animals - must be regraded.
15. Basin – Flared end washout from burrowing animals - must be regraded.
16. Basin – the posts for the entrance gate and gate must be replaced and repaired, including new posts, hinges and latch.
17. Basin – The sand bottom and stone trench must be cleared of debris and all growth removed. The sand bottom must be removed and replaced.
18. All sanitary sewer manholes must be opened and any debris in the channel and shelf shall be removed. Additional inspection may be required once access is provided.
19. All fire hydrants must be painted to reflect the size of the water main in the street. Contact the Clayton Water & sewer Department for the correct coloring of the hydrant.
20. Landscaping – See the marked up Landscaping Plan for tree and plant replacements.

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August 5, 2021

The items listed above can be reviewed with David D. Roche', Construction Manager or Olivier A. Peña, Senior Construction Technician of our office at 856.848.6800.



August 5, 2021

Olivier A. Peña, Senior Construction Technician

Date

OAP:DJP:kc

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