

RESOLUTION 50-21

**RESOLUTION DENYING RELEASE OF MAINTENANCE
BOND FOR DOLLAR GENERAL – BLOCK 1001, LOT 33
DUE TO OUTSTANDING PUNCH LIST ITEMS**

WHEREAS, the applicant, 706 Delsea Associates, LLC, Block 1001, Lot 33, has posted, pursuant to the requirements of the Clayton Development Regulation and Zoning Ordinance, Maintenance Guarantees, guaranteeing the 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

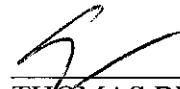
WHEREAS, the Borough Engineer has also recommended that the maintenance bond not be released; and

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 bond for 706 Delsea Associates, LLC, Block 1001, Lot 33, 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 February 11, 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 February 11, 2021.

CHRISTINE NEWCOMB

Municipal Clerk

February 8, 2021

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

Attention: Mayor and Council Members

**Reference: Maintenance Bond Release Status – Bond #41391963
Dollar General - Block 1001, Lot 33
Borough of Clayton, Gloucester County, New Jersey
S&A File No. CB-697**

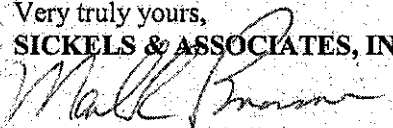
Dear Mayor and Council Members:

This office has completed a site walk through, on January 29, 2021, to determine if the maintenance bond can be released for the above referenced commercial property. Based on the findings of our observations, we have prepared a construction punch list dated February 5, 2021 (attached). In accordance with M.L.U.L. Section 40:55D53.e.1, Council needs to take proper action to determine if the request is acceptable or not acceptable and adopt a resolution indicating the maintenance bond will not be released. We recommend the bond not be released at this time and a resolution be adopted stating same.

It should be noted that upon completion of the construction punch list and prior to the release of the maintenance bond, 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.


Mark R. Brunermer, P.E., C.M.E.
Borough of Clayton Engineer

OAP
w/ enclosure (construction punch list)

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)
Greg Sawyer, 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)
706 Delsea Associates, LLC, c/o Lee Brahlin, Applicant, w/ enclosure (via e-mail only)
Michael Malinsky, Fox Rothschild LLP, w/ enclosure (via e-mail only)
Platte River Insurance Co., P.O. Box 5900, Madison, WI 53705
David D. Roché, Sickels & Associates, Inc., w/ enclosure (via e-mail only)
Olivier Pena, Sickels & Associates, Inc., w/ enclosure (via e-mail only)
Kim Croft, Sickels & Associates, Inc., w/ enclosure (via e-mail only)

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February 5, 2021

Construction Punch list

Status Report No. 1

Dollar General - Block 1001, Lot 33
Borough of Clayton, Gloucester County, New Jersey
S&A File No. CB-697

Punch list compiled by Marc Knott on 01.29.2021

The following items listed below shall be completed prior to the release of the maintenance bond, in the amount of \$39,703.28. Our office requires 48 hours' notice prior to commencement of the repairs listed. We offer the following comments/items:

General

1. Adjust water valve box to grade (lower) – located to the right of the main entrance.
2. Provide general cleanup of the site and landscaping. In addition to the site and landscaping, we recommend to provide maintenance to the storm sewer basin.
3. Remove & replace dead / missing landscaping as needed – replacement shall occur during the optimal planting season (April). The maintenance bond will require an extension to address the landscaping items:

| Landscaping Items | | | | |
|-------------------|--------|-------|---------|-------|
| 4 CLY | 1 TC | 4 INS | 1 PS | 2 TON |
| 13 JHIB | 4 PXOL | 8 ICC | 7 IGS | 9 IV |
| 1 CS | 2 AL | 4 CCA | 2 CPRFA | |

If you have any questions regarding the above matter, please feel free to contact our office at (856) 848-6800 or via e-mail to Olivier Pena (oap@sickelsassoc.com) at your earliest convenience

Very truly yours,
SICKELS & ASSOCIATES, INC.

Olivier A. Peña
Senior Construction Technician

OAP

Copy To: Timothy D. Scaffidi, Borough Solicitor (via e-mail only)
Susan Miller, Borough Administrator (via e-mail only)
Christine Newcomb, Borough Clerk (via e-mail only)
Donna Nestore, Chief Financial Officer (via e-mail only)
Greg Sawyer, Public Works Dept. (via e-mail only)
Jack Eekler, Construction Code Office (via e-mail only)
Debbie Schlosser, Planning Board Secretary (via e-mail only)
706 Delsea Associates, LLC, c/o Lee Brahlin, Applicant (via e-mail only)
Michael Mahinsky, Fox Rothschild LLP (via e-mail only)
Mark R. Brunermer, P.E., C.M.E., Sickels & Associates, Inc. (via e-mail only)
David D. Roché, Sickels & Associates, Inc. (via e-mail only)
Olivier Pena, Sickels & Associates, Inc. (via e-mail only)
Kim Croft, Sickels & Associates, Inc. (via e-mail only)

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