

**RESOLUTION 234-19**

**RESOLUTION AUTHORIZING RELEASE OF PERFORMANCE  
BOND FOR HOVBROS CLAYTON, LLC - ABERDEEN (ESTATES) SITE  
IMPROVEMENTS UPON THE POSTING OF A ONE-YEAR LANDSCAPING  
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 water & sewer improvements in conjunction with said project; and

***WHEREAS***, the said applicant has completed said site 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 improvements have been completed; and

***WHEREAS***, the Borough Engineer has also recommended the posting of a one-year landscaping maintenance guarantee in the amount of \$29,508.93 (\$5,841.00 – Section 1.1 and \$23,667.75 – Section 1.2) and an additional \$2,950.00 to be deposited into the escrow account to cover the inspection work required to be completed prior to the release of the maintenance bond; and

***WHEREAS***, the Borough Engineer has also recommended waiver of the roads and drainage portion of the performance bonds maintenance period; 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-year landscaping maintenance bond as per the Engineers letter.

**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 14, 2019.

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 14, 2019.



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

November 6, 2019

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

Attention: Mayor and Council Members

**Reference: Performance Bond Release – Site Improvements  
Aberdeen (Estates) – Single Family Housing  
Borough of Clayton, Gloucester County, New Jersey  
Applicant: Hovbros Clayton, LLC  
Bond No.: SU1001773 (Section 1.1)  
Bond No.: SU1001774 (Section 1.2)  
S&A File No. C-516-1a**

Dear Mayor and Council Members:

Pursuant to the request made by the Applicant, per the letter dated October 24, 2019, we have completed our review of the above referenced site to determine if the performance bond (\$219,525.93 reduced amount – Section 1.1 & \$340,863.30 reduced amount – Section 1.2) can be released for the above referenced project. Based on the findings of our observations, we are informing the Borough that the work under this project has been completed, corrected and/or repaired.

As such, we would recommend that Borough consider the release of the performance bonds contingent upon the posting of a one-year landscaping maintenance bond in the amount of \$29,508.75 (\$5,841.00 – Section 1.1 and \$23,667.75 – Section 1.2 – **see attached spreadsheets**) and an additional \$2,950.00 to be deposited into the escrow account to cover the inspection work required to be completed prior to the release of the maintenance bond. **The maintenance bond amount covers the landscaping for each section.**

**Due to the length of the project and installation of the site improvements, our office is acceptable to the waiver of the roads and drainage portion of the performance bonds maintenance period. We do recommend the Applicant posting the maintenance bond for the landscaping items within both sections. Due to the date of installation, we are acceptable to the maintenance bond (landscaping) being for a period of one (1) year period from the date the site-received acceptance of the site improvements. Therefore, the landscaping maintenance bond expiration date would be November 6, 2020.**

It should be noted that prior to the release of the performance bond, all outstanding engineering fees must be paid in full. There are currently outstanding escrows for the inspection and punch list close out work for the performance bond release. 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.

November 6, 2019

**Reference:** Performance Bond Release – Site Improvements  
Aberdeen (Estates) – Single Family Housing  
Borough of Clayton, Gloucester County, New Jersey  
**Applicant:** Hovbros Clayton, LLC  
**Bond No.:** SU1001773 (Section 1.1)  
**Bond No.:** SU1001774 (Section 1.2)  
**S&A File No.** C-516-1a

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.**



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

MRB:oap

Enclosures (Landscaping Quantity Spreadsheets)

Copy To: Sue Miller, Borough Administrator, w/ enclosures (via e-mail only)  
Christine Newcomb, Borough Clerk, w/ enclosures (via e-mail only)  
Donna Nestore, Municipal Financial Officer, w/ enclosures (via e-mail only)  
Joe Hunt, Director of Public Works, w/ enclosures (via e-mail only)  
Debbie Schlosser, Clayton Combined Zoning/Planning Board Secretary, w/ enclosures (via e-mail only)  
Timothy Scaffidi, Borough Solicitor, w/ enclosures (via e-mail only)  
Scott Bordick, Hovbros Clayton, LLC, w/ enclosures (via e-mail only)  
Colin Marshall, Hovbros Clayton, LLC, w/ enclosures (via e-mail only)  
Patricia Owens, Sickels & Associates, Inc. w/ enclosures (via e-mail only)  
David Roché, Sickels & Associates, Inc. w/ enclosures (via e-mail only)  
Olivier A. Peña, Sickels & Associates, Inc. w/ enclosures (via e-mail only)  
Kim Croft, Sickels & Associates, Inc. w/ enclosures (via e-mail only)

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**Bond No.: SU1001773 (Section 1.1)**

Item No.	Description	Unit Meas.	Quantity	Unit Cost	Total Cost	Work Completed	Value of Work Remaining
<b>Landscaping</b>							
1 (29)	Street Tree	UNIT	86	\$ 375.00	\$ 32,250.00		\$ 32,250.00
2 (30)	Evergreen	UNIT	12	\$ 255.00	\$ 3,060.00		\$ 3,060.00
3 (31)	Shrub	UNIT	33	\$ 110.00	\$ 3,630.00		\$ 3,630.00
<b>Total</b>					<b>\$ 38,940.00</b>		<b>\$ 38,940.00</b>
<b>20% Contingency</b>					<b>\$ 7,788.00</b>		<b>\$ 7,788.00</b>
<b>Amount of Performance Bond (120%)</b>					<b>\$ 46,728.00</b>		<b>\$ 46,728.00</b>
<b>Amount of Maintenance Bond (15%)</b>					<b>\$ 5,841.00</b>		
<b>This bond should not be reduced below 30% of the original bond amount until final acceptance as per Municipal Land Use Law.</b>							<b>\$ 14,018.40</b>
<b>Notes:</b>							
1. This estimate has been prepared to determine the maintenance bond amount.							
2. The unit cost for each item reflects current pricing for landscaping.							

**SICKELS & ASSOCIATES, INC.**  
**Site Improvement Bond Estimate - Landscaping**  
**Aberdeen (Estates) – Single Family Housing**  
**Borough of Clayton, Gloucester County, New Jersey**  
**November 6, 2019**  
**S&A File No. C-516-1a**  
**Bond No.: SU1001774 (Section 1.2)**

Item No.	Description	Unit Meas.	Quantity	Unit Cost	Total Cost	Work Completed	Value of Work Remaining
<b>Landscaping</b>							
1 (43)	Street Tree	UNIT	173	\$ 375.00	\$ 64,875.00		\$ 64,875.00
2 (44)	Evergreen	UNIT	31	\$ 255.00	\$ 7,905.00		\$ 7,905.00
3 (45)	Ornamental Tree	UNIT	149	\$ 225.00	\$ 33,525.00		\$ 33,525.00
4 (46)	Shrub	UNIT	468	\$ 110.00	\$ 51,480.00		\$ 51,480.00
<b>Total</b>					<b>\$ 157,785.00</b>		<b>\$ 157,785.00</b>
<b>20% Contingency</b>					<b>\$ 31,557.00</b>		<b>\$ 31,557.00</b>
<b>Amount of Performance Bond (120%)</b>					<b>\$ 189,342.00</b>		<b>\$ 189,342.00</b>
<b>Amount of Maintenance Bond (15%)</b>					<b>\$ 23,667.75</b>		
<b>This bond should not be reduced below 30% of the original bond amount until final acceptance as per Municipal Land Use Law.</b>							<b>\$ 56,802.60</b>
<b>Notes:</b>							
1. This estimate has been prepared to determine the maintenance bond amount.							
2. The unit cost for each item reflects current pricing for landscaping.							