

**RESOLUTION 107-13**

**RESOLUTION AUTHORIZING RELEASE OF PERFORMANCE  
BOND (SITE IMPROVEMENTS) FOR  
HERITAGE'S DAIRY STORE, BLOCK 1405, LOTS 39  
UPON THE POSTING OF A MAINTENANCE BOND**

*WHEREAS*, the applicant, Heritage's Dairy Store – Block 1405, Lot 39, has posted, pursuant to the requirements of the Clayton Development Regulation and Zoning Ordinance, Performance Guarantees, guaranteeing the site improvements in conjunction with said improvement; and

*WHEREAS*, the said applicant for Heritage's Dairy Store – Block 1405, Lot 39 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 May 21, 2013, 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 \$20,917.76 for site improvements; 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 Heritage's Dairy Store, Block 1405, Lot 39 (Site Improvements) be and hereby is released upon the posting of a two (2) year

maintenance bond as per the Engineers letter dated May 21, 2013 with a maintenance guarantee in the amount of \$20,917.76 for site 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 May 23, 2013.

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 May 23, 2013.



CHRISTINE NEWCOMB  
Municipal Clerk

May 21, 2013

Borough of Clayton  
One South Main Street  
Clayton, New Jersey 08028

Attention: Mayor and Council Members

**Reference: Site Improvement Performance Bond Release  
Heritage's Dairy Store - Block 1405, Lot 39  
Borough of Clayton, Gloucester County, New Jersey  
Applicant: Heritage's Dairy Stores, Inc.  
S&A File No. C-641**

Dear Mayor and Council Members:

Pursuant to the request made by Heritage's Dairy Stores, Inc. letter dated April 12, 2013, we have completed our review of the above referenced site to determine if the Performance Bond can be released for the above referenced commercial property.

Based on the findings of our construction observations, we have noted that the condition of the completed site improvements is acceptable. As such, we would recommend final acceptance and release of the Performance Bond in the amount of \$167,342.10.

The Borough of Clayton requires that the Applicant post a two (2) year Maintenance Guarantee in the amount of 15% of the original Performance Bond. Therefore, the amount of the Bond should be:

Improvements	Maintenance Bond Amount
Site	\$20,917.76

We request that this matter be placed on the agenda for the next available Mayor and Council meeting. By copy of this letter, we are requesting the Borough Solicitor prepare the necessary resolution for Council's consideration. **It should be noted that all outstanding engineering fees must be paid in full. Based on our records, it appears that there are sufficient funds available in the escrow account to cover any outstanding balance.**

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May 21, 2013

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Heritage's Dairy Store - Block 1405, Lot 39  
Borough of Clayton, Gloucester County, New Jersey  
Applicant: Heritage's Dairy Stores, Inc.  
S&A File No. C-641**

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

Very truly yours,

**SICKELS & ASSOCIATES, INC.**

Olivier A. Peña  
Senior Construction Technician

OAP

c: Sue Miller, Borough Administrator (Via E-mail Only)  
Christine Newcomb, Borough Clerk (Via E-mail & Regular Mail)  
Donna Nestore, Chief Financial Officer (Via E-mail Only)  
Duane Paul Pheasant, Director of Public Works (Via E-mail Only)  
Jerry Myers, Construction Code Official (Via E-mail Only)  
Timothy Scaffidi, Esquire, Borough Solicitor (Via E-mail Only)  
Heritage's Dairy Stores, Inc., Applicant  
Patricia Owens, Sickels & Associates, Inc. (Via E-mail Only)  
Kim Croft, Sickels & Associates, Inc. (Via E-mail Only)

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