

RESOLUTION 121-13

**RESOLUTION AUTHORIZING RELEASE OF PERFORMANCE
BOND (SITE IMPROVEMENTS) FOR
HELPING HAND BEHAVIORAL HEALTH, BLOCK 1904, LOT 8.01
UPON THE POSTING OF A MAINTENANCE BOND**

WHEREAS, the applicant, Helping Hand Behavioral Health – Block 1904, Lot 8.01, 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 Helping Hand Behavioral Health – Block 1904, Lot 8.01 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 July 3, 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 \$1,591.80 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 Helping Hand Behavioral Health, Block 1904, Lot 8.01 (Site Improvements) be and hereby is released upon the posting of a

two (2) year maintenance bond as per the Engineers letter dated July 3, 2013 with a maintenance guarantee in the amount of \$1,591.80 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.

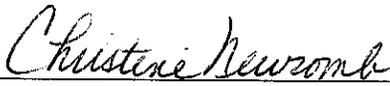
ADOPTED, at a meeting of the Mayor and Council of the Borough of Clayton, in the County of Gloucester, held July 11, 2013.

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 July 11, 2013.


CHRISTINE NEWCOMB
Municipal Clerk

SICKELS & ASSOCIATES, INC.

Engineers • Planners • Surveyors

July 3, 2013

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

Attention: Mayor and Council Members

**Reference: Site Improvements Performance Bond Release
Helping Hands Behavioral Health - 25 Pop Kramer Blvd. - Block 1904, Lot 8.01
Borough of Clayton, Gloucester County, New Jersey
Applicant: Helping Hands Behavioral Health Corp.
S&A File No. C-637**

Dear Mayor and Council Members:

Pursuant to the request made by Helping Hands Behavioral Health Corp. letter dated June 26, 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 observations, we are informing the Borough that the majority of the work under this project has been completed, corrected and/or repaired. The Applicant has agreed to address the following items:

1. Remove & Replace four (4) conifer trees (common name: Emerald Sentinel)
2. Remove & Replace four (4) storm chamber drainage system damaged cleanout caps.

The Borough of Clayton requires that the Applicant post a Maintenance Bond in the amount of 15% of the original Performance Bond for a period of two (2) years. The amount of the Bond is as follows:

Site Improvement Bond (120%)	Maintenance Bond Amount (15%)
\$12,734.40	\$1,591.80

As such, we would recommend that Borough consider the release of the Performance Bond contingent upon the posting of the required Maintenance Bond in the amount of \$1,591.80. The Maintenance bond should provide coverage for the two (2) year period from the date the site-received acceptance of the site improvements. Therefore, the Maintenance Bond expiration date is July 12, 2014. It should be noted that prior to the release of the Performance Bond, all outstanding engineering fees must be paid in full and the Maintenance Bond should be submitted to the Borough Solicitor for his review and approval. By copy of this letter, we are requesting the Borough Solicitor prepare the necessary resolution for Council's consideration.

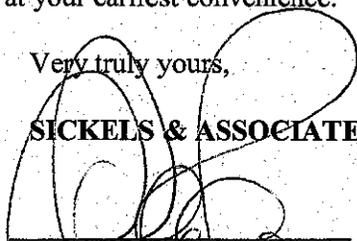
Page 2
July 3, 2013

Reference: Site Improvements Performance Bond Release
Helping Hands Behavioral Health - 25 Pop Kramer Blvd. - Block 1904, Lot 8.01
Borough of Clayton, Gloucester County, New Jersey
Applicant: Helping Hands Behavioral Health Corp.
S&A File No. C-637

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

Copy To: Sue Miller, Borough Administrator (via email only)
Christine Newcomb, Borough Clerk (via email only)
Donna Nestore, Municipal Financial Officer (via email only)
Duane Paul Pheasant, Director of Public Works (via email only)
Debbie Schlosser, Clayton Combined Zoning/Planning Board Secretary (via email only)
Jerry Myers, Construction Code Official (via email only)
Timothy Scaffidi, Borough Solicitor (via email only)
Eugene Buchinger, Helping Hands Behavioral Health Corp., Applicant
Patricia Owens, Sickels & Associates, Inc. (via email only)
Kim Croft, Sickels & Associates, Inc. (via email only)

F:\PROJECTS\Clayton\C-637 - Helping Hand Behavioral Health\Performance Bond Release 07.03.13.doc