

BOROUGH OF RED BANK

COUNTY OF MONMOUTH

RESOLUTION NO. 10-268

**A RESOLUTION ACCEPTING MAINTENANCE GUARANTEES AND RELEASING
PERFORMANCE GUARANTEES POSTED BY RED BANK CATHOLIC HIGH SCHOOL,
112 BROAD STREET, BLOCK 46, LOTS 12 AND 33**

Mr. Murphy offered the following resolution and moved its adoption:

WHEREAS, on April 27, 2009, under Resolution No. 09-121, the Borough of Red Bank accepted certain Performance Guarantees from Red Bank Catholic High School ("the Developer") for a development project located at 112 Broad Street, 46, Lots 12 and 33; and

WHEREAS, the Developer posted the following in accordance with the Borough's Development Ordinances:

- a. Ten Percent (10%) of the performance guarantee in the form of cash in the amount of \$8,400.00;
- b. The remaining Ninety Percent (90%) of the performance guarantee in the form of Bond No. 105268442 issued by The Travelers Casualty and Surety Company of America in the amount of \$75,600.00; and
- c. An inspection fee in the amount of \$24,600.00; and

WHEREAS, the Developer has requested that the Borough release the aforementioned performance guarantees; and

WHEREAS, the Developer has further requested that the Borough accept as a Two-Year Maintenance Guarantee in the form of Maintenance Bond No. 105268442M, issued by the Travelers Casualty and Surety Company of America, in the sum of \$12,600.00; and

WHEREAS, the posting of a maintenance bond in that sum and the release of the aforementioned performance guarantees are in accordance with the Borough Engineer's report and recommendations concerning this project, dated September 10, 2010; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Red Bank as follows:

- a. The Borough hereby accepts Maintenance Bond No. 105268442M, issued by the Travelers Casualty and Surety Company of America, in the sum of \$12,600.00 as a Two-Year Maintenance Guarantee; and
- b. Acceptance of that Maintenance Bond is conditioned upon the developer's posting the sum of \$500.00 in cash for inspection fees related to the eventual release of that maintenance bond.
- c. Upon receipt of that Maintenance Guarantee and inspection escrow, the Borough shall release the following:
 1. The previously posted sum of \$8,400.00 in cash, which was equivalent to ten percent (10%) of the Performance Guarantee, less any sums authorized by the developer to be retained as part of the inspection escrow; and
 2. The previously posted Performance Guarantee in the form of Bond No. 105268442 issued by The Travelers Casualty and Surety Company of America in the amount of \$75,600.00.

BE IT FURTHER RESOLVED that the Chief Financial Officer and the Director of Planning and Zoning are authorized and requested to take appropriate steps to implement this resolution; and

BE IT FURTHER RESOLVED that the Borough Clerk shall forward certified true copies

of this resolution to the Borough Engineer, the Director of Planning and Zoning, the Chief Financial Officer and to Joseph T. Montano, Athletic Director, Red Bank Catholic High School, 112 Broad Street, Red Bank, N.J. 07701

Seconded by Ms. Horgan and adopted on roll call by the following vote:

	Yes	No	Abstain	Absent
Ms. Lewis	(x)	()	()	()
Mr. Zipprich	(x)	()	()	()
Mr. DuPont	()	()	(x)	()
Ms. Horgan	(x)	()	()	()
Ms. Lee	(x)	()	()	()
Mr. Murphy	(x)	()	()	()

Dated: December 22, 2010