

**BOROUGH OF RED BANK**  
**COUNTY OF MONMOUTH**  
**RESOLUTION NO. 09-142**

**RESOLUTION AUTHORIZING ACCEPTANCE OF PERFORMANCE GUARANTEES AND  
INSPECTION ESCROW REGARDING HEYER, GRUEL AND ASSOCIATES, INC.,  
236 BROAD STREET, BLOCK 101, LOTS 15.01 AND 16**

Ms. Lee offered the following resolution and moved its adoption:

**WHEREAS**, the Zoning Board of Adjustment of the Borough of Red Bank approved Application No. Z8976 submitted by Heyer, Gruel and Associates, Inc., (the “Developer”) with respect to the property located at 236 Broad Street, Block 101, Lots 15.01 and 16 on the tax map of the Borough of Red Bank (the “Project Premises”); and

**WHEREAS**, the aforesaid Zoning Board of Adjustment Resolution required the Developer to comply with the Planning and Development Regulations of the Borough Red Bank, with respect to the Developer’s posting of performance guarantees and escrow payments to pay for inspections by the Borough Engineer; and

**WHEREAS**, by letter dated May 4, 2009, the Borough Engineer provided an estimate of the necessary performance guarantees and other fees required for the proposed development of the Project Premises in accordance with §25-7.1 of the Borough of Red Bank’s Planning and Development Regulations; and

**WHEREAS**, the Developer has posted the following performance guarantees and other required fees as recommended by the Borough Engineer:

- a. \$56,260.00 in cash which represents the full performance guarantee required; and
- b. An inspection fee in the amount of \$2,350.00; and

**WHEREAS**, the Director of the Borough’s Planning and Zoning Department has requested authorization to accept the aforementioned performance guarantees, and the inspection escrow fee on behalf of the Borough;

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Red Bank that it does hereby authorize and direct the Director of the Borough’s Planning and Zoning Department to accept the aforementioned funds posted by the Developer as the performance guarantee and inspection escrow, respectively, for the Developer’s project;

**BE IT FURTHER RESOLVED** that the Clerk forward a certified true copy of this resolution to Heyer, Gruel and Associates, Inc., 236 Broad Street, Red Bank, New Jersey 07701 and to the Borough Engineer.

Seconded by Ms. Lewis 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: May 26, 2009