

RESOLUTION

2015 - 54

**RESOLUTION OF THE BOROUGH OF ISLAND HEIGHTS,
COUNTY OF OCEAN, STATE OF NEW JERSEY,
AUTHORIZING THE ACCEPTANCE OF A SHARED
SERVICES AGREEMENT WITH THE BOROUGH OF SOUTH TOMS RIVER
FOR THE PURPOSES OF SECURING THE SERVICES
OF A MUNICIPAL CLERK.**

WHEREAS, the Borough of Island Heights is required to secure the services of a Municipal Clerk pursuant to N.J.S.A. 40A:9-140.10; and

WHEREAS, the Governing Body of the Borough of Island Heights has determined that it would be most efficient and economical to obtain the required services of a Municipal Clerk by entering into a Shared Services Agreement with the Borough of South Toms River; and

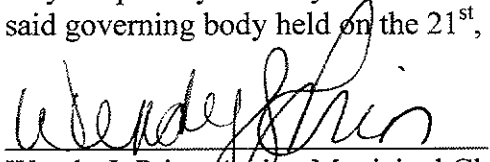
WHEREAS, the Governing Body of the Borough of Island Heights is authorized to enter into such agreements pursuant to N.J.S.A. 40:9-140 and N.J.S.A. 40A:65-1;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Island Heights, County of Ocean, State of New Jersey as follows:

1. That the Governing Body does hereby approve the contract to enter into a shared services agreement with the Borough of South Toms River for the securing of the services of a Municipal Clerk as found attached as Exhibit A.
2. That the Mayor of the Borough of Island Heights along with such other representatives as may be appropriate shall be and are authorized to execute said agreement on behalf of the Borough of Island Heights.

CERTIFICATION

I, Wendy J. Prior, Acting Municipal Clerk of the Borough of Island Heights, County of Ocean, State of New Jersey, do hereby certify that the foregoing is a true copy of a resolution duly adopted by the Mayor and Council of the Borough of Island Heights at a regular meeting of said governing body held on the 21st, day of July, 2015.


Wendy J. Prior, Acting Municipal Clerk

SHARED SERVICES AGREEMENT

The BOROUGH OF ISLAND HEIGHTS ("Island Heights"), a municipal corporation established and operating under the laws of the State of New Jersey, with offices located at 1 Wanamaker Municipal Complex, Island Heights, New Jersey, 08759, and the Borough of SOUTH TOMS RIVER ("South Toms River"), a municipal corporation established and operating under the laws of the State of New Jersey, with offices located at 144 Mill Street, South Toms River, New Jersey, 08757, hereby enter into this agreement pursuant to the Uniform Shared Services and Consolidation Act, N.J.S.A. 40A:65-1 to -35, for the purpose of sharing the services of a municipal clerk.

BACKGROUND RECITALS

WHEREAS, The Borough of Island Heights presently has a vacancy in the office of Municipal Clerk and is statutorily required to fill said vacancy and retain such services pursuant to N.J.S.A. 40A:9-133; and

WHEREAS, the Borough of Island Heights is presently seeking qualified persons to fill the vacated office; and

WHEREAS, the Borough of South Toms River has determined that entering into a shared services agreement between South Toms River and the Borough of Island Heights would prove to be efficient, economical and beneficial to said Borough; and

WHEREAS, The Borough of Island Heights has determined that entering into a shared services agreement between South Toms River and the Borough of Island Heights would prove to be efficient, economical and beneficial to said Borough; and

WHEREAS, the Municipal Clerk of South Toms River is Joseph Kostecki and is in agreement and accord with this shared services agreement; and

WHEREAS, the parties have entered into this agreement to establish the terms and conditions of that arrangement:

NOW, THEREFORE, in consideration of the mutual promises set forth herein, the parties agree as follows:

TERMS AND CONDITIONS.

Services Provided. The Borough of South Toms River and the Borough of Island Heights shall each share Registered Municipal Clerk services to be provided by Joseph Kostecki. Joseph Kostecki shall perform all of the duties of Municipal Clerk for the Borough of Island Heights and the Borough of South Toms River and shall maintain the status and requisite credentials of Registered Municipal Clerk at no cost or expense to the Borough of Island Heights.

Primary Employer. The Borough of South Toms River shall be designated as the primary employer for purposes of tenure rights.

Fees. The fees for services provided by Joseph Kostecki shall be paid to the Borough of South Toms and shall be charged and paid for at the hourly rate of \$55.00 per hour. The parties agree that the number of hours to be worked by Joseph Kostecki shall not exceed 10 hours per week except as may be authorized by the Mayor of Island Heights and by the Borough of South Toms River.

The presence of Joseph Kostecki at Island Heights. Joseph Kostecki shall be present to perform the duties of Municipal Clerk at least twice a week at the Borough of Island Heights Municipal Offices and one such appearance shall be for a full day.

Communications. The parties agree that Joseph Kostecki shall be permitted to accept and institute communications regarding either Borough's business at any time.

Payment Schedule. Joseph Kostecki shall provide to the Borough of Island Heights such documentation as may be required to support the claim for services provided to the Borough of Island Heights, and Island Heights shall pay for the services provided

under this agreement on a monthly basis in accordance with billing procedures of the Borough of Island Heights.

Entire Agreement. This agreement constitutes the only and entire agreement of the parties and supersedes any prior written or oral agreement. No other benefits or compensation shall be due to Joseph Kostecki from the Borough of Island Heights other than what is stated herein.

Hold Harmless/Indemnification.

To the fullest extent permitted by law, the municipal parties agree to fully release, hold harmless, and indemnify each other, and its employees, officials, agents, and assigns, for any and all claims, suits, damages, penalties, including reasonable attorneys' fees, arising out of or in any way connected with services provided to it by Joseph Kostecki under this agreement.

Term. This agreement shall take effect July 1st, 2015, and shall continue for a period of one year. Thereafter, this agreement may be automatically renewed for additional one-year period upon notice of Borough of Island Heights to the Borough of South Toms River.

Termination. This agreement may be terminated by any party upon 60-days written notice to the other parties.

Severability. If any provision of this agreement is invalidated by a court of competent jurisdiction, that provision shall be severed and the remaining provisions of this agreement shall remain in full force and effect.

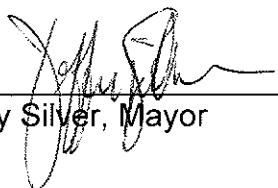
Intent to be Legally Bound. Both parties represent that they intend to be legally bound by this agreement.

Authority to Execute. The parties represent and warrant that this agreement has been executed by individuals legally authorized to do so and that they have approved this agreement in accordance with their respective legal requirements and procedures.

Governing Law. This agreement shall be governed by the laws of the State of New Jersey.


Forum Selection. Any disputes arising out of or relating to this agreement shall be instituted in the Superior Court of New Jersey, Ocean County vicinage.

For the Borough of Island Heights



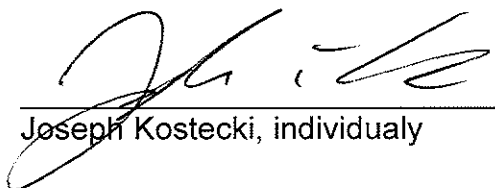
Jeffrey Silver, Mayor

For South Toms River



Mayor

For Joseph Kostecki



Joseph Kostecki, individualy