

CITY OF OCEAN CITY
CAPE MAY COUNTY, NEW JERSEY

RESOLUTION 17-53-109

**AUTHORIZING THE EXECUTION OF A SHARED SERVICES AGREEMENT WITH THE
BOROUGH OF LONGPORT FOR THE SERVICING, MAINTENANCE AND
REPAIR OF STORM VEHICLES**

WHEREAS, the City of Ocean City has a vehicle maintenance division and the ability to assist Longport in the maintenance and repair of the storm vehicle(s); and,

WHEREAS, the Borough of Longport is the owner of storm vehicles and has from time to time the need to maintain and repair said vehicle(s); and,

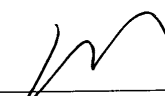
WHEREAS, it is in the mutual interests of the of Ocean City and Longport for Ocean City to maintain and repair Longport's storm vehicle(s); and

WHEREAS, the Uniform Shared Services and Consolidation Act, N.J.S.A. 40A:65-1, *et seq.* authorizes governmental units to enter into agreements for the exchange and sharing of services; and,

WHEREAS, the Borough of Longport and the City of Ocean City desire to enter into an agreement for joint services so as to maintain and repair Longport's storm vehicle(s) in accordance with a written agreement, a copy of which is attached hereto;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Ocean City, County of Cape May, New Jersey as follows:

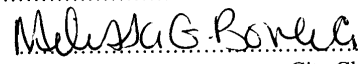
1. The City of Ocean City accepts and approves the Shared Services Agreement to be entered into with the Borough of Longport, a true copy of which is on file at the office of the Clerk of Ocean City and can be reviewed by the public during normal business hours; and
2. The Mayor, Business Administrator and City Clerk are hereby authorized to execute any and all necessary documents in order to implement this Resolution.



Peter V. Madden
Council Vice President

Offered by COUNCILMAN BARR Seconded by COUNCILMAN WILSON

The above resolution was duly adopted by the City Council of the City of Ocean City, New Jersey, at a meeting of said Council duly held on the 23RD day of MARCH 2017.



City Clerk

NAME	AYE	NAY	ABSENT	ABSTAINED
Barr	X			
Bergman	X			
DeVlieger	X			
Hartzell	X			
Madden	X			
McClellan	X			
Wilson	X			

**SHARED SERVICES AGREEMENT REGARDING THE SERVICING OF
MAINTENANCE AND REPAIR OF CERTAIN VEHICLES**

This Agreement for the maintenance and repair of a 1986 5 Ton Army Truck and High Mobility Multipurpose Wheeled Vehicle 4 x 4 (Humvee) (collectively referred to as the "storm vehicles") is made as of this 16th day of MARCH, 2017, by and between the Borough of Longport, a New Jersey Municipal Corporation, the mailing address for which is 2305 Atlantic Ave., Longport, NJ 08403, (hereinafter "Longport") and the City of Ocean City, a New Jersey Municipal Corporation, the mailing address for which is 861 Asbury Ave., Ocean City, NJ 08226, (hereinafter "Ocean City,") and the parties state:

WHEREAS, the Borough of Longport is the owner of storm vehicles and has from time to time the need to maintain and repair said vehicle(s); and,

WHEREAS, the City of Ocean City has a vehicle maintenance division and the ability to assist Longport in the maintenance and repair of the storm vehicle(s); and

WHEREAS, it is in the mutual interests of the of Ocean City and Longport for Ocean City to maintain and repair Longport's storm vehicle(s); and

WHEREAS, the Uniform Shared Services and Consolidation Act, N.J.S.A. 40A:65-1, et seq., authorizes governmental units to enter into agreements for the exchange and sharing of services and the Borough of Longport and the City of Ocean City desire to do same;

NOW, THEREFORE, for and in consideration of the exchange of mutual covenants and conditions and such other consideration as is set forth in this Agreement, and as authorized by the provisions of N.J.S.A. 40A:65-1, et seq., the Borough of Longport and the City of Ocean City hereby agree as follows:

1. **Recitals:** The above recitals are incorporated herein and made a part hereof.
2. **Purpose of the agreement:** Ocean City will furnish Longport with the services with regard to maintenance and repair of storm vehicles.
3. **Billing:** Ocean City will furnish Longport with an itemized bill based upon the agreed upon rate of \$95 per hour. Longport will cause the payment of such monies. Parts necessary for the repair of the vehicles will be ordered by Ocean City on an account with a pre-established vendor approved by Longport. Longport will pay the vendor directly.
4. **Additional costs:** To the extent that any additional costs are incurred by Ocean City in performing services pursuant to this Agreement and there is agreement between the

municipalities that such expenditures or costs are necessary, Longport shall be responsible for the payment of same even if said rates or services are not specifically listed in the previous sections of this Agreement.

5. Termination: This agreement may be terminated by either party upon twenty (20) days advance written notice to the other party.

6. Duration: The duration of this agreement shall be for the remainder of this calendar year (2017), continuing with a period of one (1) year, renewed on a year to year basis unless terminated as set forth in the agreement for a maximum of three additional years to expire on December 31, 2020.

7. Uniform of Shared Services and Consolidation Act: (Shared Services Act, N.J.S.A 40A:66-1 *et seq.*) shall apply to this Agreement and to the extent that any provision of this Agreement is in conflict with the Act, the Act shall be controlling and take precedence.

8. Effective Date: This Agreement shall become effective and binding upon passage of a resolution by the governing body of each of the municipalities party to this agreement accepting and the agreement and authorizing its execution.

9. Venue; Attorney's Fees & Costs: The parties agree to work as partners in effecting the purposes of this agreement and to attempt to resolve any dispute that may arise during the course of this joint undertaking by way of mediation with the use of a mutually agreeable mediator, with each party being responsible for its own costs and fees and equally sharing the cost and fees of the mediator.

10. Miscellaneous:

- a. This agreement shall be governed by the laws of the State of New Jersey. In the event of a dispute arising out of this Agreement, the parties agree that they immediately will meet and make a good faith effort to resolve said dispute. In the event that the dispute cannot be resolved amicably then any litigation arising out of this Agreement shall be litigated in the Superior Court of New Jersey, Cape May County.
- b. The parties have read this Agreement and it is a full statement of their understandings. This Agreement is not subject to oral modification and may only be changed by a writing approved, adopted and executed with the same formalities as were attendant to the approval, adoption and execution of this Agreement.
- c. The headings contained in this Agreement are for reference purposes only and shall not affect the meaning or interpretation of the substantive provisions of this agreement.

d. Longport and Ocean City agree that no inference concerning the meaning or interpretation of this Agreement shall be drawn based upon the fact that it was drafted by Ocean City's legal counsel.

11. Severability: If any clause, sentence, paragraph, section or part of this Agreement shall be adjudged to be invalid by any court of competent jurisdiction, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have rendered.

12. Insurance: Each party represents that they are members of the Atlantic County Municipal Joint Insurance Fund, hereinafter referred to as "JIF", and each party agrees to provide relative to the use of its personnel and equipment in the municipality, the following minimum insurance coverage:

- A. \$1,000,000 bodily injury and property damage for general and automobile liability
- B. Vehicle physical damage coverage upon the municipalities' respective vehicles
- C. Statutory worker's compensation coverage.

13. Notices: Any notices issued under or pursuant to this agreement shall be effective upon receipt by the party's respective City Clerks, with copy to the party's respective City Solicitors, at the following addresses:

City of Ocean City:

Clerk, City of Ocean City
861 Asbury Ave.
Ocean City, NJ 08226

Dorothy McCrosson, Esq.
Solicitor, City of Ocean City
200 Asbury Ave.
Ocean City, NJ 08226

Borough of Longport:

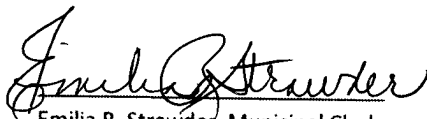
Clerk, Borough of Longport
2305 Atlantic Ave.
Longport, NJ 08403


Pat Agnellini, Esq.
Solicitor, Borough of Longport
2305 Atlantic Ave.
Longport, NJ 08403

IN WITNESS WHEREOF, the parties have set their hands and seals the date and year first written above:

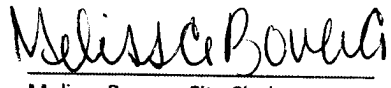
ATTEST:

Borough of Longport

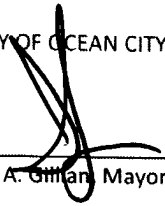

Emilia R. Strawder, Municipal Clerk


Nicholas Russo, Mayor

ATTEST:


Melissa Bovera, City Clerk

CITY OF OCEAN CITY


Jay A. Gillan, Mayor

**BOROUGH OF LONGPORT
RESOLUTION 2017-55
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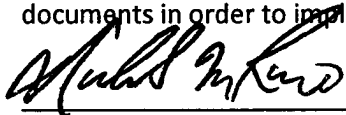
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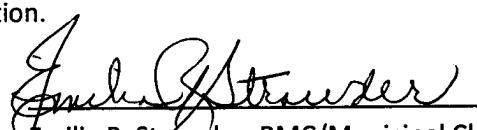
WHEREAS, the Borough of Longport and the City of Ocean City wishes to enter into an agreement for joint services so as to maintain and repair Longport's storm vehicle(s) in accordance with a written agreement, a copy of which is attached hereto.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Longport, County of Atlantic, New Jersey as follows:

1. The Borough of Longport accepts and approves the Shared Service Agreement to be entered into with the City of Ocean City, a true copy of which is on file at the office of the Municipal Clerk/Borough of Longport and can be reviewed by the public during normal business hours; and
2. The Mayor and Municipal Clerk are hereby authorized to execute any and all necessary documents in order to implement this Resolution.



Nicholas M. Russo/Mayor



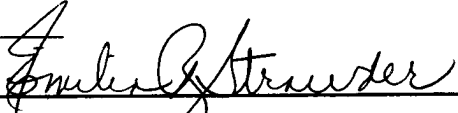
Emilia R. Strawder, RMC/Municipal Clerk

DO NOT USE SPACE BELOW						
OFFICIAL RECORD OF GOVERNING BODY VOTING ON FINAL PASSAGE						
COMMISSIONERS	MOTION	SECOND	AYE	NAY	NV	AB
Russo		X				
Leeds						X
Lawler	X					
X-indicates vote NV-not voting AB. - Absent						

This is a Certified True Copy of the Original Resolution on file in the Municipal Clerk's Office.

DATE OF ADOPTION:

4-6-2017



/s/ EMILIA R. STRAWDER, RMC, CMR
MUNICIPAL CLERK