

RESOLUTION NO. 2024-294

RESOLUTION OF THE TOWNSHIP OF LITTLE EGG HARBOR, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING THE EXECUTION OF A SHARED SERVICES AGREEMENT WITH THE COUNTY OF OCEAN FOR REIMBURSEMENT FOR COSTS FOR MYSTIC ISLAND DRAINAGE IMPROVEMENTS - PHASE 4 IN THE AMOUNT OF \$4,180,500.00 FROM AMERICAN RESCUE PLAN ACT FUNDING

WHEREAS, the Township of Little Egg Harbor has authorized a stormwater improvement construction project for infrastructure and roadway improvements in the Mystic Island section of the Township, as more detailed in a plan proposal titled "Mystic Island Drainage Improvements - Phase 4" by T & M Associates, (hereinafter referred to as the "Project"), within the Township of Little Egg Harbor; and

WHEREAS, the Township desires to enter into a Shared Services Agreement with the County of Ocean, for the County of Ocean to provide aide for the cost of the project and the Township assuming the construction, permitting, ownership and responsibility of maintaining the facilities, to include paying for any/all electrical service and all associated maintenance costs, after the facilities are constructed; and

WHEREAS, the County of Ocean has agreed to provide aide by way of reimbursement to the Township for the cost of the project, in the amount of \$4,180,500.00 from American Rescue Plan Act funding; and

WHEREAS, pursuant to N.J.S.A. 40A:65-1 et seq., municipalities and other local governmental units may enter into Agreements for shared services with other municipalities and local governmental units to provide or receive any service that the local unit participating in the Agreement is empowered to provide or receive within its own jurisdiction; and

WHEREAS, each local unit authorized to enter into an Agreement under the Shared Services and Consolidation Act must do so by the adoption of a resolution; and

WHEREAS, the Agreement must comply with the requirements of N.J.S.A. 40A:65-7 and specify the services to be performed under the Agreement, procedures for payment and

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assignment and allocation of responsibility for meeting standards between and among the parties;
and

WHEREAS, the Township desires to authorize executing a Shared Services Agreement with the County of Ocean for reimbursement to the Township for the cost of the Project, in the amount of \$4,180,500.00 from American Rescue Plan Act funding.

NOW, THEREFORE, BE IT RESOLVED, by the governing body of the Township of Little Egg Harbor, County of Ocean, State of New Jersey as follows:

1. That the governing body does here authorize the execution of a Shared Services Agreement with the County of Ocean for reimbursement to the Township for the cost of the Project, in the amount of \$4,180,500.00 from American Rescue Plan Act funding, in accordance with the terms of said agreement is attached hereto and made a part hereof as Schedule A.

2. That the Mayor is hereby authorized to execute and the Township Clerk to attest to the Shared Services Agreement, and any other documents necessary to effectuate the terms of this resolution.


3. That the term of the Shared Services Agreement shall be in accordance with N.J.S.A. 40A:65-1 et seq.

2. That a copy of the agreement referenced herein shall be kept on file and made available for public inspection at the Township Clerk's Office during normal business hours.

3. That a certified copy of this resolution with a copy of the agreement be forwarded to the Chief Financial Officer and the County of Ocean.

CERTIFICATION

I, **KELLY LETTERA, CMC, RMC**, Township Municipal Clerk of the Township of Little Egg Harbor do hereby certify that the foregoing resolution was duly adopted by the Township of Little Egg Harbor Township Committee at a meeting held on the 12th day of **December, 2024.**



KELLY LETTERA, CMC, RMC
Township Clerk
Little Egg Harbor Township

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INTERGOVERNMENTAL AGREEMENT

THIS AGREEMENT, made this day of , 2024, between the COUNTY OF OCEAN, a body politic of the State of New Jersey, having its principal office and place of business at the Ocean County Administration Building, 101 Hooper Avenue, Toms River, New Jersey 08753 (hereinafter referred to as the "County") and the Township of Little Egg Harbor, having its principal office and place of business at 665 Radio Road, Little Egg Harbor, New Jersey, 08087,, hereinafter referred to as the "Township" (hereinafter referred to as the "Township").

WHEREAS, the Township has authorized a stormwater improvement construction project for infrastructure and roadway improvements in the Mystic Island section of the Township, as more detailed in a plan proposal titled "Mystic Island Drainage Improvements – Phase 4" by T & M Associates, (hereinafter referred to as the "Project"), within the Township of Little Egg Harbor; and

WHEREAS, the Township and the County desire to enter into an Agreement for the County to provide aide for the cost of the project and the Township assuming the construction, permitting, ownership and responsibility of maintaining the facilities, to include paying for any/all electrical service and all associated maintenance costs, after the facilities are constructed (hereinafter referred to as the "Township improvements"); and

WHEREAS, the County has agreed to provide aide by way of reimbursement to the Township for the cost of the project, in the amount of \$4,180,500.00 from American Rescue Plan Act funding; and

WHEREAS, pursuant to N.J.S.A. 40A:65-1 et seq., municipalities and other local governmental units may enter into Agreements for shared services with other municipalities and local governmental units to provide or receive any service that the local unit participating in the Agreement is empowered to provide or receive within its own jurisdiction; and

WHEREAS, each local unit authorized to enter into an Agreement under the Shared Services and Consolidation Act must do so by the adoption of a resolution; and

WHEREAS, the Agreement must comply with the requirements of N.J.S.A. 40A:65-7 and specify the services to be performed under the Agreement, procedures for payment and assignment and allocation of responsibility for meeting standards between and among the parties; and

WHEREAS, the Township and the County desire to enter into this Shared Services Agreement in accordance with the provisions of N.J.S.A. 40A:65-1 et seq.

NOW WITNESSETH, that the parties hereto in consideration of the benefits to be derived by entering into this Agreement, do hereby agree as follows:

1. RESPONSIBILITIES OF TOWNSHIP. The Township agrees that it shall have the following responsibilities during the term of the Agreement:

- a. The Township agrees that it will have its Engineer design the Project, which shall include all work associated with the stormwater improvement

construction project for infrastructure and roadway improvements in the Mystic Island section of the Township.

- b. The Township agrees to post the project funding source signage as approved by the Ocean County Engineer.
- c. The Township agrees to procure all necessary federal, State and local permits and approvals and pay all fees for the same.
- d. The Township, through its approved contractor, shall be responsible for the construction of the Project.
- e. The Township agrees that all work associated with the Project will be completed and invoiced to include all relevant documentation, such as contractor payments, etc. illustrating the expenditures in full to the County no later than June 30, 2026, or funding may be subject to reconsideration based on American Rescue Plan Act guidelines.

2. **RESPONSIBILITIES OF COUNTY.** The County agrees that it shall have the following responsibilities during the term of this Agreement;

- a. The County agrees to reimburse the Township an amount equal to the Township's actual cost of the work associated with the stormwater improvement construction project for infrastructure and roadway improvements in the Mystic Island section of the Township, but shall not exceed \$4,180,500.00 as the County's total share of the cost of the Project. Any excess costs over and above this amount shall be the sole responsibility and obligation of the Township. The County funding source is Account No. 9999-021-185-AR53-6800 to reflect these services to be performed in an amount not to exceed \$4,180,500.00.

3. The Township and its contractor, pursuant to this Agreement, are not and shall not be considered agents or employees of the County.

4. Upon completion of this construction and the release of the Contractor's maintenance bond, the Township will continue to be responsible for all maintenance and repair of all Township Improvements in the Project.

5. This Agreement and the performance hereof shall be governed, interpreted, constructed and regulated by the laws of the State of New Jersey.

6. This Agreement shall commence and take effect upon execution by the parties and continue in full force and effect until all payments due and payable to the County hereunder are paid in full.

7. In the event that any court of competent jurisdiction shall declare any section of this Agreement invalid for any reason, all other sections shall remain in full force and effect.

8. This Agreement represents the entire Agreement between the parties and may not be modified or amended, except by written Agreement between the parties.

9. All notices, requests, demands and other communications hereunder shall be in writing, and shall be deemed to have been duly given if delivered or mailed, by certified mail, return receipts requested, to the parties' designated representatives at the addresses set forth

below:

For the County:

Ocean County Engineer

129 Hooper Avenue, PO Box 2191, Toms River, New Jersey 08754

For the Township:

Administrator, Little Egg Harbor Township

665 Radio Road, Little Egg Harbor, New Jersey 08087

10. The Township hereby covenants and agrees to hold harmless the County, its agents, officials and employees from any and all suits, damages, claims or other causes of action including reasonable attorney's fees, which may result from performance of the Agreement by the County.

11. It is mutually agreed and understood that nothing in this Agreement implies an employce/employer relationship between the parties. The relationship of the parties shall be that of independent contractors with respect to each other.

IN WITNESS WHEREOF, the County of Ocean has caused these presents to be signed by the Director of the Board of Commissioners, attested to by the Clerk of said Board and its corporate seal hereunto affixed; and the Township of Little Egg Harbor has caused these presents to be signed by its Mayor, attested to by its Clerk, and its corporate seal hereunto affixed, all the day and year first above written.

COUNTY OF OCEAN


ATTEST:

MICHELLE I. GUNTHER
Clerk of the Board


BARBARA JO CREA, Director
Board of Commissioners

ATTEST:

LITTLE EGG HARBOR
TOWNSHIP



KELLY LETTERA, MUNICIPAL CLERK



BLAISE SCIBETTA, MAYOR