

BOROUGH OF RED BANK
COUNTY OF MONMOUTH
RESOLUTION NO. 09-174

**A RESOLUTION TO BECOME A MEMBER IN THE
NEW JERSEY SUSTAINABLE ENERGY JOINT MEETING**

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

WHEREAS, Local Units of the State of New Jersey are authorized to enter into a joint contract to provide for the formation of a joint meeting for the joint procurement of natural gas, electricity and other forms of energy as permitted by N.J.S.A. 40A:65-14 et seq.; and

WHEREAS, the statutes regulating the creation and establishment of a Joint Meeting contain a mechanism for local units to aggregate their collective energy consumption in order to negotiate and contract for energy in a cost-effective, environmentally sensitive manner, furthering the public interest entrusted to such a Joint Meeting; and

WHEREAS, the governing body of the Borough of Red Bank has determined that membership in the Joint Meeting is in the best interest of the Borough of Red Bank.

NOW, THEREFORE, BE IT RESOLVED that the governing body of the Borough of Red Bank does hereby resolve and agree to become a member in the New Jersey Sustainable Energy Joint Meeting (NJSEM) for the purpose of joining with other Local Units in the State to aggregate purchasing power of energy so as to achieve financial savings and to encourage Local Units to cooperate in seeking ways to jointly implement sustainable energy alternatives; and

BE IT FURTHER RESOLVED that the Mayor is authorized to execute the Joint Contract Joinder Agreement, attached hereto as Exhibit A, and that the Director of Public Works is hereby designated to represent the Local Unit as a member of the State Management Committee of the NJSEM; and

BE IT FURTHER RESOLVED that the Mayor is authorized and directed to execute such other documents signifying their membership in the NJSEM, and make payment of the Initial Membership Fee of \$600.00 as required by the NJSEM's Bylaws and to deliver same to the Executive Director of the NJSEM; and

BE IT FURTHER RESOLVED that funds are available for this purpose as certified by the Chief Financial Officer as demonstrated by the attached certification in account no(s). 9-01-20-701-219.

Seconded by Mr. DuPont and adopted on roll call by the following vote:

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

Dated: June 22, 2009

EXHIBIT A

JOINT CONTRACT JOINDER AGREEMENT

THIS JOINT CONTRACT JOINDER AGREEMENT (this "Joinder"), is being executed by the Borough of Red Bank, a municipal corporation of the State of New Jersey, having offices at - 90 Monmouth Street, Red Bank, New Jersey, providing public and essential governmental functions (as such term is defined in N.J.S.A. 40A:65-4) (hereinafter designated as the "Municipality") pursuant to that certain Joint Contract Establishing The New Jersey Sustainable Energy Joint Meeting dated June 22, 2009 (the "Joint Contract").

WHEREAS, Article 4 of the Joint Contract requires any contracting local unit under N.J.S.A. 40A:65-3 desiring to become a member of the Joint Meeting (as defined in the Joint Contract) to adopt a resolution in accordance with applicable laws substantially in the same form attached to the Joint Contract as Exhibit A (the "Resolution") approving the execution of an agreement in the form of this Joinder; and

WHEREAS, the Municipality has adopted the Resolution and transmitted a certified copy to the Chairman of the Executive Committee (as defined in the Joint Contract), or his designee, for transmission to the State of New Jersey pursuant to applicable law; and

WHEREAS, the Municipality has reviewed the terms of the Joint Contract and the Bylaws (as defined in the Joint Contract) and desires to be bound thereby;

NOW, THEREFORE, for and in consideration of the promises herein contained and intending to be legally bound, the Municipality, covenants and agrees as follows:

1. The Municipality hereby acknowledges, consents to, joins in and agrees to be bound by the Joint Contract and all of the terms and conditions thereof, including the terms and conditions of the Bylaws, all of which are incorporated herein by this reference, as if the Municipality had been an original signatory thereto.

2. The Municipality agrees that (a) the representative appointed to the State Management Committee, and thereby to its respective County Management Sub-Committee, is hereby granted a power of attorney to vote by proxy the interests of the Municipality and (b) the County Management Committee representative to the State Management Committee is hereby granted a power of attorney to vote by proxy the interests of the Municipality.

IN WITNESS WHEREOF, the Municipality has properly executed this Joinder as of the date noted below.

ATTEST:

Borough of Red Bank

By: _____
Pamela Borghi, RMC

By: _____
Name: Pasquale Menna
Title: Mayor

Date: _____

ACCEPTED AND AGREED:

By: _____
Chairman of Executive Committee

Date: _____

Sustainable Energy Joint Meeting
This information must be submitted by any joining Entity

Municipality or Entity: Borough of Red Bank

Address of Municipality/Entity: 90 Monmouth Street, Red Bank, NJ 07701

Name of Fund Commissioner/Representative to SEM: Gary Watson

Address of Representative: 75 Chestnut Street, Red Bank, NJ 07701

Phone Number of Representative: 732-530-2770

Email address of Representative: gwatson@redbanknj.org