

RESOLUTION 178-13

**RESOLUTION OF THE BOROUGH OF CLAYTON, COUNTY OF
GLOUCESTER, AUTHORIZING THE EXECUTION OF A COMMODITY
RESALE AGREEMENT WITH THE COUNTY OF GLOUCESTER**

WHEREAS, N.J.A.C. 5:34-7.15 authorizes local contracting units to enter into Commodity Resale Agreements for the purchase of certain commodities from other contracting units; and

WHEREAS, the County of Gloucester has authorized the establishment of the Gloucester County Commodity Resale System for the period of September 30, 2013 through September 29, 2018; and

WHEREAS, it would be in the best interest of the Borough of Clayton to become or remain a member of the Gloucester County Commodity Resale System for that period.

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Clayton that the Mayor and Municipal Clerk be and are hereby authorized to execute the attached Commodity Resale Agreement with the County of Gloucester; and

BE IT FURTHER RESOLVED that the Municipal Clerk forward a certified copy of this Resolution, along with the executed Commodity Resale Agreement to Robert N. DiLella, Clerk of the Board, County of Gloucester, Two South Broad, Woodbury, NJ 08096.

ADOPTED at a regular meeting of the Borough of Clayton, held on September 12, 2013.

BOROUGH OF CLAYTON



THOMAS BIANCO, Mayor

ATTEST:


CHRISTINE NEWCOMB, Clerk

CERTIFICATION

I, Christine Newcomb, Municipal Clerk of the Borough of Clayton, in the County of Gloucester, do hereby certify that the foregoing Resolution was presented and duly adopted by the Borough Council at a meeting of the Borough of Clayton held on Thursday, September 12, 2013.



CHRISTINE NEWCOMB, Municipal Clerk

**BASIS FOR AN AGREEMENT
FOR THE RESALE OF GASOLINE AND DIESEL FUEL
AS PART OF A COMMODITY RESALE SYSTEM**

AN AGREEMENT for the resale of Gasoline, Diesel Fuel, Ice Removal Chemicals and Public Works Materials, by and between **The Borough of Clayton** and **The County of Gloucester** entered into pursuant to the Commodity Resale Provisions of the Cooperative Purchasing Rules (N.J.A.C. 5:34-7.1 et seq.).

WHEREAS, The County of Gloucester created a Commodity Resale System for its own need for Diesel Fuel, Gasoline, Ice Removal Chemicals and Public Works Materials.

WHEREAS, The Borough of Clayton is desirous of making use of this Commodity System on an as needed basis.

NOW THEREFORE, in consideration for the promises and of the mutual covenants herein contained, the parties hereto agree as follows:

1. PAYMENT OBLIGATION

A monthly invoice for the previous month's usage shall be forwarded from the County of Gloucester to The Borough of Clayton on or before the 1st of each month. Monies received from The Borough of Clayton shall be placed in the account associated with that commodity. If The Borough of Clayton has a negative cash balance for three (3) consecutive billing periods, that shall constitute cause for termination of the Agreement. Prior to any termination, The Borough of Clayton shall receive a 30 advance notice regarding its negative cash balance.

2. EMERGENCIES

In the event of an emergency, The County of Gloucester will use its best efforts to provide any of these commodities that each member requires.

3. TERMINATION

This Agreement shall be in effect to a period of five (5) years upon approval by the governing bodies of The County of Gloucester and The Borough of Clayton. Either

party may terminate this Agreement with 30 day advance notice by certified mail, to the official address of the other party.

4. GOVERNING LAW

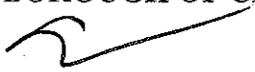
This Agreement shall be governed by and interpreted in accordance with the laws of the State of New Jersey.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be duly executed as of the day and year first written.

FOR THE LEAD AGENCY:

BY: _____
(NAME AND TITLE)

FOR THE BOROUGH OF CLAYTON:

By:  _____
Thomas Bianco, Mayor