

Resolution No.

RESOLUTION AUTHORIZING THE SALE OF PUBLIC PROPERTY
PURSUANT TO N.J.S.A. 40A:11-36(1)

WHEREAS, the Board of Fire Commissioners of Fire District No. 2, Township of Wall, County of Monmouth, State of New Jersey, has determined that certain public property, namely a 2001 KME 95' AerialCat Platform 5 section mid-mount, VIN 1K9AF64801N058384, with certain designated equipment is no longer needed for public purposes; and

WHEREAS, N.J.S.A. 40A:11-36 sets forth that if the estimated fair value of the public property to be sold exceeds fifteen percent (15%) of the bid threshold in any one (1) sale it shall be sold at public sale to the highest bidder; and

WHEREAS, the Board of Fire Commissioners of Fire District No. 2 has determined that the estimated fair value of the above referenced public property exceeds the statutory amount requiring public sale; and

WHEREAS, N.J.S.A. 40A:11-36 sets forth the manner in which the public sale must proceed.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Fire Commissioners of Fire District No. 2, Township of Wall, County of Monmouth, State of New Jersey, that the 2001 KME 95' AerialCat Platform 5 section mid-mount, VIN 1K9AF64801N058384, with certain designated equipment be sold at the public sale to the highest bidder; and

BE IT FURTHER RESOLVED, that a Notice of the date, time and place of the public sale together with a description of the apparatus and equipment to be sold and the conditions of sale be published in the Board's official newspaper, the Asbury Park Press, at a time to be determined by the Board in accordance with N.J.S.A. 40A:11-36; and

BE IT FURTHER RESOLVED, that the solicitor for the Board of Fire Commissioners of Fire District No. 2 prepare for execution by the successful bidder a Hold Harmless and Indemnification Agreement wherein it shall set forth at a minimum that the aforementioned apparatus and equipment is being sold in an "As Is" condition and that the successful bidder will hold the Board of Fire Commissioners of Fire District No. 2, its agents, successors and assigns, and Glendola Fire Company No. 1, its agents, successors and assigns, harmless from any loss resulting from said transfer of ownership; and

BE IT FURTHER RESOLVED, that the within Resolution shall be effective immediately upon passage; and

BE IT FURTHER RESOLVED, that any resolution or part of a resolution inconsistent herewith is hereby repealed or otherwise revoked; and

BE IT FURTHER RESOLVED, that if any section, paragraph, sentence, clause or phrase in this Resolution is for any reason held or determined to be unconstitutional or invalid, same shall not affect the remainder of this Resolution; and

BE IT FURTHER RESOLVED, that notwithstanding anything set forth herein to the contrary, the Board shall be permitted to amend, modify, repeal or otherwise act as to those topics which are the subject of this Resolution provided said acts are consistent with public policy, Board bylaws, township ordinances, local, state and federal laws and rules and regulations promulgated thereunder; and

BE IT FURTHER RESOLVED, that an original signed, conformed and compared copy of this Resolution be accessible and maintained as an official Board record pursuant to and in accordance with the "Open Public Records Act"; N.J.S.A. 47:1A-1, *et seq.* and the "Destruction of Public Records Law (1953)"; N.J.S.A. 47:3-8.1, *et seq.* as set forth by the State of New Jersey Municipal Agency Record Retention Schedule promulgated by the Division of Archives and Record Management.

CERTIFICATION

I, JOHN TENNISSEN, Clerk of the Board of Fire Commissioners of Fire District No. 2, Township of Wall, County of Monmouth, State of New Jersey, do hereby certify that the foregoing is a true compared and conformed copy of an original Resolution now on file and of record in the District office which was duly adopted at a public meeting held on the 23rd day of September, 2015.

I do further certify that the said Board of Fire Commissioners of Fire District No. 2, Township of Wall, County of Monmouth, State of New Jersey, is composed of - 5 - members, and that - 4 - members were present and - 4 - members voted affirmatively for the adoption of the Resolution and - 0 - members voted against the adoption of the Resolution.

The undersigned further certifies that the above Resolution has not been repealed or amended and remains in full force and effect.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of said Board of Fire Commissioners of Fire District No. 2, Township of Wall, County of Monmouth, State of New Jersey, on this 23rd day of September, 2015.



JOHN TENNISSEN, CLERK
BOARD OF FIRE COMMISSIONERS
FIRE DISTRICT NO. 2
TOWNSHIP OF WALL