

**FINANCE/FACILITIES & TRANSPORTATION****December 17, 2008****1. PAYMENT OF BILLS**

**RESOLVED**, The Randolph Township Board of Education approve the attached list of checks, **Finance Exhibits # 1. - 1.1**, and orders that they be attached to and made a part of the minutes.

1.	Check Register – 11/30/08	\$ 5,297,305.75
1.1	Check Register – 12/05/08	\$ 2,028,890.88

**2. BUDGET**

**RESOLVED**, The Randolph Township Board of Education approve **June 2008** transfer, **Finance Exhibits # 2.1 - 2.2**, and orders that they be attached to and made a part of the minutes.

2.1	Monthly Transfer Report – 11/30/08
2.2	Expense Account Adjustment Analysis 11/30/08

**3. REPORT OF THE SECRETARY AND TREASURER**

**WHEREAS**, The Randolph Township Board of Education has received the Report of the Secretary for the month of **October 2008**, **Finance Exhibits # 3.1 – 3.6**, consisting of:

3.1	Interim Balance Sheet – 11/30/08
3.2	Revenue Report – 11/30/08
3.3	Budget Report – 11/30/08
3.4	Petty Cash Report – 11/30/08
3.5	Food Services Cash Report – 11/30/08
3.6	Treasurer Report – 10/31/08

and

**WHEREAS**, The Randolph Township Board of Education has received the Report of the Treasurer for the month of **November 2008**,

and

<b>November 30, 2008 FUND</b>	<b><u>CASH BALANCE</u></b>	<b><u>APPROPRIATION BALANCE</u></b>
(10) General Current Expenses	\$ 351,688.07	\$ 31,390.00
(11) Current Expense	-	3,368,589.82
(12) Capital Outlay	-	(383,266.09)
(20) Special Revenue Fund	(299,452.39)	340,430.66
(30) Capital Projects Fund	584,290.76	-
(40) Debt Service Fund	260,783.00	-
(60) Food Service	125,389.68	261,282.51
(63) Community School	294,212.48	509,493.97
Capital Reserve	851.01	-
<b><u>TOTAL</u></b>	<b>\$ 1,317,762.61</b>	<b>\$ 4,127,920.87</b>

**WHEREAS**, in compliance with **N.J.A.C. 6:20-2A.10(d)**, the Secretary has certified that, as of the date of the report(s), no budgetary line item account has obligations and payments (contractual orders) which in total exceed the amount appropriated by the district board of education.

**NOW, THEREFORE, BE IT RESOLVED**, the Randolph Township Board of Education accepts the above referenced reports certification and orders that they be attached to and made a part of the minutes, and

**BE IT FURTHER RESOLVED**, in compliance with N.J.A.C.6:20-2A.10(e), the Randolph Township Board of Education certifies that, after review of the secretary’s monthly financial reports (appropriation section) and upon consultation with the appropriate district officials, to the best of it’s knowledge, no major account or fund has been overexpended in violation of N.J.A.C. 6:20-2A.10(a)(1), and that sufficient funds are available to meet the district’s financial obligations for the remainder of the year.

**4. ACCEPTANCE OF GRANT**

**RESOLVED**, the Randolph Township Board of Education accept the “**Mentor Books to Reinforce Writing Skills and Strategies in the Lucy Calkins Units of Study**”, grant in the amount of **\$500.00** from **Montclair State University** for the 2008-2009

school year, as summarized in **Finance Exhibit #4**, attached hereto and made a part of the minutes.

**BE IT FURTHER RESOLVED**, that Dr. Deborah Grefe, Principal of the Fernbrook School, acknowledge the grant funding award in a letter to the appropriate parties.

5. **MOTION** to approve a resolution of the Board of Education of the Township of Randolph in the County of Morris, State of New Jersey, authorizing the execution or acknowledgment and deliver of certain agreements in connection with the **MORRIS COUNTY IMPROVEMENT AUTHORITY'S 2008 COUNTY GUARANTEED LEASING PROGRAM**:

**RESOLUTION OF THE BOARD OF EDUCATION OF THE TOWNSHIP OF RANDOLPH IN THE COUNTY OF MORRIS, NEW JERSEY, AUTHORIZING THE EXECUTION OR ACKNOWLEDGMENT AND DELIVERY OF CERTAIN AGREEMENTS IN CONNECTION WITH THE MORRIS COUNTY IMPROVEMENT AUTHORITY'S 2008 COUNTY GUARANTEED LEASING PROGRAM**

**WHEREAS**, The Morris County Improvement Authority (including any successors and assigns, the "Authority") has been duly created by resolution no. 42 entitled "Resolution of the Board of Chosen Freeholders of Morris County, New Jersey creating the Morris County Improvement Authority" duly adopted by the Board of Chosen Freeholders (the "Board of Freeholders") of the County of Morris (the "County") in the State of New Jersey (the "State") on April 10, 2002 as a public body corporate and politic of the State pursuant to and in accordance with the county improvement authorities law, constituting Chapter 183 of the Pamphlet Laws of 1960 of the State, and the acts amendatory thereof and supplemental thereto (the "Act") and other applicable law;

**WHEREAS**, the Authority is authorized by the Act, including, without limitation, Section 11 thereof (N.J.S.A. 40:37A-54(a)), to purchase, lease or otherwise acquire public facilities, including capital equipment (the "Equipment") for the benefit of certain local governmental units located within the County, including (i) the County, (ii) municipalities within the County (collectively, the "Municipal Local Units"), (iii) school districts that provide service to one or more Municipal Local Units (the "School District Local Units") and (iv) other local governmental units that provide service to one or more Municipal Local Units, including County, municipal or regional authorities (the "Other Local Units" and together with the County, the Municipal Local Units and the School District Local Units, the "Local Units");

**WHEREAS**, the Authority has created a county guaranteed leasing program (the "County Guaranteed Leasing Program", the "Program" or "CGLP") whereby a local unit can submit a request (the "Application") to the Authority to borrow funds from the Authority under the Authority's CGLP to finance the lease purchase of certain capital equipment and, if applicable, other personal property (the "Equipment"; the financing

of the Equipment under the CGLP may be referred to herein as the "Project") and the Authority can provide a low cost, efficient means for financing the Project;

**WHEREAS**, pursuant to the Act, specifically Section 34 thereof (*N.J.S.A. 40:37A-77*), a private Lessor, a leasing finance company procured through a competitive process (the "Finance Company"), may sell, lease, lend, grant or convey to the Authority or permit the Authority or its lessees to use, maintain or operate any real or personal property, including, without limitation, the Equipment;

**WHEREAS**, pursuant to the Act, including, without limitation, Section 35 thereof (*N.J.S.A. 40:37A-78*), the Authority is authorized to enter into and perform any lease, sublease or other agreement with, among others, a Local Unit for the lease to or use by the Local Unit of all or any part of any public facility or facilities as determined in Section 11 of the Act (*N.J.S.A. 40:37A-54(l)*), including, without limitation, the Equipment;

**WHEREAS**, the Authority has created the CGLP intending to provide low cost, timely and turnkey lease financing to Local Units desiring to lease finance their Equipment needs;

**WHEREAS**, under the CGLP and applicable law, including, without limitation, Section 34 of the Act (*N.J.S.A. 40:37A-77*), the Authority, as lessee, intends to enter into a master lease purchase agreement (the "Lease") with the Finance Company for the lease of Equipment to be determined in accordance with each Sublease (as hereinafter defined) entered into with Local Units under the CGLP, in a maximum Program amount (the "Maximum Program Amount") as agreed to by the Authority and the County in the hereinafter defined County Guaranty;

**WHEREAS**, under the CGLP, from time to time, as Local Units express the desire to enter into the CGLP and take the required authorization actions (the "Local Unit Official Action") therefore, the Lessor intends to provide funds, at tax-exempt rates to the Local Units against purchase orders or other evidence of such Local Units' Equipment needs within the overall Maximum Program Amount, whereupon the Equipment will be owned by the Finance Company, leased to the Authority under the Lease, and subleased by the Authority, as Lessor, to the Local Unit, as lessee, which Local Unit will have the right to quiet use of and be obligated to maintain, the Equipment, all under a sublease purchase agreement (the "Sublease") to be entered into by the Authority and each such Local Unit in accordance with all applicable law, including, without limitation, Section 35 of the Act (*N.J.S.A. 40:37A-78*);

**WHEREAS**, upon expiration of the Sublease, the Equipment will be sold by the Finance Company through the Authority to the Local Unit for nominal consideration, which will thereafter possess clear title to the Equipment;

**WHEREAS**, under the Lease and the Sublease, (i) the County and the Municipal Local Units will make general obligation Sublease payments directly to the Finance

Company, as assignee under the Lease of such payments otherwise due the Authority under the Sublease, and (ii) the School District Local Units and the Other Local Units will make contractually obligated, subject to appropriation, Sublease payments directly to the Finance Company, as assignee under the Lease of such payments otherwise due the Authority under the Sublease;

**WHEREAS**, the Authority issued to the Finance Company a performance bond (the "Bond") in a principal amount up to the Maximum Program Amount, which Bond was issued directly to the Finance Company as sole Bondholder, and which Bond will be payable to the Finance Company only upon a deficiency in Sublease payments due and owing by the respective Local Units, in which case the County will have fully, unconditionally and irrevocably guaranteed the payment of the principal of the Bond up to the Maximum Program Amount, plus interest thereon, through (i) the final adoption on June 23, 2004 of a guaranty ordinance by the Board of Freeholders, (ii) the execution by an authorized officer of the County of a guaranty certificate on the face of each bond and (iii) as may be required by any rating agency, Finance Company or other entity giving approval to the CGLP, an agreement setting forth the County's obligation to make any such guaranty payments in accordance with and within the parameters set forth in the guaranty ordinance, all in accordance with all applicable law, including Section 37 of the Act (N.J.S.A. 40:37A-80), (collectively, the "County Guaranty");

**WHEREAS**, the Bond was authorized by the Act, all other applicable law, and a bond resolution (the "Bond Resolution") of the Authority to be adopted pursuant to N.J.S.A. 40:37A-60 and -62 of the Act;

**WHEREAS**, in accordance with Section 13 ("Section 13") of the Act (N.J.S.A. 40:37A-56), the Authority has made a detailed report of the CGLP, the Lease, the Sublease, the Bond, the Bond Resolution and the County Guaranty (collectively, the "Financing Documents") to the Board of Freeholders of the County and the County has adopted a resolution (the "County Authorizing Resolution") in accordance with Section 13 conforming to the requirements of said Section 13, and, among other things, delegating specific transaction approvals under the CGLP, including the Financing Documents, to an authorized officer of the County (the "County Authorized Officer"), which approval shall be in substantially the form attached to the County Authorizing Resolution (the "County Authorized Officer Approval");

**WHEREAS**, the Authority has taken the following steps as part of the process of developing and implementing the CGLP: (i) received the findings related to the CGLP (the "Findings") from the Local Finance Board in the Division of Local Government Services of the State Department Community of Affairs (the "Local Finance Board") based on an application of the Authority (the "Application") and a hearing thereon held by the Local Finance Board, (ii) negotiated with the Finance Company the terms and conditions of the Financing Documents, (iii) obtained the County Authorizing Resolution, (iv) structured the CGLP, and (v) obtained any and all other consents and approvals as may be required in order to effect the CGLP;

**WHEREAS**, the Board of Education of the Township of Randolph in the County of Morris, New Jersey (the "Participant"), has submitted a request to finance the Equipment set forth on **Finance Exhibit # 5 & 6** attached hereto; and

**WHEREAS**, in order to participate in the Program, the Participant shall enter into a Sublease in substantially the form attached hereto as **Finance Exhibit # 5.1 & 6.1**.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF EDUCATION OF THE TOWNSHIP OF RANDOLPH, COUNTY OF MORRIS, NEW JERSEY**, as follows:

**Section 1.** The Participant's Project and the financing of the Participant's Project through the Financing Documents are hereby approved.

**Section 2.** The Board President, the Board Secretary and the Business Administrator of the Participant (collectively, the "Authorized Officer") are hereby each severally authorized and directed, upon the satisfaction of all the legal conditions precedent to the execution or acknowledgment and delivery by the Participant of the Sublease and the other Financing Documents to be so executed or acknowledged by the Participant, to execute or acknowledge and deliver such documents in substantially the form attached hereto as Exhibit "B", with such changes thereto as the Authorized Officer, after consultation with counsel and any other professional advisors to the Participant and the Authority (the "Consultants"), deems in his sole discretion to be necessary, desirable or convenient for the execution thereof and to consummate the transactions contemplated hereby, which execution thereof shall conclusively evidence the Authorized Officer's approval of any changes to the forms thereof, including, without limitation, the insertion of the final financing terms in the Sublease that will result from the negotiation with the Authority as approved by the Consultants, so long as such final financing terms are within the parameters of those listed in the Application and the Findings.

**Section 3.** Each of the Board Secretary and the Business Administrator of the Participant is hereby authorized and directed, upon the execution or acknowledgment of the documents set forth in Section 2 hereof in accordance with the terms of Section 2 hereof, to attest to the Authorized Officer's execution or acknowledgment of such documents, and each is hereby further authorized and directed, when required by the Authority, to thereupon affix the seal of the Participant to such documents.

**Section 4.** Upon the execution or acknowledgment and attestation of and, if required, the placing of the seal on the documents set forth in Section 2 hereof as contemplated by Sections 2 and 3 hereof, the Authorized Officer is hereby authorized and directed to (i) deliver such fully executed or acknowledged, attested and sealed Financing Documents to the other parties thereto and (ii) perform such other actions as the Authorized Officer deems necessary, desirable or convenient in relation to the execution and delivery thereof.

**Section 5.** The governing body of the Participant hereby authorizes the performance of any act and the execution or acknowledgment and delivery of any other document, instrument or closing certificates that the Authorized Officer, after consultation with the Consultants, deems necessary, desirable or convenient in connection with this contemplated transaction, and the governing body of the Participant hereby directs the Authorized Officer to execute or acknowledge, attest and affix the seal to any such documents, instruments or closing certificates, the authorization of which actions shall be conclusively evidenced by the execution or acknowledgment, attestation, affixation and delivery, as the case may be, thereof by such persons.

**Section 6.** This ordinance shall constitute an appropriation for the purposes of N.J.S.A. 18A:22-1 *et seq.* and all other applicable law.

**Section 7.** This resolution shall take effect at the time and in the manner prescribed by law.

**Section 8.** Upon the adoption hereof, the Board Secretary of the Participant shall forward certified copies of this resolution to the Authorized Officer, John Bonanni, Chairman of the Authority, and Stephen B. Pearlman, Esq., DeCotiis, Fitzpatrick, Cole & Wisler, LLP, Bond Counsel to the Authority.

**WHEREAS**, pursuant to the Act, including, without limitation, Section 35 thereof (N.J.S.A. 40:37A-78), the Authority is authorized to enter into and perform any lease, sublease or other agreement with, among others, a Local Unit for the lease to or use by the Local Unit of all or any part of any public facility or facilities as determined in Section 11 of the Act (N.J.S.A. 40:37A-54(l)), including, without limitation, the Equipment;

**WHEREAS**, the Authority has created the CGLP intending to provide low cost, timely and turnkey lease financing to Local Units desiring to lease finance their Equipment needs;

**WHEREAS**, under the CGLP and applicable law, including, without limitation, Section 34 of the Act (N.J.S.A. 40:37A-77), the Authority, as lessee, intends to enter into a master lease purchase agreement (the "Lease") with the Finance Company for the lease of Equipment to be determined in accordance with each Sublease (as hereinafter defined) entered into with Local Units under the CGLP, in a maximum Program amount (the "Maximum Program Amount") as agreed to by the Authority and the County in the hereinafter defined County Guaranty;

**WHEREAS**, under the CGLP, from time to time, as Local Units express the desire to enter into the CGLP and take the required authorization actions (the "Local Unit Official Action") therefore, the Lessor intends to provide funds, at tax-exempt rates to the Local Units against purchase orders or other evidence of such Local Units' Equipment needs within the overall Maximum Program Amount, whereupon the

Equipment will be owned by the Finance Company, leased to the Authority under the Lease, and subleased by the Authority, as lessor, to the Local Unit, as lessee, which Local Unit will have the right to quiet use of and be obligated to maintain, the Equipment, all under a sublease purchase agreement (the "Sublease") to be entered into by the Authority and each such Local Unit in accordance with all applicable law, including, without limitation, Section 35 of the Act (*N.J.S.A. 40:37A-78*);

**WHEREAS**, upon expiration of the Sublease, the Equipment will be sold by the Finance Company through the Authority to the Local Unit for nominal consideration, which will thereafter possess clear title to the Equipment;

**WHEREAS**, under the Lease and the Sublease, (i) the County and the Municipal Local Units will make general obligation Sublease payments directly to the Finance Company, as assignee under the Lease of such payments otherwise due the Authority under the Sublease, and (ii) the School District Local Units and the Other Local Units will make contractually obligated, subject to appropriation, Sublease payments directly to the Finance Company, as assignee under the Lease of such payments otherwise due the Authority under the Sublease;

**WHEREAS**, the Authority issued to the Finance Company a performance bond (the "Bond") in a principal amount up to the Maximum Program Amount, which Bond was issued directly to the Finance Company as sole Bondholder, and which Bond will be payable to the Finance Company only upon a deficiency in Sublease payments due and owing by the respective Local Units, in which case the County will have fully, unconditionally and irrevocably guaranteed the payment of the principal of the Bond up to the Maximum Program Amount, plus interest thereon, through (i) the final adoption on June 23, 2004 of a guaranty ordinance by the Board of Freeholders, (ii) the execution by an authorized officer of the County of a guaranty certificate on the face of each bond and (iii) as may be required by any rating agency, Finance Company or other entity giving approval to the CGLP, an agreement setting forth the County's obligation to make any such guaranty payments in accordance with and within the parameters set forth in the guaranty ordinance, all in accordance with all applicable law, including Section 37 of the Act (*N.J.S.A. 40:37A-80*), (collectively, the "County Guaranty");

**WHEREAS**, the Bond was authorized by the Act, all other applicable law, and a bond resolution (the "Bond Resolution") of the Authority to be adopted pursuant to *N.J.S.A. 40:37A-60* and *-62* of the Act;

**WHEREAS**, in accordance with Section 13 ("Section 13") of the Act (*N.J.S.A. 40:37A-56*), the Authority has made a detailed report of the CGLP, the Lease, the Sublease, the Bond, the Bond Resolution and the County Guaranty (collectively, the "Financing Documents") to the Board of Freeholders of the County and the County has adopted a resolution (the "County Authorizing Resolution") in accordance with Section 13 conforming to the requirements of said Section 13, and, among other things, delegating specific transaction approvals under the CGLP, including the Financing



Documents, to an authorized officer of the County (the "County Authorized Officer"), which approval shall be in substantially the form attached to the County Authorizing Resolution (the "County Authorized Officer Approval");

**WHEREAS**, the Authority has taken the following steps as part of the process of developing and implementing the CGLP: (i) received the findings related to the CGLP (the "Findings") from the Local Finance Board in the Division of Local Government Services of the State Department Community of Affairs (the "Local Finance Board") based on an application of the Authority (the "Application") and a hearing thereon held by the Local Finance Board, (ii) negotiated with the Finance Company the terms and conditions of the Financing Documents, (iii) obtained the County Authorizing Resolution, (iv) structured the CGLP, and (v) obtained any and all other consents and approvals as may be required in order to effect the CGLP;

**WHEREAS**, the Board of Education of the Township of Randolph in the County of Morris, New Jersey (the "Participant"), has submitted a request to finance the Equipment set forth on **Finance Exhibit # 5 & 6** attached hereto; and

**WHEREAS**, in order to participate in the Program, the Participant shall enter into a Sublease in substantially the form attached hereto as **Finance Exhibit # 5.1 & 6.1.**

## **6. AWARD OF SURPLUS EQUIPMENT PURCHASE**

**RESOLVED**, the Randolph Township Board of Education advertised for bids for the sale of surplus home improvement / wood shop equipment on October 24, 2008. Bids were received and read aloud on Tuesday, November 11, 2008 at 2:30 p.m. at the Randolph Township Board of Education business office, 25 Schoolhouse Road, Randolph, New Jersey.

In attendance were, Maryanne Emmel, Geraldine Callinan of Randolph Township Board of Education, and Robert Garay of Hopatcong, New Jersey.

Bid packages were received from:

Robert Garay  
15 N. River Styx Road  
Hopatcong, NJ 07843

James H. Plungis  
14 Brookside Court  
Colonia, NJ 07067

Bruce Sappah  
3930 Danberry Drive  
Easton, PA 18045

I hereby recommend award for the purchase of surplus equipment as follows:

	<u>Equipment</u>	<u>Bid Amount</u>	<u>Totals</u>
Robert Garay	Delta 24" Planner RC-63	325.00	
	Misc Assorted saw blades	<u>10.00</u>	\$ 335.00
Bruce Sappah	Powermatic 36" Belt Sander	100.00	
	Grizzly 14" Band Saw	75.00	
	Jet 14" Band Saw	<u>50.00</u>	225.00
James Plungis	Craftsman 12" Band Saw	47.00	
	Delta Drill Press	77.00	
	INCA Bench Band Saw	<u>107.00</u>	<u>231.00</u>
		Total	<u>\$ 791.00</u>

**BE IT FURTHER RESOLVED**, that the Randolph Township Board of Education accept payment in a form of a certified check in the amount of \$335.00 from Robert Garay, \$225.00 from Bruce Sappah, and \$231.00 from James Plungis, based on highest responsible bid meeting all specifications as set forth in the bid documents.

**7. APPROVE A RESOLUTION FOR LOCAL GOVERNMENT ENERGY AUDIT PROGRAM**

**WHEREAS**, the New Jersey Board of Public Utilities, Office of Clean Energy administers the Local Government Energy Audit Program (Program), an incentive program to assist local government agencies to conduct energy audits and to encourage implementation of energy conservation measures; and,

**WHEREAS**, the Randolph Township Board of Education has decided to apply to participate in the Local Government Energy Audit Program; and,

**WHEREAS**, the facilities to be audited are in New Jersey, are owned by the Randolph Township Board of Education, are served by a New Jersey regulated public utility, and that the Randolph Township Board of Education has not already reserved \$100,000 in the Program this year as of this application; and,

**WHEREAS**, it is acknowledged that acceptance into the Program is dependent on the Scope of Work and cost proposal, and that Program rules will have to be met in order to receive incentive funds; and,

**WHEREAS**, upon acceptance into the Program, the Randolph Township Board of Education will prepare Facility Data Forms and Scopes of Work for each facility to be audited, solicit quotations from the authorized contractors, and submit the Part B application; and,

**WHEREAS**, the Randolph Township Board of Education understands that energy audit work cannot proceed until a Application Approval Notice is received from the Program; and,

**NOW, THEREFORE, BE IT RESOLVED**, the Randolph Township Board of Education, approves the submission of an Application for participation in the Local Government Energy Audit Program of the New Jersey Board of Public Utilities.

**8. APPROVE ADVERTISING SERVICES AGREEMENT**

**RESOLVED**, the Randolph Township Board of Education approve an agreement between Randolph Township Board of Education and **SUCCESS ADVERTISING**, for advertising services for the remainder of the 2008-2009 school year.

**9. ACCEPTANCE OF DONATIONS**

**RESOLVED**, the Randolph Township Board of Education accept the following donation:

- **Center Grove Elementary School**, proposed patio project, donation from the **Center Grove PTA**, of engraved bricks based on preorders from the Center Grove families, and the balance of bricks as plain paver brick material to complete the project. The estimated value of the project is approximately \$7,500.00.

**BE IT RESOLVED**, that **Deborah Iosso, Principal of the Center Grove Elementary School**, acknowledge the donations in a letter to the appropriate parties.