

**AGREEMENT FOR USE OF
NEPTUNE AQUATIC CENTER
INDOOR SWIMMING POOL**

The Board of Education of the Township of Neptune, Monmouth County, (hereinafter Neptune), having its principal offices located at 60 Neptune Boulevard in Neptune, New Jersey 07753 and **Brick Township Board of Education** having its principal offices located **101 Hendrickson Ave in Brick**, New Jersey **08724**, agree as follows:

1. **Purpose**: Neptune agrees to the use of its indoor swimming pool and facilities located at the Neptune Aquatic Center, 55 Neptune Boulevard, Neptune, N.J. 07753, by the **Brick Memorial High School** swim team to conduct swim team practices and interscholastic swim meets during the 2017-2018 school year interscholastic swimming season.
2. **Term**: This Agreement will commence on November 1, 2017 and end on February 25, 2018.
3. **Time slots**:
 - A. **Practices**: The swim team shall have use of the swimming pool to conduct team practices on the following day(s) and time(s):

**Day(s): Monday – Friday as per the final schedule and the following
Saturdays: November 11th, 18th, 25th, December 9th, 16th, 30th
January 20th.**

Time(s): Time Slot A: 4:00pm – 5:30pm

Swim team members and coaches shall have access to the Aquatic Center 15 minutes prior to the scheduled start of the practice time. Swim team members and coaches must vacate the Aquatic Center no later than 15 minutes after the scheduled end of the practice time.

- B. **Interscholastic Swim Meets**: Swim team members and coaches shall have

use of the swimming pool to conduct interscholastic swim meets on the dates and times attached to this Agreement as per the schedule determined in the Fall of 2017. Competing swim team members, coaches and spectators shall have access to the Aquatic Center 15 minutes prior to the scheduled start of the swim meet.

Competing swim team members, coaches and spectators must vacate the Aquatic Center no later than 30 minutes after the conclusion of the swim meet.

- C. **Additional Pool Time:** Use of the pool for swim team practices or meets in addition to the time slots set forth in Paragraph 3A and B may be scheduled at the discretion of the Neptune Athletic Director and Aquatic Center Director. Additional swim team practices and meets must be scheduled in writing signed by the Neptune Athletic Director and Aquatic Center Director.

4. **Fees:**

- A. The **Brick Memorial High School** part in parcel **of Brick School District** , will pay Neptune a fee in the amount of **\$12,000**, for use of the pool for the swim team practice and meet time slots set forth in Paragraphs 3A and B. The usage fees will be due and payable as per the following schedule:

25% November 1st (\$3,000)
25% January 1st (\$3,000)
50% March 1st (\$6,000)

- B. The **Brick School District** will pay Neptune additional fee(s), agreed to in advance by the parties, for additional pool time(s) scheduled pursuant to paragraph 3C. Additional time will be charged at a rate of \$30 per lane per hour for any time not previously clarified under attached Schedule A of the contract.

- C. Neptune shall conduct all of these activities in accordance with all state, local and federal guidelines, regulations and laws.
- D. Neptune is and will perform its Services as an independent contractor for the Brick Township Board of Education. Nothing in this Agreement shall be construed so as to render Neptune an employee, agent, representative, joint venturer or partner of the Brick Township Board of Education, and Neptune shall not hold itself out to others in such capacity. Neptune shall not enter into any contracts, agreements or other obligations with any other parties which bind, or are intended to bind, the Brick Township Board of Education. Neptune shall have no authority to bind the Brick Township Board of Education to contracts or to incur any other obligations on behalf of the Brick Township Board of Education, and any such contracts or obligations entered into or incurred by Neptune shall be void.
- E. All terms and conditions are mutually agreeable between the parties and any representations made to the Brick Township Board of Education are included within the Agreement. In the event any representations made to the Brick Township Board of Education are not included in the written Agreement, they will be waived.
- F. Failure of either party to insist upon the strict performance of any of the provisions of this Agreement shall not be construed as a waiver of any subsequent default or breach of the same or similar nature.
- G. Whenever the consent of any party is required, such consent shall not be unreasonably withheld nor delayed.

5. **Insurance and Indemnity.**

- A. The **Brick School District** shall provide and maintain

in force during the term of this Agreement, liability insurance covering Neptune and **Brick Memorial High School**, for any liability for property damage or personal injury arising as a result of its use of the Neptune Aquatic Center swimming Pool and facilities. This policy shall not be canceled or reduced in required amounts of liability or amounts of insurance until notice has been mailed to the Board of Education of the Township of Neptune stating the date of cancellation or reduction. The date of cancellation or reduction may not be less than 15 days after the date of mailing the notice.

- B. **Brick School District** agrees to indemnify and hold Neptune and its employees harmless against any and all claims arising from its use of the Neptune Aquatic Center swimming pool and facilities under the terms of this Agreement with an insurance level of not less than \$2,000,000.
- C. Throughout the term of this Agreement, Neptune agrees to provide and maintain General Liability insurance coverage in the amount of one million dollars (\$1,000,000.00) per occurrence and three million dollars (\$3,000,000.00) in the aggregate, per year. Neptune shall provide the Brick Township Board of Education with evidence of such coverage upon request. Said insurance shall name the Brick Township Board of Education as an additional insured.
- D. Neptune shall file a certificate of insurance for all insurance required under this Agreement with Brick Township Board of Education. Certificates shall include the following language: This policy shall not be canceled or reduced in required amounts of liability or amounts of insurance until notice has been mailed to the Board of Education of the Township of Brick stating the date of cancellation or reduction. The date of cancellation or reduction may not be less than 15 days after

the date of mailing the notice.

6. **Miscellaneous**

- A. **Brick Memorial High School** will provide Neptune with an official team roster of all swim team members and coaches, as well as coaches' certifications, prior to November 1, 2017.
- B. **Brick Memorial High School** shall provide adequate supervision of of all swim team members, competitors and spectators during swim team practices and meets.
- C. Use of the Aquatic Center is restricted to the pool area, locker rooms, rest rooms, showers and spectator bleacher areas. All other areas of the Aquatic Center and Neptune High School are off-limits to swim team members, coaches and spectators unless specifically permitted by Neptune.
- D. Swim team members and coaches are responsible for keeping the pool, locker room, showers, rest rooms and bleacher areas clean, neat and organized.
- E. All lockers must be emptied at the end of each swim team practice and meet. Swim team coaches are responsible for conducting locker room checks at the end of each swim team practice and meet. Neptune will not be responsible for lost, misplaced or stolen property.
- F. Neptune will provide **Brick Memorial High School** with the use of the Colorado Timing System for all scheduled interscholastic swimming meets. System will be operated by Neptune staff and employees only.
- G. Brick School district students will agree to follow the rules and regulations put forth by the Neptune Aquatic Center. Students behavior at the facility can result in a suspension from the facility or the inability to continue to use the facility as a result

of their actions.

H. Brick swimmers will read and sign off to the statements listed in the swimmer code of conduct for behavior. Any students in violation of the student code of conduct may be in jeopardy of losing the NAC for practice and swim meets.

I. The Neptune Aquatic Center will not charge for admission to swim meets that are home meets for Brick Township Board of Education swim teams.

7. **Benefit:**

a. This agreement shall be binding upon and inure to the benefit of legal representatives and successors of parties hereto.

8. **Construction:**

a. This Agreement is being delivered and is intended to be performed in the State of New Jersey and shall be construed and enforced in accordance with the laws thereof.

9. **Notices:**

a. All notices, requests, demands and other communications hereunder shall be written, and shall be deemed to have been duly given if delivered or mailed, by certified mail, return receipt requested, to the parties hereto at the address stated on the first page of this contract.

10. **Counterparts:**

a. This agreement may be executed simultaneously in two or more counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument.

11. **No Employment Relationship:**

a. The parties represent, covenant and warrant that no employment relationship is created by this agreement.

12. **Defense & Indemnification:**

a. Neptune Township Board of Education shall defend, indemnify and hold the Brick Township Board of Education harmless from and against any claims for damages to person or property, including attorney's fees, arising from the acts

of the Neptune Township Board of Education, its agents, officers and employees.

13. No Assignment:

- a. This contract may not be assigned to any party.

14. **Effective Date:** This Agreement is effective on the date of the last signature affixed to this document.

Neptune Business Administrator / Bd. Sec.

Date: _____

Business Administrator / Bd. Sec.

Date: _____

(School District)



Brick Memorial H.S.

Swimming Boys Varsity Schedule (as of 10-02-17)

| Type | Time | Opponent | Location |
|-------------------------------|--------|---------------------------|------------------------|
| Tuesday, Nov 28, 2017 | | | |
| Meet | 4:00PM | Wall | Neptune Aquatic Center |
| Thursday, Nov 30, 2017 | | | |
| Meet | TBD | Away vs. TBA | TBA |
| Tuesday, Dec 5, 2017 | | | |
| Meet | 4:00PM | Toms River South H.S. | Neptune Aquatic Center |
| Thursday, Dec 7, 2017 | | | |
| Meet | TBD | Away vs. TBA | TBA |
| Tuesday, Dec 12, 2017 | | | |
| Meet | 4:00PM | Brick Township H.S. | Neptune Aquatic Center |
| Thursday, Dec 14, 2017 | | | |
| Meet | 2:30PM | Away vs. Neptune | Neptune Aquatic Center |
| Tuesday, Jan 2, 2018 | | | |
| Meet | TBD | Away vs. TBA | TBA |
| Thursday, Jan 4, 2018 | | | |
| Meet | 5:30PM | Southern Reg. | Neptune Aquatic Center |
| Tuesday, Jan 9, 2018 | | | |
| Meet | 5:00PM | Toms River North H.S. | Neptune Aquatic Center |
| Tuesday, Jan 16, 2018 | | | |
| Meet | TBD | Away vs. TBA | TBA |
| Thursday, Jan 18, 2018 | | | |
| Meet | 4:30PM | Colts Neck High School | Neptune Aquatic Center |
| Thursday, Jan 25, 2018 | | | |
| Meet | 6:00PM | Away vs. Jackson Memorial | Steinert High School |



Brick Memorial H.S.

Swimming Girls Varsity Schedule (as of 10-02-17)

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| Meet | 6:00PM | Away vs. Jackson Memorial | Steinert High School |