

**AGREEMENT BETWEEN
MIDDLETOWN TOWNSHIP BOARD OF EDUCATION
AND
HOCKEY IN MIDDLETOWN, INC.**

WHEREAS, the Middletown Township Board of Education ("Board") and Hockey in Middletown, Inc., a not-for-profit corporation ("HIM"), have recognized their mutual interest of encouraging and supporting ice hockey of high school age youth who meet interscholastic eligibility requirements;

WHEREAS, the parties have added interscholastic ice hockey to the District for participation in interscholastic athletic activities sponsored by the NJSIAA;

WHEREAS, in an effort to attain these objectives with a financial cost to the District of \$55,000 and HIM funding the remaining costs of the interscholastic ice hockey program, the parties have entered into an Agreement dated September 1, 2009;

WHEREAS, the hockey program now consists of varsity and junior varsity teams and required certain changes to further the continued efficient operation and management;

WHEREAS, in exchange for good and valuable consideration, the parties agree that the February 1, 2000 Agreement is hereby modified as follows:

1. The Board agrees to designate \$55,000 and HIM agrees that it will provide all additional funds necessary to meet budgeted costs for a Board-sponsored interscholastic hockey program for the 2009-2010 school year. The program budget for that year will be fixed at \$62,307, net of the Board's \$55,000 contribution.

2. HIM agrees that it will provide the agreed upon funding in accordance with the following schedule:

- a. September 15, 2009: 66.67% (\$31,920) (\$41,540 Net of 2008-09 credit of \$9,620)
- b. December 15, 2009: 33.33% (\$20,767)

3. In addition to the funding described above, HIM agrees to provide equipment and uniforms for all students who participate in the program. Equipment shall include skates, pads, helmets, and sticks. All equipment and uniforms shall meet all NJSIAA requirements. HIM shall consult with the Board of Education's Athletic Directors and coaches prior to the purchase of equipment and uniforms to assure that the materials purchased are in compliance with those requirements. Students may be allowed to utilize their own equipment provided that all such equipment is inspected prior to use by the coaches and Athletic Directors and determined to meet NJSIAA requirements.

4. In consideration for HIM's agreement to provide funding and equipment as set forth above, the Board agrees that it shall establish and administer an interscholastic ice hockey program in the 2009-2010 school year and shall take all necessary steps for the program to be eligible to participate in the New Jersey Interscholastic Hockey League in the 2009-2010 season.

5. The Board shall incorporate the \$117,307 budget described above into the school district's budget for the 2009-2010 school year and shall balance that \$117,307 entry on the expenditure side of the general fund (\$55,000) and special revenue (\$62,307) budgets by the inclusion of an additional \$62,307 in a special revenue line of the budget in reliance upon HIM's commitments.

6. The Board of Education shall have sole responsibility for the administration and operation of the interscholastic ice hockey program which shall be run as part of the school district's interscholastic athletic program under the Superintendent of Schools and through the Athletic Director.

7. The interscholastic ice hockey program shall be conducted in accordance with all applicable federal and state laws, with the regulations of the New Jersey State Department of

Education, and with the rules and regulations of the New Jersey State Interscholastic Athletic Association.

8. Although the Board of Education shall have full administrative and operational control over the interscholastic ice hockey program, it shall, through its High School Athletic Directors and coaches, give HIM advanced notice of its plans for the operation of the program and provide an opportunity for HIM to offer suggestions and recommendations concerning the program.

9. The ice hockey program shall be opened to male and female students. No student shall be denied participation in the ice hockey program on the basis of his or her socio-economic status. Students and potential ice hockey players will not be solicited for any type of participation fee by HIM. The Board of Education shall be responsible for arranging and scheduling transportation to away games and off-site practices and the program budget will make provision for those costs.

10. Representatives of the Board of Education and HIM shall, not later than December 31, 2009, enter into discussions concerning funding, operating and management for the 2010-2011 school year.

11. The Board of Education shall develop a budget for the ice hockey program for the 2010-2011 school year in accordance with the school district's regular budget procedures and schedules and, in any case, not later than June 30, 2010. The Board of Education shall consult with representatives of HIM in the development of the program budget for 2010-2011.

12. HIM shall, after review of the proposed program budget for the 2010-2011 school year and in any case not later than August 1, 2010, enter into a written commitment to the Board to provide the full amount of money required by the program budget for the 2010-2011 school year.

13. Upon execution of HIM's written commitment to provide funding for the full budget for the ice hockey program for the 2010-2011 school year, the Board of Education shall agree to take all necessary steps to incorporate that program budget in the school district budget and to include the full amount of HIM's funding commitments in the special revenue sections of the budget for the 2010-2011 school year.

14. In the event of a mutually acceptable budget and execution of commitment, the payment schedule for the 2010-2011 ice hockey program follows:

- a. September 15, 2010: 2/3 of the total funding commitment
- b. December 15, 2010: 1/3 of the total funding commitment

15. The Board of Education reserves the right to cancel or discontinue the ice hockey program on sixty (60) days written notice to HIM; provided, however, that in the event that HIM fails to make any installment payment within fourteen (14) days of the payment schedules set forth in this Agreement, the Board may cancel the program immediately and without any notice.

16. The Board of Education shall establish a separate budget account entitled "Hockey Account" which will identify all receipts and expenditures for the ice hockey program which will be made available, on request, to the officers of HIM or their designees for review. All funds provided by HIM to the Board shall be credited to the hockey account.

17. The Board of Education agrees to expend all funds budgeted in the General Fund (\$55,000) before allocating expenses to the special revenue fund.

