

Township of West Milford

Passaic County, New Jersey

~ Resolution 2017 - 273 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY PROVIDING FOR THE SALE OF THE ASSETS OF THE WEST MILFORD MUNICIPAL UTILITIES AUTHORITY (MUA)

WHEREAS, the Township Council did, by majority affirmative vote, approve Ordinance No. 2017-009 to authorize the sale of the MUA assets and to place a question on the November 7, 2017 general election to seek voter approval of such sale; and

WHEREAS, the Board members of the West Milford MUA did approve a resolution supporting the sale of the MUA assets; and

WHEREAS, the Township did receive a bona fide proposal from Suez Water New Jersey which meets all the criteria outlined in an RFP promulgated by the Township on May 28, 2017; and

WHEREAS, N.J.S.A. 40:12-15.7 provides that the governing body of a municipality may submit to the voters of the municipality in a general election a proposition authorizing the sale of the assets of a local utility.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of West Milford, as follows:

1. Pursuant to N.J.S.A. 40:12-15.7, subsection (d), the Township Council of the Township of West Milford hereby determines to submit the following proposition to the voters at the next general election on November 7, 2017:

MUNICIPAL QUESTION TOWNSHIP OF WEST MILFORD PUBLIC QUESTION

Shall the assets of the Township of West Milford Municipal Utilities Authority ("the MUA") be sold to Suez Water New Jersey, Inc. ("SUEZ") for a sale price of a minimum of \$10,000,000.00.

"Yes." ?

"No."?

INTERPRETIVE STATEMENT

The infrastructure of the MUA has developed severe deterioration resulting in the MUA's inability to continue operations as currently structured. A "yes" vote will result in SUEZ purchasing the assets of the MUA. This sale, if approved and completed, would transfer ownership of the MUA's water and sewer utility to a private company.

The MUA provides water services to approximately 1,700 homes and sewer services to approximately 1,500 homes within the Township of West Milford. A vote of "yes" will authorize the sale of the MUA's assets to SUEZ, a private entity. The purchase price of no less than \$10,000,000.00 will be sufficient to pay all of the MUA's outstanding obligations and as a result, the MUA will be dissolved. Any funds that remain from the sale of the MUA's assets shall be applied to outstanding municipal debt of the Township of West Milford. If the sale is approved by referendum, and thereafter completed, the future costs and operations of the system will be the responsibility of SUEZ.

2. The Passaic County Clerk is hereby requested to print the above proposition and explanatory statement on the official ballots for the general election to be held on November 7, 2017.
3. The Township Administrator, with the advice of the Township Attorney, is hereby authorized to make any minor and insubstantial changes in the form of the proposition or explanatory statement, provided that any such changes shall not modify any of the substantive provisions of the proposition or explanatory statement.
4. This Resolution shall take effect immediately.

Adopted: August 16, 2017

Adopted this 16th day of August, 2017
and certified as a true copy of an original.

Antoinette Battaglia, Township Clerk