

Township of West Milford
Passaic County, New Jersey

~ Resolution 2017 – 335 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING THE EXECUTION OF THE ADMINISTRATIVE CONSENT ORDER WITH THE NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION IN CONNECTION WITH THE SALE OF THE ASSETS OF THE TOWNSHIP OF WEST MILFORD MUNICIPAL UTILITIES AUTHORITY

WHEREAS, the Township of West Milford, in order to address severe financial obligations of the West Milford Township Municipal Utilities Authority (“WMTMUA”), along with significant capital improvements and operational compliance of the utility, authorized the sale of the assets of the WMTMUA as the Township is the only entity that may legally take such action; and

WHEREAS, although the Township has authorized such sale of assets, the same is subject to the approval of the voters of the Township by way of Referendum, approval by the Board of Public Utilities and payment of all debts and obligations of the WMTMUA from the proceeds of the sale; and

WHEREAS, although the WMTMUA continues to operate independent of the Township as the Township does not manage or operate the WMTMUA, in order to effectuate the sale and mitigate the violations and fines incurred by the WMTMUA by the New Jersey Department of Environmental Protection (“NJDEP”), the Township must join in an agreement with the NJDEP known as an Administrative Consent Order (“ACO”); and

WHEREAS, the Township’s sole obligation in the ACO is to provide the NJDEP with updates as to the status of the sale of the assets of the WMTMUA and nothing more; and

WHEREAS, in order for the ACO to become effective, the WMTMUA must also execute same and continue to operate and maintain the system until the closing on the sale of the WMTMUA’s assets occurs; and

WHEREAS, the proper Township officials will execute the ACO if and when the DEP clarifies outstanding negotiation issues regarding interim limit violations and Water Supply Management Act and Safe Drinking Water violations to the satisfaction of the Township Attorney.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Township Council of the Township of West Milford, in the County of Passaic, and State of New Jersey that the Mayor is hereby authorized to execute the Administrative Consent Order entitled “In the Matter of the West Milford Utilities Authority and The Township of West Milford” contingent upon the Township Attorney finalizing and clarifying outstanding negotiation issues pertaining to interim limit violations and Water Supply Management Act and Safe Drinking Water violations to his satisfaction; and

BE IT FURTHER RESOLVED that a copy of the ACO will be kept on file in the Township Clerk’s Office.

This Resolution shall take effect immediately.

Adopted: October 18, 2017

Adopted this 18th day of October, 2017
and certified as a true copy of an original.

Antoinette Battaglia, Township Clerk