

Township of West Milford

Passaic County, New Jersey

~ Resolution 2018 – 190 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING THE EXECUTION OF A SETTLEMENT OF THE MATTER STATE OF NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION V. WEST MILFORD MUNICIPAL UTILITIES AUTHORITY

WHEREAS, the voters of the Township of West Milford have authorized the sale of the assets of the West Milford Municipal Utilities Authority (“MUA”); and

WHEREAS, the MUA has been the recipient of a number of violations with respect to the New Jersey Department of Environmental Protection, the fines for which could exceed millions of dollars; and

WHEREAS, the MUA and the Township of West Milford have been negotiating with the New Jersey Department of Environmental Protection (“NJDEP”) to reduce the outstanding fines to provide an opportunity for the Township and the MUA to sell the assets of the MUA system; and

WHEREAS, the NJDEP has proposed that the fines be reduced to a sum of \$800,000 plus any additional fines that would be issued to the MUA subsequent to this settlement; and

WHEREAS, this concession by the NJDEP is one which will provide the financial wherewithal to continue with the sale of the assets of the MUA and the fines will be paid from the proceeds of sale and not with any taxpayer funds; and

WHEREAS, the NJDEP has provided a Consent Order and Judgment for the Court’s consideration so that the fines can be legally and justifiably reduced; and

WHEREAS, a copy of the Consent Order and Judgment is on file in the Township Clerk’s Office; and

WHEREAS, the Township Attorney and the Administration are of the opinion that the execution of the Consent Order and Judgment is in the best interest of the Township with respect to the sale of the assets of the MUA to Suez.

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 Consent Order and Judgment in the matter of State of New Jersey Department of Environmental Protection v. West Milford Municipal Utilities Authority.

BE IT FURTHER RESOLVED, that the Mayor and Administration are hereby authorized to make additional changes to the proposed Consent Order and Judgment as long as they do not materially change the context of the document.

This Resolution shall take effect immediately.

Adopted: July 11, 2018

Adopted this 11th day of July, 2018
and certified as a true copy of an original.

Antoinette Battaglia, Township Clerk