

ORDINANCE #10-2020

**ORDINANCE AUTHORIZING THE EXECUTION OF
2020 AMENDED AND RESTATED SERVICE
CONTRACT WITH PEQUANNOCK RIVER BASIN
REGIONAL SEWERAGE AUTHORITY**

WHEREAS, in 1974, the municipalities of Bloomingdale, Butler and Kinnelon, created the “Pequannock River Basin Regional Sewerage Authority” (hereinafter, the “Authority”), by their several ordinances duly adopted in the single calendar year 1974 by their respective governing bodies; and

WHEREAS, the Authority was created as a public body corporate and politic of the State of New Jersey organized and existing under the Sewerage Authorities Law, N.J.S.A. 40:14A-1 et seq., (hereinafter referred to as the “Act”) and the acts amendatory thereof and supplemental thereto, exercising public and essential governmental functions to provide for the public health and welfare, with all necessary or proper powers to acquire, construct, maintain, operate and use works for the relief of waters in, bordering or entering the territorial boundaries of Bloomingdale, Butler and Kinnelon from pollution by sewage and industrial and other wastes arising from causes within such territory; and

WHEREAS, the Borough of Riverdale was a customer of the Authority pursuant to the 1987 Service Contract between the Authority and Riverdale (the “1987 Riverdale Service Contract”) and Riverdale is in the process of becoming a Participant in the Authority by reason of the securing of certain approvals pursuant to the Bond Resolution of the Authority and the enactment of an Ordinance by Riverdale and adoption of a resolution by the Authority in accord with the Act at N.J.S.A. 40:14A-4(m)(i); and

WHEREAS, the Authority and Bloomingdale, Butler, Kinnelon and Riverdale desire to restate the existing obligations and amend the 1990 Amendment to the 1985 Service Contract and the 1987 Riverdale Service Contract, and all amendments thereto, to true up the capacity allocations and locations of existing facilities; incorporate the Authority’s policy relevant to connections

to the System; revise the measurement of volume of sewage and billing from flow metering to Equivalent Dwelling Units (EDUs) for the Operating Charge portion of the Annual Charge; incorporate the Authority's policy regarding surcharges for discharges in excess of a Participant's reserve capacity and waivers of the same, and related matters; and

WHEREAS, Kinnelon has determined that it will be advantageous to it and to its residents to have sewage and other wastes originating from it or within its territorial boundaries and the District of the Authority disposed of by the Authority pursuant to the terms of the 2020 Amended and Restated Service Contract, and to be obligated to make payments for or with respect to any or all such service made or to be made available to it on the terms contained therein, in the amounts, and at the times provided for, and authorizes its proper officials to enter into and execute the 2020 Amended and Restated Service Contract reviewed by the Governing Body.

NOW, THEREFORE, BE IT ORDAINED by the Governing Body of the Borough of Kinnelon, County of Morris, State of New Jersey, that the Mayor and Clerk are hereby authorized and directed to execute the 2020 Amended and Restated Service Contract in substantially the form on file with the Clerk and hereby approved, which approval shall be evidenced by the signature of the Mayor on such Contract.

SEVERABILITY. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court or federal or state agency of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.

INCONSISTENT ORDINANCES. Ordinances resolution and regulations or parts of ordinances, resolutions, and regulations inconsistent herewith, are hereby repealed to the extent of such inconsistency.

EFFECTIVE DATE. This Ordinance shall take effect upon passage and publication according to law.

CERTIFICATION

I, Karen M. Iuele, Borough Clerk of the Borough of Kinnelon, County of Morris, State of New Jersey, do hereby certify the foregoing to be a true copy of an Ordinance introduced, read by title and passed on the first reading at the regular meeting of the Borough held on July 16, 2020 and adopted by the Governing Body at a regular meeting of the Borough held on August 20, 2020.

Dated: August 20, 2020

Karen M. Iuele

Karen M. Iuele, RMC
Borough Clerk

