

**ORDINANCE NO. 10-2015**

**ORDINANCE OF THE BOROUGH OF RIVERDALE, IN  
THE COUNTY OF MORRIS, NEW JERSEY,  
AUTHORIZING THE EXECUTION AND DELIVERY OF  
THE 2015 AMENDMENT TO THE 1987 SERVICE  
CONTRACT BETWEEN THE AUTHORITY AND THE  
BOROUGH OF RIVERDALE**

**WHEREAS**, pursuant to the Sewerage Authorities Law of the State of New Jersey, constituting Chapter 138 of the Pamphlet Laws of 1946 of the State, as amended and supplemented (the “Act”), and ordinances adopted in the single calendar year 1974 by the respective governing bodies of The Borough of Butler (“Butler”), a municipal corporation of the State, situate in the County of Morris, the Borough of Bloomingdale (“Bloomingdale”), a municipal corporation of the State, situate in the County of Passaic and the Borough of Kinnelon, in the County of Morris (“Kinnelon”) the Pequannock River Basin Regional Sewerage Authority (the “Authority”) was established as a public body politic and corporate of the State, and is an instrumentality 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 facilities for the treatment and disposal of sewage and other wastes; and

**WHEREAS**, as authorized by the Act, the Authority owns, operates and maintains various facilities for the disposal of sewage and other wastes (such facilities are hereinafter referred to as the “System”); and

**WHEREAS**, as authorized by the Act, the Authority entered into a service contract with the PRBRSA Members Municipalities, dated as of December 31, 1990, and entitled: “1990 Amendment to the 1985 Service Contract Between The Pequannock River Basin Regional Sewerage Authority and Borough of Bloomingdale and Borough of Butler and the Borough of Kinnelon” (the “1990 Amendment”) relating to the use of the System; and

**WHEREAS**, sewage originating in the service area of the Authority is treated and disposed of by The Pequannock, Lincoln Park and Fairfield Sewerage Authority (the “Two Bridges Authority”); and

**WHEREAS**, as authorized by the Act, the Authority and the Two Bridges Authority entered into an agreement, dated December 20, 1985, and entitled: “1985 Service Contract Between The Pequannock, Lincoln Park and Fairfield Sewerage Authority and The Pequannock River Basin Regional Sewerage Authority”, as amended by an agreement dated October 11, 1995 (collectively, the “Pequannock River Agreement”), relating to the treatment and disposal of sewage; and

**WHEREAS**, as the result of various Agreements between and among the Authority, Butler, Bloomingdale, Kinnelon, Riverdale and the Two Bridges Authority, 2.6 mgd of capacity is currently available and allocated as follows:

<u>Participant/Customer</u>	<u>MGD</u>	<u>%</u>
Bloomingdale	0.950	36.54
Butler	0.991	38.11
Kinnelon	0.250	9.62
Riverdale	<u>0.409</u>	<u>15.73</u>
	2.600	100.00; and

**WHEREAS**, the Borough of Riverdale is a customer of the Authority pursuant to the 1987 Riverdale Service Contract and all amendments thereto between the Authority and Riverdale (the “1987 Riverdale Service Contract”); and

**WHEREAS**, Riverdale has requested an allocation from the Authority of 0.091 mgd in additional Reserve Capacity; and

**WHEREAS**, the Authority, Bloomingdale, Kinnelon and Riverdale have entered into or will enter into an Agreement (2015 Four Party Agreement) under the terms of which the Authority will recover from Bloomingdale and Kinnelon Reserve Capacity of 0.0455 mgd each for reallocation to Riverdale.

**NOW, THEREFORE, BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF RIVERDALE, IN THE COUNTY OF MORRIS, NEW JERSEY, AS FOLLOWS:**

**Section 1.** 2015 Amendment to the 1987 Service Contract between the Authority and the Borough of Riverdale. The substance and form of the 2015 Amendment to the 1987 Service Contract between the Authority and the Borough of Riverdale in the form reviewed by the Borough of Riverdale, a copy of which is on file in the office the Borough Clerk and available during regular business hours, is hereby approved, adopted and agreed to by the Borough with such minor corrections or modifications, additions or deletions which do not alter the substantive provisions thereof and which may hereafter be approved by the Mayor of the Borough after consultation with Counsel to the Borough. The Mayor of the Borough is hereby authorized and directed to execute and deliver the 2015 Amendment to the 1987 Service Contract between the Authority and the Borough of Riverdale and the Borough Clerk is hereby authorized and directed to affix the seal of the Borough on the 2015 Amendment to the 1987 Service Contract between the Authority and the Borough of Riverdale and to attest same. The execution of the 2015 Amendment to the 1987 Service Contract between the Authority and the Borough of Riverdale by the Mayor of the Borough shall be conclusive evidence of any approval required by this Section.

**Section 2.** Contingent Approval. This authorization is subject to the enactments, approval and execution of the 2015 Four Party Agreement and all service agreement amendments between and among the Authority and the PRBRSA Participants as shall be needed to perfect the transaction contemplated in the 2015 Four Party Agreement.

**Section 3.** Capitalized Terms. Unless a different meaning is clear from the context, all capitalized words and terms used but not defined in this Ordinance shall have the meanings ascribed to such words and terms, respectively, in the preambles to this Ordinance.

**Section 4.** Effective Date. This Ordinance shall take effect twenty (20) days after final passage and publication as provided by law.

Adopted this \_\_\_\_ day of  
\_\_\_\_\_, 2015.

\_\_\_\_\_  
Abubakar Jalloh, Borough Clerk

\_\_\_\_\_  
William Budesheim, Mayor

**NOTICE** is hereby given that the above Ordinance was introduced and passed first reading by title at a regular meeting of the Mayor and Council of the Borough of Riverdale, held on June 24, 2105 and it will be considered for final passage at a regular meeting of said Mayor and Council to be held on July 22, 2015 at 7:30 PM or as soon thereafter same can be considered, in the Municipal Building, 91 Newark Pompton Turnpike, Riverdale, New Jersey, at which time and place all persons interested therein or affected thereby will be given an opportunity to be heard concerning same. During the week prior and up to the time of public hearing, copies of said Ordinance will be available to the members of the general public who request same, in the Borough Clerk's Office between the hours of 9:00 AM and 4:30 PM.