

**RESOLUTION AUTHORIZING THE EXECUTION
OF 2020 AMENDED AND RESTATED SERVICE
CONTRACT**

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 shall become a Member Municipality and 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) upon the filing of a certified copy of the Ordinance duly certified together with a certified copy of the Resolution of the Authority with the Secretary of State; 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 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, the Borough of Bloomingdale has, by Ordinance 17-2020, enacted May 19, 2020, authorized the execution of the 2020 Amended and Restated Service Contract attached hereto and made a part hereof; and

WHEREAS, Borough of Butler has, by Ordinance 2020-08, enacted June 16, 2020, authorized the execution of the 2020 Amended and Restated Service Contract attached hereto and made a part hereof; and

WHEREAS, the Borough of Kinnelon has, by Ordinance 10-2020, enacted August 20, 2020, authorized the execution of the 2020 Amended and Restated Service Contract attached hereto and made a part hereof; and

WHEREAS, Riverdale has, by Ordinance 4-2020, enacted July 22, 2020, authorized the execution of the 2020 Amended and Restated Service Contract attached hereto and made a part hereof.

NOW THEREFORE, BE IT RESOLVED by the Pequannock River Basin Regional Sewerage Authority, in the Counties of Morris and Passaic and the State of New Jersey on this 16th day of September, 2020, as follows:

1. Conditioned upon the receipt of 1) the Authority's Consulting Engineer Certificate stating the opinion that such modification or amendment will not effect a material reduction in Revenues; 2) Authority Counsel's Opinion stating that such modification or amendment will not materially affect the right of the Authority to make, impose and collect Annual Charges pursuant to the Service Contract; 3) Bond Counsel's opinion that the amendment or modification will not adversely affect the rights of the holders from time to time of the Bonds and coupons; and 4) the filing of the certified copy of the Authority Resolution consenting to Riverdale's petition for membership along with a copy of Ordinance 5-2020, enacted by Riverdale and duly certified, in the Office of the Secretary of State, the Chairman is hereby

authorized and directed to execute the 2020 Amended and Restated Service Contract attached hereto and made a part hereof.

2. The Administrator is authorized and directed to implement the terms of the 2020 Amended and Restated Service Contract attached hereto and made a part hereof, and to take all actions necessary and desirable to effectuate its terms and conditions.

3. A copy of the 2020 Restated and Amended Service Contract shall be forwarded to the Trustee pursuant to Section 610 of the General Bond Resolution, dated July 15, 1986.

4. This Resolution shall take effect as provided by law.

CERTIFICATION

Certified to be a true copy of a Resolution adopted by the Pequannock River Basin Regional Sewerage Authority at a duly convened meeting of the Authority held on September 16, 2020.


James P. Lampmann, Asst. Secretary

