

HARDYSTON TOWNSHIP MUNICIPAL UTILITIES AUTHORITY

RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT BETWEEN RIVERDALE QUARRY COMPANY, INC., THE TOWNSHIP OF HARDYSTON AND THE HARDYSTON TOWNSHIP MUNICIPAL UTILITIES AUTHORITY FOR COMPLETION AND TRANSFER OF THE FIRE SUPPRESSION SYSTEM IN THE NORTH CHURCH TECHNICAL CENTER AND SATISFACTION OF ALL OBLIGATIONS UNDER THE 1990 AGREEMENT BETWEEN THE AUTHORITY AND RIVERDALE QUARRY COMPANY, INC.

WHEREAS, the Hardyston Township Municipal Utilities Authority (hereinafter “Authority”) owns and operates a wastewater conveyance system servicing the residents of Hardyston Township (hereinafter “System”); and

WHEREAS, in 1990, Riverdale Quarry Company, Inc. (hereinafter “Riverdale”) and the Authority entered into a written agreement regarding the construction, operation and ownership of a fire protection system servicing the North Church Technical Center (hereinafter “1990 Agreement”); and

WHEREAS, Riverdale’s obligations pursuant to the 1990 Agreement have not been completed; specifically the fire suppression system in the north Church Technical Center development has not been completed, nor has the fire suppression system or its accompanying easements been properly transferred to, or accepted by, the Authority; and

WHEREAS, Riverdale seeks to assist in the completion of the fire suppression system and conclude its obligations under the 1990 Agreement, but has limited financial resources; and

WHEREAS, the Township of Hardyston seeks to maintain the viability and value of the North Church Technical Center development with a functioning fire suppression system without placing a financial burden on other, non-affected persons and properties within the Township; and

WHEREAS, the Authority has the technical ability to inspect, operate and maintain the fire suppression system and to administer the billing of users of said system within a designated rate structure; and

WHEREAS, in order to achieve the goals of Riverdale, the Township of Hardyston and the Authority, the parties have reached an agreement whereby Riverdale will provide access to the Township to complete the fire suppression system pursuant to the terms of the September 1, 2016 proposal (hereinafter “Proposal”); and

WHEREAS, in order to finance completion of the fire suppression system, the Township shall establish a special assessment, pursuant to state statute, against the affected properties in

the North Church Technical Center development; and

WHEREAS, the Authority shall inspect the fire suppression system upon its completion and accept conveyance of the fire suppression system from Riverdale; thereafter the Authority will operate and maintain the fire suppression system and shall allocate the costs of operation and management through the development and application of a special billing rate; and

WHEREAS, the parties have reduced their respective rights and obligations to writing in form the of the agreement attached hereto as **Exhibit A**; and

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Hardyston Township Municipal Utilities Authority as follows:

1. That the Authority's Administrator is authorized and directed to, with the advice and counsel of the Authority's General Counsel and Engineer, to execute the Agreement in a form substantially similar to the form attached hereto as **Exhibit A**.
2. That the Authority's Administrator is authorized and directed to work with the Authority's technical, legal and financial advisors to generate a proposed special fire suppression rate for the Board's consideration and potential adoption in accordance with all applicable legal processes.
3. This Resolution shall take effect immediately