

Township of West Milford

Passaic County, New Jersey

~ Resolution 2017 – 174 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING THE TOWNSHIP TO SOLICIT BIDS FOR THE SALE OF THE WEST MILFORD TOWNSHIP MUNICIPAL UTILITIES AUTHORITY PURSUANT TO N.J.S.A §40:62-4

WHEREAS, the West Milford Township Municipal Utilities Authority (“WMTMUA”) was organized by the Township Council pursuant to Municipal Utilities Authority Law (N.J.S.A. §40:14B-1 *et seq.*) on February 4, 1964; and

WHEREAS, the WMTMUA has been managed and operated by a Board of Commissioners duly appointed by the Township Council since its inception; and

WHEREAS, since its inception, the WMTMUA has provided water and sewer service to approximately 1700 homes and businesses within the Township of West Milford; and

WHEREAS, the WMTMUA has been solely supported by the rate payers; and

WHEREAS, the WMTMUA is facing insolvency and an inability to meet its obligations in terms of both service delivery and operating expenses; and

WHEREAS, over time, the infrastructure of the WMTMUA has deteriorated and is in need of repair; and

WHEREAS, the WMTMUA is unable to continue operations as currently structured and the Township Council has deemed it advisable to sell the system and solicit bids for the sale of same; and

WHEREAS, the property subject to sale consists of all WMTMUA assets, including nine (9) separate water treatment facilities and six (6) wastewater treatment facilities and associated collection systems (“assets”); and

WHEREAS, the sale for adequate consideration of the WMTMUA shall be for all contract rights relating to the water supply, treatment and distributions systems referenced above as assets and to be more specifically described in the bid documents attached hereto as Exhibit A; and

WHEREAS, sale of the WMTMUA must be for an amount sufficient to satisfy any and all outstanding debts currently held by the WMTMUA, including but not limited to fines and penalties; and

WHEREAS, the Township will advertise the RFP for sale of the WMTMUA at least six (6) times, once a week, in one or more newspapers circulating in the Township of West Milford, and at least once, not less than thirty (30) days prior to the date advertised for the receipt of bids, in a newspaper or magazine devoted wholly or partly to municipal matters, pursuant to N.J.S.A. §40:62-4; and

WHEREAS, the advertisements shall expressly include the requirement that each bid submitted shall be accompanied by a certified check in the amount of \$20,000.00, or a sufficiently secured bond of the bidder, to be approved by the governing body, guaranteeing the fulfillment of the contract if the bid is accepted; and

WHEREAS, sale of the WMTMUA shall not be concluded or finalized until the legal voters of the Township of West Milford have authorized same through a referendum on the November 2017 ballot; and

WHEREAS, sale of the WMTMUA shall furthermore not be concluded or finalized until same receives governing body approval and all other statutorily required approvals.

WHEREAS, the Township Administrator is given the discretion to revise and amend the request for proposals or any other documents required.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Township Council of the Township of West Milford, in the County of Passaic, and State of New Jersey hereby authorize as follows:

- 1) The Township Council of the Township of West Milford, as prescribed by law, is authorized to solicit bids for the sale of the WMTMUA; and
- 2) The Mayor and Township Administrator, along with the Township Attorney, are authorized to undertake all steps required by applicable law to obtain bids from interested and qualified parties for the sale of the WMTMUA's systems in the form of the RFP bid documents which will be on file with the Municipal Clerk and to commence the process to conduct such in accordance with the provisions of N.J.S.A. §40:62-4 and as otherwise prescribed by law.
- 3) That the Township will proceed with this procurement process upon receiving a resolution of endorsement and cooperation from the West Milford Municipal Utilities Authority.

This Resolution shall take effect immediately.

Adopted: May 3, 2017

Adopted this 3rd day of May, 2017
and certified as a true copy of an original.

Antoinette Battaglia, Township Clerk