

RESOLUTION 2023 – 132

**A RESOLUTION OF THE MAYOR AND COUNCIL OF THE BOROUGH OF
MOUNT ARLINGTON, COUNTY OF MORRIS, STATE OF NEW JERSEY,
AUTHORIZING EXECUTION OF THE AMENDED AND RESTATED
AGREEMENT FOR POTABLE WATER SUPPLY AND SERVICE
BETWEEN THE BOROUGH OF MOUNT ARLINGTON AND THE
MORRIS COUNTY MUNICIPAL UTILITIES AUTHORITY**

WHEREAS, the Borough of Mount Arlington (the “**Borough**”) owns and operates a municipal retail water distribution system for the supply of potable water to its customers; and

WHEREAS, the Borough has a current contract with the Morris County Municipal Utilities Authority (the “**MCMUA**”) where MCMUA supplies bulk water to the Borough (the “**Current Agreement**”); and

WHEREAS, there are existing developed properties adjacent to Lake Hopatcong and existing developed properties adjacent to Lake Rogerene, each of which are served by well water and not by a public water supply system; and

WHEREAS, due to the proximate location of such properties to Lake Hopatcong and Lake Rogerene, respectively, and the potential hydraulic interconnection of the individual wells to such lakes, and in furtherance of the public health, safety and welfare of the residents of the Borough, the Borough is undertaking water main extension projects to bring public water to such properties and allow such properties to disconnect from the existing water wells; and

WHEREAS, solely as a result of such water main extension projects, the Borough is currently in need of additional bulk water supply in excess of the amount set forth in the Current Agreement, it being the intention of the Borough and the MCMUA that the MCMUA will supply up to 147,500,000 gallons per year based upon an annual daily average demand of 0.40 mgd and a peak month of 15,500,000 gallons based on a peak daily demand of 0.50 mgd; and

WHEREAS, the Borough and MCMUA have determined to amend and restate the Current Agreement and to memorialize the terms of MCMUA's supply of water in the amounts and on the terms and conditions set forth in the Amended and Restated Agreement for Potable Water Supply and Services (the “**Amended Agreement**”) a copy of which is on file with the Office of the Borough Clerk; and

WHEREAS, the Borough has reviewed the Amended Agreement, approves of the said contract update, and hereby wishes to authorize the execution thereof.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Mount Arlington, County of Morris, State of New Jersey, that the Amended Agreement between the Borough and the MCMUA is hereby approved in substantially the same form as that on file with the Office of the Borough Clerk, with such changes as Borough Administration may recommend in consultation with the Borough's professionals, including the Borough Engineer and

the Borough Attorney. The Mayor, along with such other necessary Borough personnel as may be necessary, are hereby authorized and directed to execute the Amended Agreement, and take all other actions necessary to implement the intentions of this Resolution.

I HEREBY CERTIFY this to be a true and correct Resolution of the Mayor and Council of the Borough of Mount Arlington adopted on August 1, 2023.

A handwritten signature in black ink, appearing to read "M. N. Bansch", with a long horizontal flourish extending to the right.

Matthew N. Bansch, Borough Clerk