

BOROUGH OF RED BANK

COUNTY OF MONMOUTH

RESOLUTION NO. 15-268

**RESOLUTION AUTHORIZING SETTLEMENT WITH
THE TWO RIVERS WATER RECLAMATION AUTHORITY**

Councilman DuPont offered the following resolution and moved its adoption:

WHEREAS, the Two Rivers Water Reclamation Authority ("the Authority"), formerly known as the Northeast Monmouth County Regional Sewerage Authority, provides sewage transportation and treatment services to the Borough of Red Bank pursuant to an Agreement the parties entered into in 1968 ("Customer Agreement"); and

WHEREAS, Authority's service area is made up of both member towns and customer towns, the Borough of Red Bank being one of the Customer Towns; and

WHEREAS, in 2012 questions were raised regarding the annual charges assessed to the Customer Towns by the Authority; and

WHEREAS, in 2012, in the best interests of its residents, the Borough of Red Bank Resolved to join other customer towns to engage in litigation with the Authority as respects its billing practices and the annual charges assessed by the Authority; and

WHEREAS, following extensive litigation and intense negotiations, the parties have come to an agreement to resolve all outstanding claims and have set the terms and conditions of the resolution down in the attached Agreement and Mutual Release, which is incorporated herein by reference; and

WHEREAS, the Governing Body is of the opinion that it is in the best interests of the residents of the Borough of Red Bank to authorize and enter into the attached Agreement and Mutual Release with the Authority;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Red Bank that the statements contained in the foregoing preamble be and are hereby incorporated into this Resolution as if more fully set forth herein at length and that the attached Agreement and Mutual Release is approved; and be it further

RESOLVED that the Mayor be and is hereby authorized and directed to enter into the attached Agreement and Mutual Release thereby resolving any and all claims with the Two Rivers Water Reclamation Authority according to the terms and conditions set forth in the Agreement and Mutual Release; and be it further

RESOLVED that upon receipt of the fully executed Agreement and Mutual Release from all parties, the Governing Body does hereby instruct its counsel in this matter to file a Stipulation of Dismissal, with prejudice, of all claims against the Authority, in the form attached to and referenced in the Agreement and Mutual Release.

Seconded by Councilman Zipprich and adopted on roll call by the following vote:

	Yes	No	Abstain	Absent
Councilwoman Lee	()	()	()	(x)
Councilwoman Burnham	(x)	()	()	()
Councilwoman Horgan	(x)	()	()	()
Councilwoman Schwabenbauer	(x)	()	()	()
Councilman Zipprich	(x)	()	()	()
Councilman DuPont	(x)	()	()	()

Dated: October 14, 2015

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