

**ORDINANCE NO. 2021-10**

**AN ORDINANCE OF THE BOROUGH OF KENILWORTH ADOPTING A NEW AGREEMENT BETWEEN THE MEMBER MUNICIPALITIES OF THE RAHWAY VALLEY SEWERAGE AUTHORITY**

**Purpose:** The purpose of this Ordinance is to adopt the revised agreement for the continued establishment and operation of the Rahway Valley Sewerage Authority to replace the Agreement adopted in 1995 by the then nine (9) member municipalities of the Authority.

Be it ordained by the Borough of Kenilworth County Union State of New Jersey, as follows:

Section 1. The Borough of Kenilworth hereby approves the revised Agreement for the continued establishment and operation of the Rahway Valley Sewerage Authority to replace the Agreement adopted in 1995 by the then nine (9) member municipalities of the Authority.

Section 2. The revised Agreement approved by this Ordinance is attached as Appendix A (“2021 Agreement”) and shall become effective upon approval by comparable ordinances adopted by all eleven (11) current member municipalities of the Authority, i.e. Clark, Cranford, Garwood, Kenilworth, Mountainside, Rahway, Roselle Park, Scotch Plains, Springfield, Westfield and Woodbridge (“Member Municipalities”).

Section 3. The 1995 Agreement, upon adoption of comparable ordinances by all of the Member Municipalities, shall be null and void and shall have no effect, having been replaced by the 2021 Agreement.

Section 4. Severability. If any section, clause, paragraph, or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to that section, so adjudged, and the remainder of this Ordinance shall be deemed valid and effective.

Section 5. Inconsistency. All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

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Linda Karlovitch, Mayor

| INTRODUCTION                     |      |     |     |      |    | COUNCILPERSON  | FINAL ADOPTION |      |     |     |      |    |
|----------------------------------|------|-----|-----|------|----|--|----------------|------|-----|-----|------|----|
| Moved                            | Sec. | Aye | Nay | Abs. | NP |  | Moved          | Sec. | Aye | Nay | Abs. | NP |
|                                  | X    | X   |     |      |    | KAY CECERI   |                |      | X   |     |      |    |
|                                  |      |     |     |      | X  | MARK DAVID   | X              |      | X   |     |      |    |
|                                  |      | X   |     |      |    | JOSEPH FINISTRELLA   |                |      | X   |     |      |    |
| X                                |      | X   |     |      |    | GERRY LAUDATI  |                |      | X   |     |      |    |
|                                  |      | X   |     |      |    | SCOTT PENTZ  |                |      | X   |     |      |    |
|                                  |      | X   |     |      |    | FRED PUGLIESE  |                | X    | X   |     |      |    |
|                                  |      |     |     |      |    | MAYOR KARLOVITCH   |                |      |     |     |      |    |
| Introduced:<br>June 23, 2021     |      |     |     |      |    | I hereby certify the above ordinance was adopted by the Borough Council of the Borough of Kenilworth, County of Union, State of New Jersey on the aforementioned date. |                |      |     |     |      |    |
| Final Adoption:<br>July 14, 2021 |      |     |     |      |    |  |                |      |     |     |      |    |
|                                  |      |     |     |      |    | _____<br>Laura Reinertsen, Borough Clerk   |                |      |     |     |      |    |

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**MEMBER MUNICIPALITIES OF THE RAHWAY VALLEY SEWERAGE AUTHORITY**

**AMENDMENT TO SETTLEMENT AGREEMENT**

This Amendment (“Amendment”) is made as of the 1<sup>st</sup> day of September, 2021, by and among the Township of Clark (“Clark”), a municipality of the State of New Jersey, with offices located at 430 Westfield Avenue, Clark, New Jersey 07016, Rahway Valley Sewerage Authority, governmental entity organized under the laws of the State of New Jersey, with offices located at 1050 Hazelwood Avenue, Rahway, New Jersey 07065 (“RVSA” or the “Authority”), the City of Rahway (“Rahway”), with offices at 1 City Hall Plaza, Rahway, New Jersey 07065, and the Borough of Garwood (“Garwood”), with offices located at 403 South Avenue, Garwood, New Jersey 07027, as well as the Town of Westfield (“Westfield”), the Boroughs of Kenilworth (“Kenilworth”), Mountainside (“Mountainside”) and Roselle Park (“Roselle Park”), and the Townships of Cranford (“Cranford”), Scotch Plains (“Scotch Plains”), Springfield (“Springfield”) and Woodbridge (“Woodbridge”), municipal corporations duly organized under the laws of the State of New Jersey (hereinafter Westfield, Kenilworth, Roselle Park, Cranford, Mountainside, Scotch Plains, Springfield and Woodbridge are collectively referred to as the “Member Municipalities”).

**WHEREAS**, Kenilworth entered into a certain Settlement Agreement with Clark, Cranford, Garwood, Rahway, Roselle Park, Springfield, Westfield and Woodbridge (collectively referred to as the “Consenting Municipalities”) dated September 1, 1994 for the purpose of settling certain litigation between the Consenting Municipalities, Kenilworth and the RVSA (“Settlement Agreement”); and

**WHEREAS**, subsequent to the entry into the Settlement Agreement, the Borough of Mountainside and the Township of Scotch Plains joined the Authority; and

**WHEREAS**, the Member Municipalities, Kenilworth, and the Authority desire to terminate the Settlement Agreement and upon termination Kenilworth shall be governed as it relates to excess flow rights pursuant to the same Agreement as all other Member Municipalities.

**NOW, THEREFORE**, it is mutually agreed as follows:

1. The Member Municipalities including Kenilworth, hereby agree that the Settlement Agreement shall be terminated as of September 1, 2021.

**IN WITNESS WHEREOF**, the parties hereto have caused these presents to be executed in several counterparts, each of which signed counterparts shall be taken as an original, by the proper officers of the respective municipal corporations and the Authority and their respective seals where existing to be hereto affixed and attested, the said executions being duly authorized by ordinances of the governing bodies of the respective municipal corporations and by Resolution of the Authority as of the 1<sup>st</sup> day of September, 2021.