

TOWNSHIP OF WARREN
ORDINANCE NO. 22-02
AN ORDINANCE DISSOLVING THE WARREN TOWNSHIP SEWERAGE
AUTHORITY PURSUANT TO N.J.S.A. 40A:5A-20

WHEREAS, the Township of Warren, in the County of Somerset, State of New Jersey (the “Township”) had created a sewerage authority entitled “The Township of Warren Sewerage Authority” (the “Authority”); and

WHEREAS, the Local Authorities Fiscal Control Law, **N.J.S.A. 40A:5A-1 et seq.**, permits the Township to dissolve such Authority and sets forth the process whereby same may be accomplished; and

WHEREAS, after a careful examination and analysis, the Township Committee of the Township of Warren has determined that it is in the best interests of the residents of the Township to dissolve the Authority and to assume sewer utility services for residents of the Township; and

WHEREAS, the Township desires to dissolve the Authority in accordance with and in fulfillment of the provisions of **N.J.S.A. 40A:5A-20**; and

WHEREAS, the Township has determined to assume responsibility for the payment of any and all debts and obligations of the Authority; and

WHEREAS, pursuant to **N.J.S.A. 40A:5A-20**, the New Jersey Local Finance Board must review and approve this Ordinance prior to this Ordinance being adopted after second reading, public hearing and potential adoption.

Now, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Warren, as follows:

Section 1. Dissolution. The **Warren Township Sewerage Authority**, created by the Township by Ordinance adopted on or about September 7, 1972, be and the same is hereby dissolved, subject to the terms and conditions hereof.

Section 2. Injunction Against Further Action Without Consent. The Authority is hereby enjoined from taking any further action without the Township's consent. Simultaneously upon the effective date of the dissolution as set forth in Section 6 of this ordinance (the "Effective Date of Dissolution"), the Authority shall cease all operations and activities, which operations and activities shall be transferred to the Township automatically and without further action by either the Township or by the Authority.

Section 3. Transfer of Title to All Facilities. Upon the Effective Date of Dissolution, all real and personal property and facilities of the Authority, and all monies and funds held by or for the Authority, shall be deemed transferred to and become the property of the Township. The existing officers of the Authority are hereby authorized and directed to execute any documents or instruments necessary to effectuate the transfer of legal title to all real property, personal property, facilities, and monies and funds to the Township upon the Effective Date of Dissolution, notwithstanding the dissolution of the Authority. All documents and records of the Authority shall be delivered to the Township Clerk prior to the Effective Date of Dissolution.

Section 4. Payment of All Creditors and Obligees. Upon the Effective Date of Dissolution as set forth in Section 6 of this Ordinance, the Township shall assume all legal obligations to pay all existing and outstanding creditors and obligees of the Authority. Pursuant to **N.J.S.A. 40A:5A-20**, and in accordance with **N.J.S.A. 40A:2-1 et seq.**, the Township shall assume responsibility for and payment of the obligations of the Authority, including but not limited to, existing bonded indebtedness of the dissolved Authority; provided however, that before the assumption of certain Authority debt and the issuance of debt by the Township to refund or redeem certain debt of the Authority, as applicable, the Township Committee determines by Resolution (setting forth facts that constitute the basis for the determination), that the assumption of certain debt of the Authority by the Township and the issuance of debt by the Township to refund or redeem certain debt of the Authority, as applicable, will be a cost effective means of meeting those obligations. A certified copy of such Resolution shall, upon its adoption, be transmitted to the Local Finance Board.

Section 5. Assumption of Services Provided by the Authority. Upon the Effective Date of Dissolution, the Township shall own and operate any and all facilities previously owned by the Authority and the Township shall create the “Department of Sewers” for the purpose of operating the facilities previously operated by the Authority and shall amend its ordinances to effectuate the operation of said facilities as a sewer utility. The Department of Sewers shall have a director responsible for its day-to-day operations and functioning, which director shall be appointed by the Township Committee. The Township Administrator shall prepare a table of organization for the Department of Sewers as a result of the dissolution of the Authority. The table of organization for the Department of Sewers will reflect the placement of personnel needed to perform the functions that will no longer be performed by the Authority. Upon the Effective Date of Dissolution, the Township, by and through the Department of Sewers, shall assume the operation of the services previously provided by the Authority, which

services are necessary for the health, safety and welfare of the users of the sewerage system.

Section 6. Effective Date of Dissolution. The dissolution of the Authority shall take effect at 11:59 p.m., Eastern Standard Time, on June 30, 2022, subject to the prior approval of the Local Finance Board in the Division of Local Government Services, Department of Community Affairs as set forth in Section 8 below.

Section 7. Authorization of Township and Authority to Take all Necessary Action. The Mayor, members of the Township Committee, Township Administrator, Chief Financial Officer, Township Clerk, Township Attorney and appropriate employees and professionals of the Township are hereby authorized and directed to undertake any and all such acts and to execute any and all documents as may be necessary to effectuate and accomplish the purposes of this Ordinance. The members of the Authority, its officers, employees, attorney and professionals are hereby authorized and directed to undertake any and all such acts and execute any and all such documents as may be necessary to effectuate and accomplish the purposes of this Ordinance.

Section 8. Approval of the Local Finance Board; Filing. This Ordinance shall be submitted to and approved by the Local Finance Board in the Division of Local Government Services, Department of Community Affairs of the State of New Jersey ("Local Finance Board") prior to final adoption in accordance with the requirements of N.J.S.A. 40A:5A-20 for review and approval. Final adoption of this Ordinance (and its effective date) shall be subject to the Local Finance Board's prior approval and a copy of the ordinance as adopted shall be filed with the Local Finance Board and with the Secretary of State of New Jersey, in accordance with N.J.S.A. 40A:5A-20.

Section 9. Repeal of All Inconsistent Ordinances. All other ordinances in conflict or inconsistent with this Ordinance are hereby repealed to the extent of such conflict or inconsistency.

Section 10. Severability. Should any section, paragraph, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid for any reason, the remaining portions of this Ordinance shall not be affected thereby and shall remain in full force and effect, and to this end, the provision of this Ordinance are hereby declared to be severable.

Section 11. Effective Date. This Ordinance shall take effect immediately upon its final adoption, according to law, provided that the Local

Finance Board has approved this Ordinance pursuant to **N.J.S.A. 40A:5A-20**, and shall not be subject to referendum.

ATTEST:

TOWNSHIP OF WARREN

Cathy Reese, RMC

Victor J. Sordillo, Mayor

INTRODUCED: March 24, 2022

ADOPTED: June 16, 2022

EFFECTIVE: June 16, 2022