

**TOWNSHIP OF VERONA
COUNTY OF ESSEX, STATE OF NEW JERSEY**

RESOLUTION No. 2021-143

A motion was made by Councilman Tamburro; seconded by Deputy Mayor McGrath that the following resolution be adopted:

**AUTHORIZING A SETTLEMENT AGREEMENT WITH
THE BOROUGH OF ESSEX FELLS**

WHEREAS, the Borough of Essex Fells (hereinafter referred to as "Essex Fells") is a bulk water purveyor selling water to the Township of Verona (hereinafter referred to as "Verona") as a bulk customer which Verona resells to certain residential customers in Verona pursuant to an undated Water Transmission System Agreement (hereinafter referred to as the "WTSA Agreement") between Essex Fells and Verona; and

WHEREAS, pursuant to the WTSA Agreement, for use in the Hilltop system, Essex Fells also purchases water from Verona, which procures this water from the Passaic Valley Water Commission; and

WHEREAS, between 2010 and 2018 issues surrounding the billing by Verona to Essex Fells for water usage at the Hilltop system resulted in a claim by Verona in the amount of \$687,939.07 as reflected in an invoice forwarded on or about December 21, 2020 for unpaid water usage by Essex Fells during this period and a dispute between the parties; and

WHEREAS, Essex Fells calculates a lesser amount owed for the period and the parties are desirous of amicably resolving the issue of the unpaid water usage balances at the Hilltop system owed by Essex Fells to Verona; and

WHEREAS, the parties have met and amicably resolved the dispute and desire to memorialize the terms and conditions in the form of an agreement (the "Settlement Agreement") resolving the issue of the total reimbursement owed by Verona to the Association from the beginning of time up to October 31, 2021.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Verona, in the County of Essex, New Jersey that the Township Manager and the Township Clerk are hereby authorized to execute the Settlement Agreement with the Association, in the form attached hereto as Exhibit A, with such changes, omissions or amendments as the Township Manager deems appropriate in consultation with the Township Attorney.

ROLL CALL:

AYES: Holland, Tamburro, McEvoy, McGrath, Roman

NAYS:

THIS IS TO CERTIFY THAT THE FOREGOING IS A TRUE AND EXACT COPY OF A RESOLUTION ADOPTED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF VERONA AT A REGULAR MEETING HELD ON NOVEMBER 8, 2021.


JENNIFER KIERNAN
MUNICIPAL CLERK

