

RESOLUTION #15-008

**RESOLUTION DECLARING BREACH OF CUSTOMER SERVICE CONTRACT  
BETWEEN RVRSA AND MINE HILL TOWNSHIP**

**WHEREAS**, on July 16, 1987, the Rockaway Valley Regional Sewerage Authority (“RVRSA”) and the Township of Mine Hill (“Mine Hill”) entered into a Customer Service Contract (“Contract”) which provided the terms and conditions for the provision of the allocation of 35,250 gallons per day (GPD) of capacity in the system of the RVRSA for the conveyance and treatment of sewerage generated in Mine Hill; and

**WHEREAS**, Section 303 entitled “Installation, Completion and Operation of Connections” of said Contract provides that, “[t]he Customer will install at its own cost and expense the connection... and all meters in accordance with the Authority’s specifications”; and

**WHEREAS**, the Contract authorized Mine Hill to discharge 35,250 gallons per day of sewage, on a thirty (30) day average basis, into the RVRSA System; and

**WHEREAS**, in September, 1997, the RVRSA and Township of Mine Hill executed a First Amendment to Customer Service Agreement dated July 16, 1987 Between Rockaway Valley Regional Sewerage Authority and the Township of Mine Hill (“First Amendment”) which provided the terms and conditions for the provision of the allocation of an additional 55,000 GPD of capacity in the system of the RVRSA for the conveyance and treatment of sewerage generated in Mine Hill for a total allocation of 90,250 GPD calculated on a thirty (30) day average basis; and

**WHEREAS**, in April, 2011, the RVRSA and Township of Mine Hill executed a Second Amendment to Customer Service Agreement dated July 16, 1987 Between Rockaway Valley Regional Sewerage Authority and the Township of Mine Hill (“Second Amendment”) which provided the terms and conditions for the provision of the allocation of an additional 4,675 GPD of capacity in the system of the RVRSA for the conveyance and treatment of sewerage generated in Mine Hill for a total allocation of 94,925 GPD calculated on a thirty (30) day average basis; and

**WHEREAS**, the RVRSA is obligated by law, and under the terms of the Contract at Section 305, to determine the volume of sewage discharged to the RVRSA System and has worked with Mine Hill over the years to accurately establish the amount of sewage discharged from Mine Hill to the System, and has repeatedly requested assurances that meters will be installed to record the volume of sewage discharged to the RVRSA System, however, Mine Hill has to date failed to install the meters established in Section 303 of the Contract; and

**WHEREAS**, as a result of Mine Hill’s failure to comply with the terms of the Contract and install meters to measure the discharge of sewage from Mine Hill into the System of the RVRSA, RVRSA regrettably must declare Mine Hill in breach of the agreed-upon terms of the Customer Service Contract between the RVRSA and Mine Hill; and

**WHEREAS**, RVRSA has reluctantly determined that if such breach is not cured by the installation of meters in accordance with RVRSA specifications within sixty (60) days of the date of this Resolution, RVRSA reserves the right to deny future requests for connections to the RVRSA System, other than documented health hazards, and further reserves the right to pursue any and all remedies provided by law; and

**WHEREAS**, RVRSA is hopeful that Mine Hill will promptly provide assurances of its commitment to undertake the construction of meters to measure the volume of discharge of sewage from Mine Hill to the RVRSA System and thereafter timely undertake and complete the installation of meters in accordance with Authority specifications, so as to enable the RVRSA to accurately record flows emanating from Mine Hill and so as to continue the good relationship between the RVRSA and the Township of Mine Hill.

**NOW, THEREFORE, BE IT RESOLVED** by the Rockaway Valley Regional Sewerage Authority as follows:

1. The RVRSA hereby declares Mine Hill in breach of the terms and conditions of the July 16, 1987, Customer Service Contract between the Rockaway Valley Regional Sewerage Authority (“RVRSA”) and the Township of Mine Hill (“Mine Hill”) for failure to install meters to measure the volume of sewage discharged to the RVRSA System.
2. If such breach is not cured within sixty (60) days of the date of this Resolution, RVRSA reserves the right to deny future requests for connections to the RVRSA System, other than documented health hazards, and further reserves the right to pursue any and all remedies provided by law.
3. The Executive Director of the RVRSA is hereby authorized and directed to forward a copy of this Resolution to the Mayor and Clerk of the Township of Mine Hill.

I hereby certify that this Resolution was adopted at a meeting of the Rockaway Valley Regional Sewerage Authority held on January 8, 2015

On the motion of Michael Guadagno

Second by Joseph Lowell


And a roll call vote as follows:

Yeas: (7) Cegelka, Corbett, Guadagno, Lowell, Recchia, Schaefer, Schorno

Nays: (0) None

Abstain: (1) Andes

Absent: (2) Secco and Vincitore

  
Michael Guadagno  
Board Secretary