

**RESOLUTION OF THE ROCKAWAY VALLEY REGIONAL  
SEWERAGE AUTHORITY AUTHORIZING THE FILING OF A  
COMPLAINT AGAINST THE CITY OF JERSEY CITY AND THE  
JERSEY CITY MUA FOR THE PURPOSE OF COLLECTING UNPAID  
ASSESSMENTS OF OPERATIONS, MAINTENANCE, REPAIR AND  
UPKEEP COSTS**

**WHEREAS**, pursuant to that certain Stipulation of Settlement entered into by the City of Jersey City, the RVRSA and the member Municipalities in litigation captioned City of Jersey City v. Town of Dover, et al, Superior Court of New Jersey, Docket. No. C-658-68, ("1984 Stipulation") Jersey City agreed to pay a portion of the RVRSA's operation, maintenance, repair, and upkeep costs; and

**WHEREAS**, the City of Jersey City and the Jersey City MUA have taken the position that projects undertaken by the RVRSA which are funded by the issuance of debt do not fall within the definition of operation, maintenance, repair, and upkeep and have failed and refused to make payment for their assessed portion of such projects; and

**WHEREAS**, the RVRSA has by letter demanded that payment be made by the City of Jersey City and the Jersey City MUA for all of the costs of such projects withheld by the City of Jersey City and the Jersey City MUA; and

**WHEREAS**, counsel for the City of Jersey City and the Jersey City MUA has responded in writing that the City of Jersey City and the Jersey City MUA are not obligated to, and will not, make such payments; and

**WHEREAS**, the obligation for the City of Jersey City and the Jersey City MUA to make payments for its assessed share of such projects through June 2018 is the subject of an appeal in the matter captioned, City of Jersey City, et al. v. Town of Dover, et al, Docket. No. MRS-L-1313-10; and

**WHEREAS**, the RVRSA seeks to enforce the terms and conditions of the 1984 Stipulation to require the City of Jersey City and the Jersey City MUA to pay for their assessed portions of the various projects for which payment has been withheld; and

**WHEREAS**, counsel for the RVRSA has prepared a Complaint against the City of Jersey City and the Jersey City MUA to recover the withheld costs, a copy of which is attached to this Resolution; and

**WHEREAS**, the RVRSA has determined that the only means to compel the City of

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Jersey City and the Jersey City MUA to comply with the 1984 Stipulation and pay for their assessed portion of the costs of the various projects is to file a Complaint in the Superior Court of New Jersey.

**NOW, THEREFORE, BE IT RESOLVED BY THE ROCKAWAY VALLEY REGIONAL SEWERAGE AUTHORITY:**

1. Maraziti, Falcon, LLP, counsel for the RVRSA is authorized and directed to file a Complaint in the Superior Court of New Jersey against the City of Jersey City and the Jersey City MUA to recover all costs of the various projects withheld by the above parties, which Complaint shall be in substantially the form attached to this Resolution.
2. This Resolution shall become effective immediately.

**CERTIFICATION**

I do hereby certify that this Resolution was adopted at a regular meeting of the Rockaway Valley Regional Sewerage Authority held on May 12, 2022.

on motion of Commissioner Schorno

seconded by Commissioner Cegelka

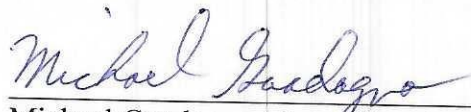
ROLL CALL VOTE:

YEAS: (6) Cegelka, Farrell, Guadagno, Howarth, Isselin, and Schorno

NAYS: (0)

ABSTAINED: (2) Andes and Zuppa

ABSENT: (2) Corbett and Laverty

  
Michael Guadagno, Board Secretary