

RESOLUTION 67-2019

RESOLUTION OF THE BOROUGH OF WOODBURY HEIGHTS AUTHORIZING THE EXECUTION OF AN AMENDMENT TO THE WATER SUPPLY INTERCONNECTION AGREEMENT BETWEEN THE CITY OF WOODBURY AND THE BOROUGH OF WOODBURY HEIGHTS

WHEREAS, the Water Supply Management Act Rules, N.J.A.C. 7:19-6, et seq., promulgated by the New Jersey Department of Environmental Protection (NJDEP) permit the interconnection of adjacent water supply systems; and

WHEREAS, the City of Woodbury (hereinafter referred to as "City") and the Borough of Woodbury Heights (hereinafter referred to as "Borough") have for many years maintained an interconnection of their water supply systems at Lake Avenue and Glassboro Road for use in times of emergency; and

WHEREAS, the said NJDEP rules, specifically N.J.A.C. 7:19-6.9(g) require that entities maintaining interconnected systems enter into a written agreement setting forth the conditions for use of the interconnection, which agreement must be filed with and approved by NJDEP; and

WHEREAS, a Water Supply Interconnection Agreement ("Agreement") between the City and the Borough was previously adopted by Resolution 62-2018, however, NJDEP requires an amendment to said agreement to specifically include the interconnection at "Asam Ave. and Academy St.", which amended agreement has been prepared and attached hereto memorializing the conditions which have been understood and adhered to between the parties for many years pertaining to the pre-existing interconnection at Lake Avenue and Glassboro Road, as well as Asam Ave. and Academy St., in order to comply with the said NJDEP requirement for an approved written agreement; and

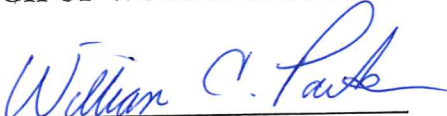
WHEREAS, both the City and the Borough have reviewed the Agreement and desire to enter into same.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of

Woodbury Heights, County of Gloucester and State of New Jersey on this 15th day of May, 2019 that the Borough of Woodbury Heights does hereby authorize the execution of the attached Amended Water Supply Interconnection Agreement between the City of Woodbury and the Borough of Woodbury Heights to specifically include the interconnection located at Asam Ave. and Academy St.

ADOPTED at the meeting of the Borough Council of the Borough of Woodbury Heights held on May 15, 2019.

BOROUGH OF WOODBURY HEIGHTS

BY: 
WILLIAM C. PACKER, MAYOR

ATTEST:


JANET PIZZI, BOROUGH CLERK

The foregoing Resolution was duly adopted by the Borough Council of the Borough of Woodbury Heights at the meeting held May 15, 2019.


JANET PIZZI, BOROUGH CLERK

**AMENDED WATER SUPPLY INTERCONNECTION AGREEMENT BETWEEN THE
BOROUGH OF WOODBURY HEIGHTS AND THE CITY OF WOODBURY**

THIS AGREEMENT made this 15th day of May, 2019 between the **BOROUGH OF WOODBURY HEIGHTS**, with offices located at 500 Elm Avenue, Woodbury Heights, New Jersey 08097 and the **CITY OF WOODBURY**, with offices located at 33 Delaware Street, Woodbury, New Jersey 08096.

WHEREAS, the Water Supply Management Act Rules, N.J.A.C. 7:19-6, et seq., promulgated by the New Jersey Department of Environmental Protection (NJDEP) permit the interconnection of adjacent water supply systems; and

WHEREAS, the Borough of Woodbury Heights and the City of Woodbury have for many years maintained an interconnection of their water supply systems for use in times of emergency; and

WHEREAS, the said NJDEP rules, specifically N.J.A.C. 7:19-6.9(g) require that entities maintaining interconnected systems enter into a written agreement setting forth the conditions for use of the interconnection, which agreement must be filed with and approved by NJDEP; and

WHEREAS, it is the intention of the parties to memorialize in this amended agreement the conditions which have been understood and adhered to between the parties for many years pertaining to the pre-existing interconnection in order to comply with the said NJDEP requirement for an approved written agreement.

NOW THEREFORE, the Borough of Woodbury Heights and the City of Woodbury hereby agree as follows:

1. The water supply systems of the Borough of Woodbury Heights and the City of Woodbury shall be interconnected. The location of the said interconnection is located Lake Avenue and Glassboro Road. The interconnection consists of a

eight (8) inch main interconnect which is not metered and has two valves to control the interconnect.

2. The second interconnection covered under this amended agreement is proposed to be located at Asam Ave. and Academy St. The proposed interconnection will consist of a twelve (12) inch main on Academy St. with a six (6) inch main on Asam Ave. with a meter pit at the system interconnect between the 6" and 12" mains.
3. The point of interconnection shall remain closed so that no water from one system flows into the other system, except as provided in this agreement.
4. The interconnection may be opened only in times of emergency and with the express approval of duly authorized officials of both parties to this agreement. Time of emergency, for purposes of this agreement, shall mean an unforeseeable and unanticipated loss or substantial decrease in water supply or pressure caused by the malfunctioning of one or more wells, the need to fight a large fire, or other similar events. When such an emergency occurs, the party in need of additional water shall notify the other and request permission to immediately open the interconnection, which permission shall not be unreasonably withheld. The interconnection shall remain open until the emergency is ended. The party experiencing the emergency shall exercise all due diligence to eliminate the emergency condition as soon as possible.
5. The party supplying the water during such time of emergency shall be entitled to be compensated by the other party at the standard rates provided for in the

applicable ordinance of the supplying party. Payment shall be due from the receiving party immediately upon presentation of a bill by the supplying party.

6. The parties shall be jointly responsible for and shall cooperate with each other in maintaining all equipment which constitutes the interconnection.
7. This agreement shall be of indefinite duration and shall continue in full force and effect unless terminated by either party. Either party shall have the right to terminate this agreement upon ninety (90) days written notice to the other party.
8. It is the intention of the parties in entering into this agreement to memorialize the past practices which have existed for many years between the parties with respect to the interconnection of their water systems. Therefore, in interpreting any provisions of this agreement, past practices shall be given great weight.
9. Both parties agree to abide by all provisions of the aforementioned Water Supply Management Act Rules promulgated by the NJDEP, together with any amendments and supplements which may hereafter be adopted, insofar as such rules pertain to interconnection agreements.

IN WITNESS WHEREOF, the parties have hereunto set their hand and affixed their seal the day and year first written above.

WITNESS:



Janet Pizzi, Clerk/Administrator

BOROUGH OF WOODBURY HEIGHTS



William C. Packer, Mayor

WITNESS:

Daneen Fuss, Clerk

CITY OF WOODBURY

Jessica Floyd, Mayor