

DIVISION OF LOCAL GOVERNMENT SERVICES
SHARED SERVICES AGREEMENT
COVER SHEET

PROVIDER: Borough of Butler COUNTY: Morris

RECIPIENT: Pequannock River Basin Regional Sewerage Authority COUNTY: Morris

BRIEF DESCRIPTION OF SERVICE:

Pavement Work within the Borough of Butler on the following roadways: Brook Street, Valley road and High Street as well as within Boonton Avenue a Morris County Roadway.

EFFECTIVE DATE: 05/17/2016

EXPIRATION DATE: 05/16/17

ESTIMATED COST SAVINGS
TO BE ACHIEVED OVER THE TERM OF THE AGREEMENT \$12,500.00

Please submit this cover sheet with shared service agreement either via email to EGG@dca.state.nj.us or hard copies may be mailed to the Division of Local Government Services at PO Box 803, Trenton, NJ 08625-0803. Mailed correspondence should be sent to the attention of Shared Services.

INTERLOCAL SHARED SERVICES AGREEMENT

Agreement made this 17th day of May, 2016 by and between:

The Borough of Butler (hereinafter "Butler"), a Municipal Corporation in the County of Morris and State of New Jersey with offices at 1 Ace Road, Butler, New Jersey 07405

And:

The Pequannock River Basin Regional Sewerage Authority, a public body corporate and politic of the State of New Jersey (hereinafter "the Authority") in the Counties of Morris and Passaic and the State of New Jersey, with offices at 1 Ace Road, Butler, New Jersey 07405

WITNESSETH

WHEREAS, the Authority owns and operates a system for the collection of wastewater flows consisting of pipes, manholes and appurtenances located within its District and service area; and

WHEREAS, Butler owns and maintains various streets and roads within its municipal boundaries as public thoroughfares; and

WHEREAS, the Authority is in the process of implementing the completion of an interceptor sewer project pursuant to Contract I-4A with Hutton Construction, LLC, dated February 26, 2015, a portion of which calls for the paving of certain streets within Butler; and

WHEREAS, the Authority desires to delete from Contract I-4A certain pavement work within Borough roadways on Brook Street, Valley Road and High Street, as well as that within Boonton Avenue, a Morris County roadway; within the Borough; and

WHEREAS, Butler is independently undertaking a program for the paving of public streets within its municipal boundaries and is willing to undertake the performance of the above paving and related work deleted from the aforesaid I-4A Contract;

WHEREAS, N.J.S.A. 40A:65-4 provides that any local unit (including an authority and a municipality) may enter into an agreement whereby one of the local units provides services to the other which it is empowered to provide within its own jurisdiction.

NOW, THEREFORE, in consideration of these premises, the mutual covenants and agreements herein set forth, and of the undertakings of each party to the other, each binding itself, do mutually covenant, promise and agree as follows:

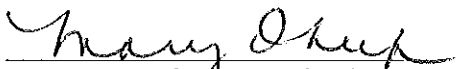
1. Butler agrees to perform and complete the final pavement of Brook Street, Valley Road, High Street and Boonton Avenue consisting of the areas to be deleted from the Authority's Contract I-4A with Hutton Construction, LLC, and also to restripe lines within High Street and Boonton Avenue.

2. Between the time the Authority closes out Contract No. I-4A and the Borough completes the final pavement of Brook Street, Valley Road and High Street and Morris County completes the final pavement of Boonton Avenue, Butler further agrees to maintain the sewer trench construction areas for the lines installed by Hutton Construction and to maintain the temporary pavement along said locations in a safe and passable condition.
3. In consideration for the work set forth by paragraphs 1 and 2 above, the Authority shall pay Butler the fixed amount of \$25,500.
4. In the event that Butler incurs additional costs for such paving related to curbing or other work associated with the sewer installation by Hutton Construction, the Authority shall reimburse Butler for such additional work at the actual cost incurred by Butler.
5. In accordance with N.J.S.A. 4A: 65-9, the services to be provided by Butler through the utilization of a private contractor shall be awarded in accordance with the Local Public Contracts Law.
6. This Agreement shall come into effect upon its execution and delivery by, or on behalf of Butler and the Authority pursuant to duly adopted Resolutions of both local units and shall remain in effect until the pavement and maintenance work contemplated herein is completed by Butler and Butler shall have been fully reimbursed for the same.
7. If any one or more of the covenants or agreements provided in this Agreement on the part of Butler or the Authority to be performed, should be contrary to law, then such covenant or agreement shall be deemed severable from the remaining terms and shall not affect the validity of the other provisions of the Agreement.
8. This document contains the entire agreement between the parties and may only be changed or modified in a writing signed by both parties.

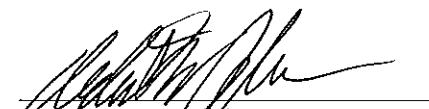
IN WITNESS WHEREOF, the parties have caused this Agreement to be executed by their respective officials as of the date first above written.

THE BOROUGH OF BUTLER

ATTEST:


 Mary O'Keefe, Borough Clerk

By:



 Robert W. Arviene, Mayor

PEQUANNOCK RIVER BASIN
 REGIONAL SEWERAGE AUTHORITY

ATTEST:


 Edwin Howard, Secretary

By:


 Robert Voorman, Chairman

STATE OF NEW JERSEY)

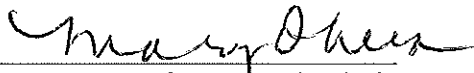
:SS


COUNTY OF MORRIS)

I CERTIFY that on 17th day of May, 2016, Mary O'Keefe personally came before me and this person acknowledged under oath, to my satisfaction, that:

- a) this person is the Borough Clerk of the Borough of Butler, the Municipal Corporation names in this document;
- b) this person is the attesting witness to the signing of this document by the proper Corporation officer who is Robert W. Alviene, the Mayor of the Municipal Corporation;
- c) this document was signed and delivered by the Corporation as its voluntary act duly authorized by a proper resolution of its Governing Body; and
- d) this person knows the proper seal of the Corporation which was affixed to this document; and
- e) this person signed this proof to attest to the truth of these facts.

Signed and sworn to before me
on May 17, 2016


Mary O'Keefe, Borough Clerk


A Notary Public of the State
of New Jersey
My commission Expires:
(Affix Seal)

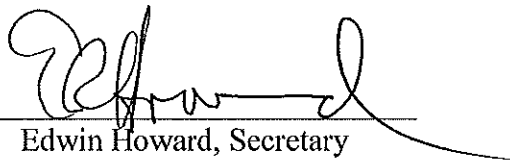
DEBORAH ANN SIMONSON
NOTARY PUBLIC OF NEW JERSEY
Commission Expires 8/8/2017

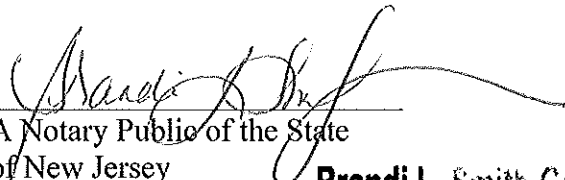
STATE OF NEW JERSEY)
 :
COUNTY OF MORRIS)

SS.:

On this 20 day of April, 2016, before me, the subscriber personally appeared Edwin Howard who, being by me duly sworn on his oath, doth depose and make proof to my satisfaction that he is the Secretary of the Pequannock River Basin Regional Sewerage Authority, the Authority named in the within instrument; that Robert Voorman is the Chairman of said Authority; that the execution as well as making of this instrument has been duly authorized by a proper resolution of the Authority; the deponent well and truly knows the corporate seal of the said Authority; and the seal affixed to said instrument is such seal and was thereto affixed and said instrument signed and delivered by said Chairman as and for the voluntary act and deed of said Authority, in the presence of deponent, who thereupon subscribed by name thereto as witness.

Signed and sworn to before me
on April 20, 2016


Edwin Howard, Secretary


A Notary Public of the State
of New Jersey
My commission Expires:
(Affix Seal) **Brandi L. Smith-Greco**
Notary Public of New Jersey
Commission Expires 02-19-18

165149

BOROUGH OF BUTLER
RESOLUTION NO. 2016 - 50

**A RESOLUTION AUTHORIZING THE EXECUTION OF A SHARED SERVICES
AGREEMENT BETWEEN THE BOROUGH OF BUTLER AND THE
PEQUANNOCK RIVER BASIN REGIONAL SEWERAGE AUTHORITY**

WHEREAS, the Borough Council of the Borough of Butler finds that it is in the public interest to enter into a shared services agreement with the Pequannock River Basin Regional Sewerage Authority in the form attached hereto, for paving contracting services to be provided by the Borough of Butler in accordance with the Uniform Shared Services and Consolidation Act, N.J.S.A. 40A:65-1, et seq.; and

WHEREAS, pursuant to N.J.S.A. 40A:65-5, a municipality entering into such a shared services agreement must adopt a resolution clearly identifying the agreement and ensure that a copy of the agreement is available for public inspection; and

WHEREAS, any agreement entered into pursuant to the Uniform Shared Services and Consolidation Act must be filed for informational purposes, with the Division of Local Government Services within the Department of Community Affairs pursuant to the rules and regulations promulgated by the Director; and

WHEREAS, the Borough Council of the Borough of Butler has determined that it is in the best interest of the Borough to enter into this Agreement.

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Butler, in the County of Morris and State of New Jersey, as follows:

1. A Shared Services Agreement with the Pequannock River Basin Regional Sewerage Authority for pavement work within the Borough roadways on Brook Street, Valley Road, and High Street as well as within Boonton Avenue, a Morris County Roadway be and the same is hereby


approved pursuant to the Uniform Shared Services and Consolidation Act, N.J.S.A. 40A:65-1, et seq.

2. The Mayor and Borough Clerk are hereby authorized and directed to execute said Shared Services Agreement on behalf of the Borough.

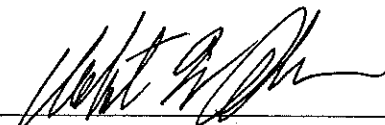
3. The Borough Clerk is hereby authorized and directed to provide a fully executed copy of the Agreement along with a certified copy of the Resolution authorizing same to the Department of Community Affairs ("DCA") in accordance with N.J.S.A. 40A:65-4(a)(3)(b)

4. This Resolution shall take effect immediately.

Adopted: 5/3/16



Mary O'Keefe, Borough Clerk



Robert W. Alviene, Mayor

Certification of a true & lawful copy of a Resolution/Ordinance/Minutes adopted by the Borough Council of the Borough of Butler, County of Morris, State of New Jersey at its meeting held on May 3, 2016



Borough Clerk