

**RESOLUTION**

**WHEREAS**, The Township is the owner of certain real property known as Block 170, Lots 13, 15.3 and 17 on the Tax Maps of the Township commonly known as 590 Mt. Pleasant Avenue, West Orange, (the "Property"); and

**WHEREAS**, on or about May, 2014, the Township and Reliable entered into a certain agreement whereby Reliable was authorized to manage, operate, and maintain the Facility for a period of three years with two one year options; and

**WHEREAS**, on October 29, 2011, an extraordinary, Noreastern snow weather event occurred which created an extraordinary condition in the Township whereby an emergency existed whereby a vastly larger surplus of materials were transported to the facility for processing by Reliable; and

**WHEREAS**, in October 2012, Superstorm Sandy hit the Township of West Orange which created an emergent, unanticipated and extraordinary condition whereby substantial additional materials were transported to the Facility; and

**WHEREAS**, Reliable submitted invoices for the 2011 weather event totaling \$388,500 concerning the influx of the additional materials caused by the storm; and

**WHEREAS**, Reliable asserts that the extraordinary expenses incurred by the Township after Superstorm Sandy exceeded \$250,000; and

**WHEREAS**, the Township was unable to satisfy the additional invoices and unable to recoup this money from FEMA due to the fact that the Township would have to pay the invoices and then submit them for possible partial reimbursement of the total amounts incurred; and

**WHEREAS**, Reliable has asserted claims against the Township with regard to these unpaid invoices and services which Reliable asserts are extraordinary and unanticipated; and

**WHEREAS**, the Township has the right to exercise two additional one-year options;

**NOW THEREFORE, BE IT RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST ORANGE**, that the Mayor be and hereby is authorized to execute and the Municipal Clerk be and is hereby authorized to witness the annexed Amendment and Release Agreement Concerning Management, Operation and Maintenance of the West Orange Recycling Center and Compost Facility; and it is

**RESOLVED**, that the original of the Amendment and Release Agreement shall be maintained by the Municipal Clerk in accordance with applicable law.

**RESOLVED**, that a copy of this Resolution shall be made available in the Clerk's office in accordance with applicable law.

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**Karen J. Carnevale, R.M.C.**  
**Township Clerk**

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**Victor Cirilo**  
**Council President**

**Adopted: August 9, 2016**