

BOROUGH OF BLOOMINGDALE

ORDINANCE #21-2012

**AN ORDINANCE TO DISSOLVE THE LAKELAND REGIONAL SOLID WASTE
MANAGEMENT AUTHORITY**

WHEREAS, in May 1977, the municipalities of Bloomingdale, Butler, Kinnelon, Pequannock, Pompton Lakes and Ringwood joined together to form the “Lakeland Solid Waste Management Authority” (hereinafter, the “Authority”); and

WHEREAS, each of the member municipalities contributed to the Authority in the following percentages of the initial budgeting requirements:

Bloomingdale	13.1%	Pequannock	22.8%
Butler	12.6%	Pompton Lakes	17.7%
Kinnelon	12.9%	Ringwood	20.9%; and

WHEREAS, While the Authority was formed, and moved forward toward hiring professionals, it never actually operated for its intended purpose, and for over 30 years has continued to exist without taking any actions or operation in any fashion; and

WHEREAS, Kinnelon has control of an open bank account for the benefit of the Authority and since the Authority has never conducted any business, and will not do so in the future, Bloomingdale believes that it is sensible to disband the Authority and to disburse funds back to the member municipalities in the same percentages as their original contributions; and

WHEREAS, Pursuant to N.J.S.A. 40:66A-64, the governing bodies which have created a solid waste management authority may dissolve the authority upon the condition that:

“...a. the members of the authority have not been appointed, the authority by resolution duly adopted consents to such dissolution or the governing body desires to join the creation of another authority under this or another law and

b. the solid waste management authority has no debts or obligations outstanding or all creditors or obligees of the authority have consented to its dissolution.”

WHEREAS, members have not been appointed to the Authority; the Authority is not in operation; and the Authority has no debts or obligations outstanding, the adoption of parallel ordinances is the appropriate way to proceed to finalize the dissolution of the Authority.

NOW, THEREFORE, BE IT ORDAINED by the Governing Body of the Borough of Bloomingdale, County of Passaic, State of New Jersey, that the Lakeland Regional Solid Waste Management Authority be and hereby is dissolved.

Certified copies of the Dissolution Ordinances are to be filed with the Secretary of State upon proof of such filing, the authority shall be dissolved.

SEVERABILITY. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court or federal or state agency of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.

INCONSISTENT ORDINANCES. Ordinances resolution and regulations or parts of ordinances, resolutions, and regulations inconsistent herewith, are hereby repealed to the extent of such inconsistency.

EFFECTIVE DATE. This Ordinance shall take effect upon passage and publication according to law.

PUBLIC NOTICE

NOTICE IS HEREBY GIVEN, that the above Ordinance was introduced and passed on first reading at the regular meeting of the Borough of Bloomingdale, County of Passaic, State of New Jersey held in the Municipal Building on the 23rd day of October 2012, and the same shall come up for final passage at the regular meeting of the Mayor and Council to be held on the 27th day of November, 2012 , at 7:30 P.M., at the Bloomingdale Municipal Building, at which time any persons interested shall be given the opportunity to be heard concerning said Ordinance.

Jane McCarthy, RMC

Municipal Clerk