

**RESOLUTION**  
of the  
**BOROUGH OF NEW PROVIDENCE**  
Resolution No. 2012- 091

Council Meeting Date:

Date Adopted:

TITLE: RESOLUTION AUTHORIZING AGREEMENT BETWEEN THE BOROUGH OF NEW PROVIDENCE AND THE COUNTY OF UNION FOR CERTIFIED RECYCLING PROFESSIONAL SERVICES

Councilperson \_\_\_\_\_ submitted the following resolution, which was duly seconded by Councilperson \_\_\_\_\_.

BE IT RESOLVED by the Mayor and Council of the Borough of New Providence, in the County of Union and State of New Jersey, that they do hereby approve and authorize an agreement between the County of Union and the Borough of New Providence for Certified Recycling Professional Services, in the form attached hereto.

BE IT FURTHER RESOLVED by the Mayor and Council of the Borough of New Providence in the County of Union and State of New Jersey, that they do further authorize and direct the Mayor and Borough Clerk to execute same on behalf of the Borough of New Providence.

APPROVED, this 27<sup>th</sup> day of February, 2012.

## RECORD OF VOTE

	AYE	NAY	ABSENT	NOT VOTING
CUCCO	X			
GALLUCCIO	X			
GENNARO	X			
LESNEWICH			X	
MUÑOZ	X			
ROBINSON	X			
HERN			TO BREAK COUNCIL TIE VOTE	

I hereby certify that the above resolution was adopted at a meeting of the Borough Council held on the 27<sup>th</sup> day of February, 2012.

Wendi B. Barry, Borough Clerk

**AGREEMENT BETWEEN THE BOROUGH OF NEW PROVIDENCE  
AND THE COUNTY OF UNION  
FOR CERTIFIED RECYCLING PROFESSIONAL (CRP)  
TO PREPARE ANNUAL RECYCLING TONNAGE REPORT**

Beginning 2012, each New Jersey municipality is required by the Recycling Enhancement Act (REA) to have mandatory Annual Recycling Tonnage Reports approved and “signed” by a Certified Recycling Professional (hereinafter “CRP”). Recycling Tonnage Reports will be submitted via email to the New Jersey Department of Environmental Protection (NJDEP) utilizing a spreadsheet compatible with the Microsoft Excel structure provided by the Department.

**THIS AGREEMENT** by and between Borough Of New Providence (municipality), a municipal body politic having its offices at 360 Elkwood Ave New Providence New Jersey, 07974, and the County of Union, New Jersey, a body politic having its offices located at Elizabethtown Plaza Elizabeth New Jersey, 07207(hereinafter "County" or “New Providence” Municipality), is dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

**WHEREAS**, New Providence, by ordinance, has duly enacted a recycling plan for all recyclable materials as designated by the Union County Solid Waste Management Plan and amendments thereto and:

**WHEREAS**, New Providence is desirous of retaining CRP services of Union County for the signing of said Annual Recycling Tonnage Report; and

**WHEREAS**, the award of this contract to the Union County pursuant to N.J.S.A. Section 13:1E-99.14 is an exception to the bidding requirements as set forth in the “Local Public Contracts Law” pursuant to N.J.S.A. Section 40A:11-5(2), and the Board of Chosen Freeholders for Union County.

**NOW, THEREFORE,** in consideration of the terms, conditions, mutual benefits and covenants hereinafter set forth, the Borough of New Providence and the Union County Board of Chosen Freeholders make this agreement.

1. New Providence shall retain the services of Union County for a CRP that will be responsible for reviewing and approving the Borough's mandatory annual municipal recycling tonnage report, as provided in the Union County Solid Waste Management Plan, and with the State NJDEP.
2. It is understood that the responsibility for the accuracy of all tonnage and materials reported lies with the designated preparer of the Recycling Tonnage Report, regardless if it is a municipal representative, or the aforementioned CRP. New Providence designates: James Johnston as the preparer of the report. The report preparer is responsible should the NJDEP audit the report submittal.
3. It is The Borough of New Providence responsibility to retain the appropriate documentation for five years in the event of a field review.
4. The Borough of New Providence reserves the right to reasonably amend the specifications of this Agreement by giving thirty (30) day written notification to the County Of Union of any changes thereto.
5. This agreement is the entire agreement between The Borough Of New Providence and the County Of Union and supersedes all

previous agreements and discussions. Any amendments hereto must be in writing and must be duly executed by the Borough of New Providence and the County Of Union to become effective.

- 6. If any provision of this Agreement is determined by a court of competent jurisdiction to be illegal, void, ultravires, or unconstitutional, the remainder of this Agreement shall continue in full force and effect.

**IN WITNESS HERETO** the parties hereto have set their hands of the proper public official as of the date and year first above written.

BOROUGH OF NEW PROVIDENCE

Attest:

\_\_\_\_\_  
J. Brook Hern, Mayor

\_\_\_\_\_  
Wendi B. Barry, Borough Clerk

UNION COUNTY

\_\_\_\_\_  
By: \_\_\_\_\_  
(Name & Title)

A copy of this executed agreement shall be forwarded to the NJDEP, either electronically to [REATAX@dep.state.nj.us](mailto:REATAX@dep.state.nj.us) or by mail to:

NJDEP-Solid & Hazardous Waste Management Program Attn: Mr. Joe Davis  
401 E. State Street; Mail Code 401-02C; P.O. Box 420, Trenton, NJ 08625-0420