

**TOWNSHIP OF DOWNE  
CUMBERLAND COUNTY, NEW JERSEY**

**ORDINANCE NO. 2017-3**

**AN ORDINANCE AUTHORIZING THE EXECUTION OF AN AGREEMENT BETWEEN THE  
COUNTY OF CUMBERLAND AND DOWNE TOWNSHIP**

**WHEREAS**, the Downe Township Committee is responsible for the handling of various Township matters to include the application with the NJDEP in partnership with the County of Cumberland seeking the permitting and construction of a sewer plant serving certain areas of the beach communities in Downe Township; and,

**WHEREAS**, the County of Cumberland seeks assurance of cooperation from Downe Township in the event initial or advanced seed money must be repaid to the State based upon the contemplated package plant project not being constructed for any reason; and,

**WHEREAS**, the Downe Township Committee contemplates that the only reason the Downe Township sewer project would not be built is lack of cooperation which is a facet of the Memorandum of Agreement between the County, NJDEP and the Township;

**NOW, THEREFORE, BE IT ORDAINED**, by the Township Committee of the Township of Downe, County of Cumberland and State of New Jersey that an agreement containing verbiage such as is as annexed (incorporated herein by reference) between the County of Cumberland and the Township of Downe is hereby authorized to be executed on behalf of Downe Township;

**AND, BE IT FURTHER ORDAINED**, that the Downe Township Committee, on behalf of Downe Township, does hereby guarantee the repayment of funds which are to be paid or repaid to the State of New Jersey in the context of the Memorandum of Agreement between the Downe Township Committee, the New Jersey Department of Environmental Protection and the County of Cumberland for the design, permitting and construction of a package plant or package plants servicing sections of the bay shore communities of Downe Township, which reimbursement is hereby guaranteed, which reimbursement guarantee is for amount up to \$2.5 million of seed money and funding for design and permitting, together with all amounts due with respect to project funding through the Environmental Infrastructure Financing Program for capital costs, design and engineering fees, and other expenses associated with the project which are specifically guaranteed by the Township of Downe to

the County of Cumberland for repayment of such expenditures by virtue of pledge of the taxing authority of Downe Township irrevocably such that in the event a repayment is triggered, Downe Township does guarantee repayment of subject sums related to this project;

**AND, BE IT FURTHER ORDAINED,** that such further documents as may be reasonably required in order to carry out the intention of this agreement are authorized to be executed on behalf of Downe Township.

**Section One. Repealer.** All former Ordinances of the Township of Downe which are in conflict with the provisions contained in this Ordinance are hereby repealed upon the adoption of this Ordinance.

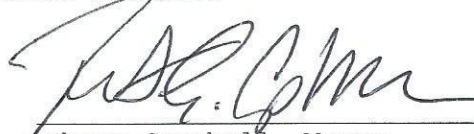
**Section Two. Severability.** If any part or parts of this Ordinance are held to be invalid for any reason such decision shall not affect the validity of the remaining portions of this Ordinance.

**Section Three.** This Ordinance shall take effect after final approval and publication as required by law.

DATE: October 9, 2017

TOWNSHIP OF DOWNE

BY:

  
Robert Campbell, Mayor

  
Nadine Lockley, Acting Municipal Clerk

STATE OF NEW JERSEY                            :  
    :  
    :  
 COUNTY OF CUMBERLAND                     :

Please take notice that the above Ordinance was adopted after a Public Hearing at a meeting of the Downe Township Committee on the 30th day of October, 2017 at the Downe Township Municipal Building in Newport, New Jersey.

ATTEST

  
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 Nadine Lockley, Acting Municipal Clerk

Adoption: First Reading: October 9, 2017  
 Publication on First Reading: October 27, 2017  
 Second Reading/ Public Hearing: October 30, 2017  
 Final Adoption: October 30, 2017