

TOWNSHIP OF MOORESTOWN

RESOLUTION NO. 144-2015

A RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF MOORESTOWN CONSENTING TO THE TRANSFER AND ASSIGNMENT OF THE TOWNSHIP'S AGREEMENT FOR SOLID WASTE COLLECTION SERVICES WITH CASWORTH ENTERPRISES, INC. TO THE GOLD MEDAL ENVIRONMENTAL CO., THE APPROVED CORPORATE SUCCESSOR TO CASWORTH ENTERPRISES, INC

WHEREAS, the Township of Moorestown, (hereinafter, the "Township"), entered into a contract with Casworth Enterprises, Inc. (hereinafter "Casworth") on March 31, 2014 for municipal solid waste collection services, for a three-year period ending on March 30, 2017, pursuant to the requirements of N.J.S.A. 40A:11-1 et seq. (the "Local Public Contracts Law"); and

WHEREAS, Casworth has performed those solid waste collection services, to the Township's satisfaction, during the time period following the execution of the above-referenced contract; and

WHEREAS, by letter dated June 29, 2015, Casworth notified the Township that it has entered into an contract of sale with Gold Medal Environmental of New Jersey, Inc., (hereinafter "Gold Medal"), whereby Casworth will transfer its trash and recycling collection assets to Gold Medal, and that the transaction had received the approval of the New Jersey Department of Environmental Protection (hereinafter "DEP");

WHEREAS, in particular, Casworth has entered into an Asset Purchase Agreement with Gold Medal, a licensed New Jersey solid waste collection utility, with its principal business address located at 1770 Hurffville Road, Sewell, New Jersey; and

WHEREAS, the subject Asset Purchase Agreement provides for Gold Medal to purchase certain assets of Casworth; relevant to Casworth's contract with the Township, for the purchase of Casworth's trash and recycling collection assets; and

WHEREAS, by Order dated June 15, 2015, Deborah Pinto, Chief of the DEP's Bureau of Planning and Licensing, approved the Asset Purchase Agreement, finding that the asset transfer will not have a negative impact on effective competition in New Jersey's solid waste collection or solid waste disposal marketplace; and

WHEREAS, that Order further required Casworth and Gold Medal to take action to conform with DEP solid waste regulations governing such agreements, including registration and re-lettering of the affected trash collection vehicles and equipment, and subjecting Gold Medal to all State regulations and requirements governing the collection and hauling of solid waste, and the company's fitness to serve as a licensed solid waste hauler; and

WHEREAS, Casworth has notified the Township that municipal approval of its contract with Gold Medal is required in order to close on the transaction; and

WHEREAS, the Township Council and staff have reviewed the proposed sale, as it might affect the Township of Moorestown, and they are satisfied that the DEP-approved sale and Gold Medal's handling of trash removal services for the Township, as the assignee/transferee of Casworth's contract with the Township, is appropriate, and is expected to maintain the safe and efficient hauling of municipal solid waste throughout the Township, and that the Township's consent to and approval of the sale is in the Township's interest;

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Moorestown, County of Burlington, State of New Jersey, that:

1. The Township of Moorestown approves the above-referenced Asset Purchase Agreement between Casworth and Gold Medal.
2. The Township of Moorestown approves the transfer of Casworth's status in its solid waste collection services contract with the Township to Gold Medal, and Gold Medal shall assume all responsibilities and rights of Casworth in the Township's solid waste collection services contract with Casworth, which is scheduled to expire on March 30, 2017.
3. Casworth and/or Gold Medal shall submit all appropriate and required documents to the Township, for its review and execution, in order for Gold Medal to assume and/or to perform under the Township's existing contract with Casworth.

<u>VOTE:</u>	
NEWCOMER	ABSENT
GARWOOD	YES
DELGADO	YES
JORDAN	YES
NAPOLITANO	YES

Certified to be a true and correct copy of a Resolution adopted by the Township Council at its meeting on July 13, 2015.

Patricia L. Hunt, RMC
Township Clerk