WARREN TOWNSHIP SEWERAGE AUTHORITY

RESOLUTION NO. 11 - 106

RESOLUTION GRANTING PRELIMINARY AND FINAL APPROVAL OF THE APPLICATION OF WOLF OWENS COMPANY, LLC FOR CONNECTION VIA GRAVITY LATERAL AND SADDLE TAP, AND TWO (2) ADDITIONAL EDUS OF CAPACITY, TO SERVE THREE PROPOSED SINGLE-FAMILY DWELLINGS LOCATED ON THE SUBDIVISION OF BLOCK 85, LOT 15.03, 123 OLD STIRLING ROAD IN THE STAGE I/II SERVICE AREA

WHEREAS, the applicant, Wolf Owens Company, LLC, has applied to the Authority for preliminary and final approval for connection by gravity lateral and saddle tap and for two (2) additional EDUs of capacity to serve three proposed single-family dwellings located on the subdivision of current Block 85, Lot 15.03, 123 Old Stirling Road, in the Stage I/II sewer service area; and

WHEREAS, an existing dwelling on the subject property was previously connected to the Authority’s system; and

WHEREAS, in the past, there has been limited capacity in the Stage I/II Sewer Service Area, resulting in the creation of a waiting list for properties in that sewer service area that wish to connect, but for whom there was not available capacity; and

WHEREAS, by Resolution No. 98-37, the Authority authorized the undertaking of a second Infiltration and Inflow Rehabilitation Program (the “Second I&I Program”) in the Stage I/II Sewer Service Area in an attempt to alleviate the waiting list, in which property owners could agree to pay the Authority to participate in the rehabilitation of infiltration and inflow conditions in exchange for priority in connecting to the Authority’s system following the completion of the program; and

WHEREAS, after determining that the Second I&I Program was not going to produce additional capacity, by Resolution 01-83, the Authority determined to give each Participant the option of (1) receiving a refund of his or her deposit, together with interest calculated at the rate of 3.5% per annum, or (2) allowing the Authority to retain the deposit to be applied against an eventual connection fee, in which case the property would retain priority as an I&I Participant on the I&I Participant Waiting List for capacity within the Stage I/II Sewer Service Area, if such capacity were to become available; and

WHEREAS, the applicant was a participant in the Second I&I Program with priority for two (2) EDUs of capacity for the subject property, and elected to retain its priority to connect in the event capacity became available; and

WHEREAS, the Authority determined to construct a connection between the Authority’s wastewater collection system and the Berkeley Heights wastewater collection system for the purpose of diverting wastewater from portions of the Authority’s Stage I/II...
Sewer Service Area, which diversion of flow had the effect of making additional capacity available for unconnected properties within Stage I/II, including those properties that participated in the I&I Program; and

WHEREAS, the construction associated with the transfer of the flow from certain properties within the Township of Warren to the Berkeley Heights wastewater treatment system, as set forth in the Agreement between the Authority and Berkeley Heights, has been completed, and by Resolution 09-124 the Authority determined that sufficient capacity had been created in the Stage I/II Sewer Service Area for the Authority to offer 98 EDU’s of capacity to property owners in the Stage I/II Sewer Service Area; and

WHEREAS, pursuant to the Agreement between the Authority and the Township of Berkeley Heights, the wastewater from certain properties within the Stage I/II Sewer Service Area has been diverted to the Berkeley Heights wastewater treatment system as of January 19, 2010, which has made the aforementioned capacity available for I&I Participants to connect to the Authority’s system; and

WHEREAS, the applicant was sent a letter on or about November 11, 2009, regarding the transfer of capacity to Berkeley Heights, which letter indicated that the applicant would have 180 days from the date it received notice that flow was redirected to Berkeley Heights to make an application or applications for connection to the Authority; and

WHEREAS, the Authority sent the applicant a letter via certified mail on or about February 11, 2010 informing it of the redirection of flow to Berkeley Heights, but which letter was never confirmed received; and

WHEREAS, the Authority sent the applicant another letter via certified mail on or about June 20, 2011 to confirm whether or not applicant intended to submit an application for connection; and

WHEREAS, the applicant responded via letter received by the Authority on or about July 12, 2010, indicating that the applicant would be making an application for the two (2) EDUs for which it had priority, which application was subsequently made; and

WHEREAS, the subject parcel presently contains an existing single-family dwelling, which is currently connected to the Authority’s 8-inch sewer main in Old Stirling Road. On the proposed plans, all existing structures are shown to be removed; and

WHEREAS, the applicant proposes to subdivide Lot 15.03 into three new lots, 15.03, 15.07, and 15.08, and to construct a new single-family dwelling on each. The new dwelling on the proposed Lot 15.03 is to be connected to the sewer main using the existing lateral from the property. The dwellings to be constructed on Lots 15.07 and 15.08 will each be connected by a proposed 4-inch gravity lateral and saddle tap to the 8-inch sewer main in Old Stirling Road; and

WHEREAS, the drawings show a proposed easement across proposed new Lot 15.03 for the lateral for proposed new Lot 15.08; and
WHEREAS, the 4-inch laterals have been designed in conformance with the Authority's specifications and the pertinent construction details are included on the drawings; and

WHEREAS, by memorandum dated October 12, 2011, the Authority's Engineer has indicated that he has reviewed the drawings submitted on behalf of the applicants, Sheets 1 through 7 of 7, dated August 3, 2011, and a revision of Sheet 4 dated October 10, 2011, as prepared by Stires Associates, P.A., and has determined that all technical specifications have been met for preliminary and final approval and has recommended that the Authority grant preliminary and final approval, subject to the conditions set forth below.

NOW, THEREFORE, BE IT RESOLVED by the Warren Township Sewerage Authority, County of Somerset, State of New Jersey, that the Authority hereby grants preliminary and final approval to Wolf Owens Company, LLC, for the connection of three proposed single-family dwellings on the subdivision of Block 85, Lot 15.03, 123 Old Stirling Road, to the existing 8-inch sewer line in Old Stirling Road by means of saddle taps and gravity laterals, with two (2) EDUs of capacity in the Stage I/II service area, contingent upon the following conditions:

1. The applicants shall comply with all of the Authority’s Rules and Regulations, including the payment to the Authority of the then-applicable connection fee.

2. All new sanitary sewer construction on each new lot is under the jurisdiction of the Local Plumbing Sub-code Official. The installation of the saddle taps and portions of the new 4-inch laterals for new Lots 15.07 and 15.08 within the Old Stirling Road right-of-way, and the portion of the new 4-inch lateral within the easement on new Lot 15.03, are under the jurisdiction of the Authority, and the applicants shall pay additional escrow money in the amount of $700.00 to cover the costs associated with inspection of the work by a representative of the Authority.

3. The applicants shall not commence any construction without first obtaining the necessary permits, including a Township Road Opening Permit for work performed within Old Stirling Road.

4. The applicant shall submit to the Authority a copy of the executed Easement agreement for the private easement across new Block 85, Lot 15.03, including a metes and bounds description, prior to initiating construction of the proposed saddle tap and lateral for Block 85, Lot 15.08.

5. If applicable, the applicant, prior to any excavation, must provide written notice to the Somerset-Union Soil Conservation District.

6. The applicant shall not commence any construction requiring engineering inspection until it has provided proof to the Authority that the applicants have notified the “One-Call Damage Prevention System” pursuant to the Underground Facility Protection
Act, N.J.S.A. 48:2-73, et seq., which proof shall be provided by supplying the Authority with the confirmation number assigned to the notice of intent pursuant to said Act.

7. The applicants shall complete all site restoration work associated with the construction of the sanitary sewer to the satisfaction of the Authority and the Township.

Moved by Mr. Truglio
Seconded by Mr. Kaufman

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<td>Ms. Garafola</td>
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<td>Mr. Truglio</td>
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<td>Mr. George Vetter (Alternate #1)</td>
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<td>Mr. Alan Kaufman (Alternate #2)</td>
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CERTIFICATION

I, Deborah Catapano, Secretary of the Warren Township Sewerage Authority in the County of Somerset, New Jersey, do hereby certify that the above resolution is a true and correct copy of a resolution adopted at a meeting of the Warren Township Sewerage Authority on October 19, 2011.

Deborah Catapano, Authority Secretary