

WARREN TOWNSHIP SEWERAGE AUTHORITY

RESOLUTION NO. 11- 84 (revised)

RESOLUTION AUTHORIZING THE AUTHORITY CHAIR TO EXECUTE THE THIRD AMENDMENT TO THE MAY 31, 2000 AGREEMENT BETWEEN THE WARREN TOWNSHIP SEWERAGE AUTHORITY AND THE TOWNSHIP OF BERKELEY HEIGHTS

WHEREAS, the Authority and the Township of Berkeley Heights (“Berkeley Heights”) entered a Sewer Use Agreement, dated May 31, 2000, (the “Agreement”) which provided for connection of certain properties in Warren Township to the Berkeley Heights Sewer System; and

WHEREAS, the Authority and Berkeley Heights have executed the First Amendment to the Agreement, dated October 2006, (the “First Amendment”), the Second Amendment to the Agreement, dated February 17, 2009, (the “Second Amendment”) as well as numerous Letter Agreements; and

WHEREAS, since the execution of the Agreement, the First Amendment, and the Second Amendment, the Authority has received an application from BAC Center for Excellence, LLC (“BAC”), involving certain property that is contemplated to be sewered pursuant to the Agreement, and also involving certain property that could be sewered under the Agreement, but is not included in the current agreement, approval of which application will be conditioned upon modification of the Agreement, the First Amendment, and the Second Amendment; and

WHEREAS, the Agreement shall be modified as necessary for approval and connection of the BAC project. Such modifications will include the addition as a permitted point of connection under the Agreement the existing Berkeley Heights system in Emerson Lane, modification of Schedules A and B as included with that Agreement, as well as the inclusion of a new Schedule, which will set forth a schedule of properties within Warren that will connect to the Berkeley Heights system through the existing Berkeley Heights manhole in Emerson Lane, and modification of the limits on average daily flow; and

WHEREAS, the Authority acknowledges and agrees to the modifications proposed to be set forth in such Third Amendment to the May 31, 2000 Sewer Use Agreement (the “Third Amendment”) and desires to authorize execution of the Third Amendment in a form acceptable to and recommended by the Authority’s attorney.

NOW, THEREFORE, BE IT RESOLVED by the members of the Warren Township Sewerage Authority, County of Somerset, State of New Jersey that the Chair is hereby authorized to execute a Third Amendment to the May 31, 2000 Sewer Use

Agreement between the Authority and the Township of Berkeley Heights, which shall be in a form acceptable to and recommended by the Authority's attorney.

Moved by
Seconded By

Roll Call Vote	Yes	No
Chairman Reeder	_____	_____
Mr. Florey	_____	_____
Mr. Truglio	_____	_____
Ms. Garafola	_____	_____
Mr. Vetter (Alternate)	_____	_____
Mr. Kaufman (Alternate)	_____	_____

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 August 17, 2011.

Deborah Catapano, Authority Secretary