WARREN TOWNSHIP SEWERAGE AUTHORITY

RESOLUTION NO. 11 - 93

RESOLUTION GRANTING PRELIMINARY AND FINAL APPROVAL OF THE APPLICATION OF BAC CENTER OF EXCELLENCE, LLC FOR CONNECTION OF A PROPOSED AQUATIC CENTER LOCATED WITHIN WARREN TOWNSHIP FOR TREATMENT BY THE BERKELEY HEIGHTS TREATMENT PLANT BY MEANS OF PUMP STATION AND FORCE MAIN CONNECTING TO THE EXISTING MANHOLE IN EMERSON LANE WITH TWENTY-TWO (22) EDU’S OF CAPACITY LOCATED ON BLOCK 208, LOTS 2, 7, 9, 10, 11, 12 & 19, 4 HILLCREST ROAD

WHEREAS, the applicant, BAC Center of Excellence, LLC, has applied to the Authority for preliminary and final approval for connection within Warren Township by means of pump station and force main for treatment by the Berkeley Heights sewer treatment plant, and for twenty-two (22) EDU’s of capacity to serve a proposed 51,272 s.f. aquatic center, located on Block 208, Lot 2, 7, 9, 10, 11, 12 & 19, 4 Hillcrest Road; and

WHEREAS, by prior Resolution 10-118, the Authority granted conceptual approval to BAC Center of Excellence, LLC, for connection by means of pump station and force main and for twenty-two (22) EDU’s of capacity to serve this proposed aquatic center; and

WHEREAS, the applicant proposes to discharge the wastewater from the new facility to the Berkeley Heights sewer system by means of a pump station and 4-inch force main discharging to an existing manhole in Emerson Lane in Berkeley Heights. The existing structures and septic systems within the property are to be abandoned in accordance with Township requirements; and

WHEREAS, Lots 2 and 10 are within the boundaries of the Schedule B properties as set forth in the Sewer Use Agreement between the Authority and Berkeley Heights, which properties are designated to discharge to Berkeley Heights by connection to the sewer line in Hillcrest Road. The other lots comprising the proposed complex are outside of Schedule B, but are included in the Authority’s Wastewater Management Plan as being approved to discharge to the Berkeley Heights system. Accordingly, as noted further below, actual construction of this project will require amendment of the Sewer Use Agreement between the Authority and Berkeley Heights; and

WHEREAS, the applicant’s engineer has estimated the average daily wastewater flow from this facility as 6,000 gpd, based upon a maximum membership of 400. The NJDEP design flow figure for a “multi-member swimming pool” is 15 gpd per member. 400 members x 15 gpd per member = 6,000 gpd, for a total of twenty-two (22) EDU’s. This figure includes normal filter backwashing, but drainage of the pool will be to the storm {00228212.2)
system, as allowed by NJDEP. The applicant’s engineer has further represented that the swimming pool filters will be high rate sand filters; and

WHEREAS, the applicant’s engineer has demonstrated that a gravity connection to either the manhole in the Authority’s system on Emerson Lane, or another manhole in Hillcrest Road, is not possible based upon grade elevations, and therefore, pumping for this project conforms with the requirements of the Authority’s Rules and Regulations; and

WHEREAS, the applicant’s engineer has submitted the design report with calculations showing that the expected peak flow into the proposed wet well could be as high as 96 gallons per minute (gpm). For this system with a 4-inch force main, the applicant will utilize duplex pumps each with a maximum pumping rate of 96 gpm. A 5,000 gallon holding tank is provided for the filter backwash system. This will discharge to the wet well at a rate of 30 gpm. Each sewage pump has been designed to handle the expected peak flow and the pump controls include a high water alarm; and

WHEREAS, the proposed pump station is located in the mechanical area of the basement and the proposed force main traverses Lots 10, 7, 19 and 12. In the Sanitary Sewer Design Report and a letter dated November 3, 2010, the applicant's engineer has provided support for the interior location of the pump station within the basement area for mechanical operations, equipment monitoring, and equipment maintenance considerations. In previous correspondence, Berkeley Heights has indicated that provisions for flow monitoring, measurement, and data retention shall be required and the applicant shall include the necessary provisions; and

WHEREAS, twenty foot wide easements are shown on the proposed Block 208, Lots 19 and 12. While these lots are owned by the applicant, the applicant has determined, and the Authority agrees, that such easements are desirable in the event that these properties are eventually sold. The drawings also indicate that the private sanitary sewer force main shall be constructed on private property within the Township of Warren, with the force main entering the Emerson Lane public right of way at the boundary between the Townships of Warren and Berkeley Heights. The sanitary sewer force main shall remain in private ownership and the easements noted shall be private easements; and

WHEREAS, sewering of this project will require execution by the Authority and by Berkeley Heights of an amendment to the Sewer Use Agreement between the Authority and Berkeley Heights to include sewering of this project. Such amendment will contain the requirement that the applicant pay the connection fees required by both the Authority and Berkeley Heights. In addition, the Authority anticipates that the amendment will also require that the applicant be responsible for the payment of the pro-rata share of the costs of improvements to certain portions of the Berkeley Heights system; and

WHEREAS, the applicant shall be responsible for its applicable pro-rata share of the costs of improvements to the Berkeley Heights system as set forth in the Agreement, and the applicant shall execute a recordable instrument setting forth that responsibility, as may be required by the Authority; and
WHEREAS, by memorandum dated August 11, 2011, the Authority’s Engineer has indicated that he has reviewed both the Sanitary Sewer Design Report, which was dated June, 2011 and was prepared by PS&S, LLC, and the drawings submitted on behalf of the applicant, consist of Sheets C-1 through C-21 of 21, dated June 30, 2011, as prepared by PS&S, LLC, and Sheets A101 through A202, dated February 11, 2011, as prepared by Wallover Architects, Inc.; 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 for the connection of the proposed aquatic center.

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 Plan Approval to BAC Center of Excellence, LLC, for the connection of a proposed aquatic center complex at 4 Hillcrest Road on Block 208, Lots 2, 7, 9, 10, 11, 12 & 19 for eventual treatment by the Berkeley Heights sewage treatment plant by means of a pump station and force main connecting to the existing manhole in Emerson Lane, near the intersection of the Mountain Avenue paper street, with an average daily flow of 6,000 gpd, or 22 EDU’s, and a maximum pumping rate of 96 gpm into the Berkeley Heights sewer system. The items that must be addressed before the applicant may receive any formal approval include, but are not limited to, the following:

1. The applicant shall comply with all of the Authority’s Rules and Regulations, and the payment of all fees, including the applicable connection fees for the twenty-two (22) EDU’s.

2. The applicant shall not be issued a connection permit until applicant has provided confirmation that the applicable Berkeley Heights connection fee has been paid to Berkeley Heights.

3. The approval granted herein is conditioned upon execution by the Authority and by Berkeley Heights of an amendment to the Sewer Use Agreement between the Authority and Berkeley Heights. No construction or building permits shall be issued for this project until such amendment has been executed. All costs incurred by the Authority in connection with preparing and negotiating such amendment shall be paid by the applicant.

4. The approval granted herein is conditioned upon receipt by the applicant of all approvals required by Berkeley Heights. The applicant shall provide technical conditions regarding the pumping system, such as flow monitoring, measurement, and data retention, and shall comply with all other conditions required for approval by Berkeley Heights.

5. The applicant is solely responsible for obtaining all approvals required by Berkeley Heights, by the NJDEP, and by any other government agency with jurisdiction over this project.

6. The applicant should provide the Authority with a copy of the private easements for the force main crossing Lots 12 and 19.
7. The applicant shall be responsible for the applicable pro-rata share of the costs of improvements to the Berkeley Heights system as set forth in the Agreement, as amended, and the applicant shall execute a recordable instrument setting forth that responsibility, as may be required by the Authority.

8. Any construction within easements is under the jurisdiction of the Authority and must be inspected by a representative of the Authority, and shall be required to make the applicable escrow deposit. The applicant should confirm with the Warren Township Construction Code Office and the Township of Berkeley Heights who is responsible for construction inspection on the remaining aspects of this project.

9. Construction of all new sanitary sewer facilities on the subject parcels is under the jurisdiction of the Warren Township plumbing subcode official. The connection of the force main into the Berkeley Heights manhole and other construction within Emerson Lane in Berkeley Heights shall be under the jurisdiction of the appropriate Berkeley Heights officials.

10. The applicant shall not commence any construction without first obtaining the necessary permits.

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

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

13. The applicant shall not commence any construction requiring engineering inspection until it has provided proof to the Authority that the applicant has 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.

14. This approval applies only to the use described herein. If any part of the property of which this use is a part is to be used, either by the applicant or by future owners or tenants of the property, for any purpose other than described herein, an application for a change in use must be submitted.

15. In the event the Authority determines at a later date that the water usage associated with the subject properties exceeds twenty-two (22) EDU’s of capacity, then the sewer service fee for this property shall be billed based on such greater number of units, and the property shall be charged a recalculated connection fee equivalent to the then applicable connection fee for each such additional EDU.

Moved by ____________________________
Seconded By ___________________________

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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 August 17, 2011.

Deborah Catapano, Authority Secretary