

**WARREN TOWNSHIP SEWERAGE AUTHORITY**

**RESOLUTION NO. 12 - 150**

**RESOLUTION AMENDING RESOLUTION 12-135  
GRANTING PRELIMINARY AND FINAL APPROVAL  
OF THE APPLICATION OF DAVID HILDEBRAND FOR  
A SINGLE PUMPED CONNECTION AND ONE (1) EDU  
OF CAPACITY TO SERVE AN EXISTING SINGLE-  
FAMILY DWELLING LOCATED AT 5 DEAD RIVER  
ROAD, BLOCK 10, LOT 6, IN THE STAGE IV SEWER  
SERVICE AREA.**

**WHEREAS** the applicant, David Hildebrand, has applied to the Authority for preliminary and final approval for a single pumped connection and one (1) EDU of capacity into the existing sewer in Broken Arrow Road, to serve an existing single-family dwelling, located at 5 Dead River Road, Block 10, Lot 6, in the Stage IV sewer service area; and

**WHEREAS** the Authority's Engineer had reviewed the plans submitted on behalf of the applicant and prepared by Page Engineering Consultants ("Page"), dated October 24, 2012, consisting of the application and Sheets 1 and 2 of 2, and had discussed several clarifications with Page; and

**WHEREAS** the initial October 24, 2012 application indicated that the applicant had a failing septic system sought to remedy the failure of the septic system by including a 1-1/4 inch force main from the single family home to a new junction manhole in Dead River Road with stub-out for additional future connection(s); and,

**WHEREAS** the initial October 24, 2012 application had proposed a 2 inch force main to handle additional un-quantified future connections from the new junction manhole to connect into the existing manhole in Broken Arrow Road; and

**WHEREAS** the applicant's engineer was requested to size the system appropriately for a single connection to the existing single-family dwelling due to the existing failing septic system and the urgency to remedy the situation; and

**WHEREAS** the applicant has revised his application and has proposed the installation of an individual E-One pump station with a force main that will run out the front of the applicant's property, across Dead River Road and down Broken Arrow Road, connecting into an existing manhole in Broken Arrow Road; and

**WHEREAS** an existing force main exists within Dead River and Broken Arrow Roads which serves a single family home located at Block 10, Lot 7.01 which was installed prior to the existence of the Warren Township Sewerage Authority and due to the type and sizing of the

existing sewer pumps and force main, the Authority's Engineer has determined that it is not hydraulically feasible for the existing pump and force main system from Lot 7.01 to handle additional flow from a new pumped connection from Lot 6, and, thus, a separate force main for the new connection is needed; and

**WHEREAS** in accordance with WTSR Rules and Regulations Article 8.3, the Authority considers individual sewer pumps to be contrary to sound policy, unless the applicant demonstrates that a gravity connection is not feasible; and

**WHEREAS** the applicant had investigated the possibility of connecting by gravity into the existing sewer in Friar Tuck Court, which is located behind adjacent properties to the west of Block 10, Lot 6 and is tributary to the Stage V Service Area; and

**WHEREAS** connection to the sewer in Friar Tuck Court would require easement(s) from adjacent property owner(s) to the west of the applicant's property, and such a connection would require crossing of a stream and wetlands at the low point between the properties, which is approximately 35 feet lower than the grade at Friar Tuck Court; and

**WHEREAS** for the recited reasons the applicant has adequately demonstrated that a gravity connection to the existing sewer in Friar Tuck Court is not feasible and that no other sanitary sewers exist within the vicinity of the applicant's property; and

**WHEREAS** the applicant was requested to revise the original design in response to the comments made by the Authority's engineer and also due to the technical requirements of the Authority's Rules and Regulations; and

**WHEREAS** on December 10, 2012, design changes were completed by the applicant's engineer on behalf of the applicant and submitted to the Authority's Engineer for approval; and

**WHEREAS**, the Authority's Engineer, by memorandum dated December 10, 2012, has indicated that they have reviewed the plans and all revisions to the drawings submitted on behalf of the applicant by Page, including the plans as revised dated December 10, 2012 and has determined that this connection was designed in accordance with the Authority's Rules and Regulations and has recommended that the Authority grant preliminary and final approval; and

**WHEREAS**, Article 8.3 of the Authority's Rules and Regulations generally prohibits the use of private force mains in the public right of way; and

**WHEREAS**, based on the unique circumstances presented here, the Authority has determined, pursuant to Article 12 of its Rules and Regulations, to relax the prohibition against private force mains in the public right of way. These circumstances include the following: i) the failed septic; ii) the applicant has examined all possible alternatives for connecting to the sewer system and a force main is the only reasonably available means for connection; and iii) the applicant has complied with the Authority's Rules and Regulations to the greatest extent possible, given the circumstances, including locating more than half of the length of the force main in private property; and

**WHEREAS**, on December 19, 2012, the Authority adopted Resolution 12-135, which granted preliminary and final approval of the instant application subject to certain conditions; and

**WHEREAS**, after consultation with the Authority's Engineer, the Authority has modified its conditions of approval as reflected herein, requiring as a condition of approval that the applicants enter an Indemnification and Hold Harmless Agreement in favor of the Township and the Authority for any loss or damage arising from the construction and existence of the force main in the public right of way and that the applicants agree to abandon the force main in favor of a common shared force main should one become available in the future.

**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 David Hildebrand, for a single pumped connection and one (1) EDU of capacity into the existing sewer in Broken Arrow Road, to serve an existing single-family dwelling, located at 5 Dead River Road, Block 10, Lot 6, in the Stage IV sewer service area. The approval granted herein is subject to the following conditions:

1. The applicant shall comply with all of the Authority's Rules and Regulations, and the payment of all fees, including the payment to the Authority of the then applicable connection fees.
2. The applicant must make application to and obtain road opening permits from Warren Township for installation of the force main across Dead River Road and within Broken Arrow Road.
3. All new sanitary conveyance facilities construction on the subject parcel is under the jurisdiction of the Local Plumbing Sub-Code Official. The connection to the existing sanitary manhole in Broken Arrow Road and installation of 225 LF of 1-1/4 inch force main within the existing right-of-way of Dead River and Broken Arrow Roads is under the jurisdiction of the Authority. In accordance with Section 3.15 of the Authority's Rules and Regulations, the applicant must pay an escrow amount to cover the cost of this inspection. Based on input from the Authority's Engineer, the amount of the escrow shall be \$3,000.
4. The applicant shall properly abandon the existing septic system once connection to the Authority's sewer system has been made.
5. If applicable, the applicant, prior to any excavation, must provide written notice to the Somerset-Union Soil Conservation District.
6. 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.
7. 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.

8. Prior to the start of any construction in the public right of way, the applicant will execute a Declaration of Covenant which will be recorded in the County Property Records agreeing to abandon a portion of the private force main and connect to an approved shared common force main for a portion of the distance to the manhole in Broken Arrow Road should such an alternative become available at any future date. Satisfaction of this condition shall be evidenced by a letter from the Authority’s attorney stating that the condition has been satisfied.
9. Prior to the start of any construction in the public right of way, the applicant will execute an Indemnification and Hold Harmless Agreement which will be recorded in the County Property Records agreeing to indemnify, defend and hold harmless the Township and the Authority from any loss, damage or injury of any kind, caused in connection with the portions of the force main which will be located in the public right of way. Satisfaction of this condition shall be evidenced by a letter from the Authority’s attorney stating that the condition has been satisfied.
10. As provided in the Hold Harmless Agreement, all reaches of the force main, whether in an easement or in the public right of way, shall at all times be owned by and be the sole responsibility of the property owners of Lot 10, Block 6, their successors, heirs and assignees, and neither the Township nor the Authority shall accept dedication of any portion of the force main.
11. Should an approved shared common force main come into existence as contemplated in paragraph 8, the Hold Harmless Agreement referenced in paragraphs 9 and 10 shall remain in effect in its entirety, up and until an Indemnification and Hold Harmless Agreement is entered into among the owners of the approved shared common force main, to include the Property Owner, to be recorded in the County Property Records agreeing to indemnify, defend and hold harmless the Township and the Authority from any loss, damage or injury of any kind, caused in connection with the portions of the common force main which will be located in the public right of way. The Hold Harmless Agreement referenced in paragraph 9 indemnifying the Authority as to the portions of the force main for use solely by the Property Owner shall remain in effect simultaneously with such joint Indemnification and Hold Harmless Agreement.

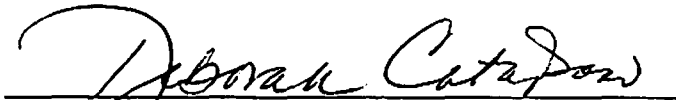
Moved by Mr. Truglio  
Seconded by Mr. Checchio

Roll Call Vote	Yes	No
Chairman Reeder	x_____	_____

Mr. Truglio	x	_____	_____
Ms. Garafola		_____	_____
Mr. Kaufman		_____	_____
Mr. Vetter		_____	_____
Mr. Checchio (Alternate #1)	x	_____	_____
Mr. Paolella (Alternate #2)		_____	_____

**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 January 16, 2013.

  
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 Deborah Catapano, Authority Secretary