

WARREN TOWNSHIP SEWERAGE AUTHORITY

RESOLUTION NO. 12-85

RESOLUTION AUTHORIZING THE AUTHORITY'S CHAIRMAN TO EXECUTE A SUPPLEMENTAL AGREEMENT TO THE APRIL 1, 1981 AGREEMENT BETWEEN THE WARREN TOWNSHIP SEWERAGE AUTHORITY AND THE TOWNSHIP OF GREEN BROOK AND TO EXECUTE AN AGREEMENT BETWEEN THE AUTHORITY AND MS. GARNICH AND SUPERSEDING RESOLUTION 11-108

WHEREAS, Warren Township Sewerage Authority ("the Authority") and the Township of Green Brook ("Green Brook") entered into an Agreement on April 1, 1981 ("the 1981 Agreement"), the purpose of which Agreement was to provide for the sewage from 200 residential properties within a designated area in Green Brook to be directed into the Authority's Middlebrook trunk system through which system such sewage flows before eventual treatment at the sewage treatment facility owned by the Somerset Raritan Valley Sewerage Authority ("SRVSA"); and

WHEREAS, as of November 1, 2011, 188 residences within Green Brook have connected under the 1981 Agreement, and the remaining 12 units have been reserved by Green Brook for the connection of specified properties (hereinafter "Specified Properties"); and

WHEREAS, Article 2, paragraph 2 of the 1981 Agreement provides that "Green Brook may apply for additional capacity at any time during the term of this Agreement, however, the decision to provide additional capacity shall be solely that of the Authority and binding upon Green Brook"; and

WHEREAS, Green Brook has requested additional capacity to serve two designated properties (hereinafter "Additional Properties") pursuant to Article 2, paragraph 2 of the 1981 Agreement, which properties are located at what is currently Windy Hill Road in Green Brook, and are designated as Block 108, Lots 43.02 and 43.04; and

WHEREAS, Kathleen Garnich ("Property Owner") is the owner of the Additional Properties; and

WHEREAS, Green Brook previously requested additional capacity to serve twenty-two properties pursuant to Article 2, paragraph 2 of the 1981 Agreement; and

WHEREAS, the Authority previously adopted Resolution No. 11-108 that authorized the Chair to execute a supplemental agreement to the 1981 Agreement for the twenty-two properties; and

WHEREAS, the Authority subsequently decided not to go forward with the 22 additional connections at this time, but to instead go forward with the 2 additional connections for the Additional Properties; and

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WHEREAS, Article 4, paragraph 3 of the 1981 Agreement provides that "In the event that capacity in excess of 200 residential dwelling units is approved by the Authority, the Capacity Rate Trunk Connection Charge prevailing at the time shall be paid by Green Brook when a sewer connection permit is granted." Green Brook agrees that because 200 connections have already been made or reserved pursuant to the 1981 Agreement, the two new connections contemplated under this Supplemental Agreement are considered additional connections over the 200 specifically provided for in the 1981 Agreement and thus, any such connections are subject to the Authority's then-applicable connection fee; and

WHEREAS, the Property Owner will agree to pay the two (2) connection fees for the Additional Properties to the Authority, SRVSA and Green Brook; and

WHEREAS, the Property Owner understands that there is litigation pending before the New Jersey Supreme Court which does not involve the Authority or the payment of connection fees to the Authority, but, depending on how that Court decides that case, might impact the amount of the connection fees that an entity such as the Authority could charge a property that is connecting indirectly into the Authority's system; and

WHEREAS, the Authority has determined to agree to Green Brook's request for capacity for two (2) additional residential connections for the Additional Properties; and

WHEREAS, the Authority will enter into 2 separate agreements in forms satisfactory to the Authority's attorney; (1) a Supplemental Agreement with Green Brook to the 1981 Agreement and (2) an Agreement with the Property Owner; and

WHEREAS, such resolution shall be conditioned upon Green Brook and the Property Owner submitting executed agreements to the Authority both to be in forms satisfactory to the Authority's attorney.

NOW, THEREFORE, BE IT RESOLVED by the members of the Warren Township Sewerage Authority, in the County of Somerset, New Jersey, that:

1. The Authority hereby authorizes its Chairman to execute a Supplemental Agreement with Green Brook to allow for an additional 2 connections and an Agreement with the Property Owner, on behalf of the Authority, both in forms satisfactory to the Authority's attorneys, such execution to occur after the agreements have first been executed by the other parties; and

2. This Resolution hereby supersedes Resolution No. 11-108 that had authorized the Chair to execute a supplemental agreement for an additional 22 connections.

Moved by Mr. Truglio
Seconded By Mrs. Garafola

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Roll Call Vote	Yes	No
Chairman Reeder	x _____	_____
Mr. Truglio	x _____	_____
Ms. Garafola	x _____	_____
Mr. Kaufman	_____	_____
Mr. Vetter	x _____	_____
Mr. Checchio (Alternate #1)	x _____	_____
Mr. Paolella (Alternate #2)	x _____	_____

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 June 20, 2012.



 Deborah Catapano, Authority Secretary