

WARREN TOWNSHIP SEWERAGE AUTHORITY

RESOLUTION NO. 13-61

RESOLUTION AUTHORIZING EXECUTION OF A DEVELOPER'S AGREEMENT BETWEEN AMERICAN PROPERTIES AT KING GEORGE, LLC., AND THE WARREN TOWNSHIP SEWERAGE AUTHORITY FOR THE CONSTRUCTION OF THE SEWERS IN THE EXISTING DRY LINES IN MT. HOREB ROAD

WHEREAS, American Properties at King George, LLC ("Developer") has recently filed an application with the Authority seeking approval to connect two properties on Miller Lane by way of two private ejector pumps in lieu of connection to the dry line that currently exists in Miller Lane and extending those lines by construction of a sewer extension in Mt. Horeb Road to King Georges Road; and

WHEREAS, the Developer had previously obtained approval to construct a sewer extension along Mt. Horeb Road, from King George Road to Miller Lane, in Warren Township, Somerset County, New Jersey (herein after "Sewer Extension") which would connect the existing dry lines in Miller Lane and well as in the rear yards of Block 72, Lots 2.15 and 2.16 into the Authority's sanitary sewer system; and

WHEREAS, the Developer is the owner of two vacant lots on Miller Lane, designated on the Warren Township tax map as Block 72, Lots 2.12 and 2.14 (the "Parcels"), for which connection stubs are currently provided as part of the dry line within Miller Lane; and

WHEREAS, by Resolution 05-35 the Authority granted approval ("Approval") to Developer or its predecessor in interest to construct the Sewer Extension, for which Approval a Treatment Works Approval ("TWA") was obtained from the New Jersey Department of Environmental Protection ("NJDEP") and which TWA remains in effect by reason of the New Jersey Permit Extension Act; and

WHEREAS, Resolution 05-35 required that the applicant install four-inch capped lateral stubs to service the following off-site lots on the proposed sewer line to serve the lots on Mount Horeb Road including Block 78, Lots, 1.01, 1.02, 1.03, 1.04 and 2, and Block 72, Lot 1.02; and

WHEREAS, Resolution 05-35 also required that the applicant would be responsible for all testing required by the Authority's Engineer of the dry sewer lines in Tall Oaks and Miller Lane, which testing shall include TV and final visual inspections, prior to obtaining permission to activate those lines; and

WHEREAS, subsequent to having obtained the Approval set forth in Resolution 05-35, Developer submitted the application to sewer the Parcel by means of individual ejector pumps and private force mains, and in support of that application submitted a cost estimate for the construction of the Sewer Extension which demonstrated that requiring construction of the Sewer Extension solely at the Developer's cost was prohibitive; and

WHEREAS, the number of properties on Miller Drive or on Geiger Lane that currently have dry lines to which they would be able to connect if the Sewer Extension were constructed, including the two Parcels, is fifteen; and

WHEREAS, the number of properties on either along Mt. Horeb Road or on Tall Oats Drive that currently have dry lines or would utilize the Sewer Extension, which would also be able to connect if the Sewer Extension were constructed, is another fifteen; and

WHEREAS, the Authority determined that it would be in the best interests of the Authority and of all of the properties which could be served by existing dry lines for the Sewer Extension to be constructed; and

WHEREAS, under the unique circumstances presented, including but not limited to the number of existing homes currently on septic systems which have existing dry lines that will be

able to served by the Sewer Extension and the fact that the existing septic system for one home on Tall Oaks has already failed, the Authority determined that it is appropriate for the Authority to enter into one or more Developer's Agreements under which the Authority will reimburse the Developer a portion of the costs incurred by the Developer to construct the Sewer Extension and to perform other associated work, including all work required to activate the dry lines on Tall Oaks Drive and Miller Lanes. Based on the inspection recently conducted on behalf of the Authority and summarized in the May 6, 2013 Memorandum from PS&S, the Authority's Engineers, that work is expected to include cleaning of selected laterals on the existing dry lines on Tall Oaks Drive and Miller Lane, cleaning of selected reaches of the dry lines themselves, and grouting at the manhole/pipe interface of two manholes; and

WHEREAS, under all of the circumstances the Authority has determined that it would be appropriate to reimburse the Developer all but \$50,000 of the costs for such construction, and the Developer paying the applicable connection fees and not being entitled to reimbursement of any costs for providing stubs for connections of properties and

WHEREAS, Authority's Counsel has prepared an initial Developer's Agreement for the initial investigative phase of the project ("Investigation Developer's Agreement"), and will prepare an more encompassing Developer's Agreement ("Construction Developer's Agreement") for the actual construction phase of the project incorporating the above previously described terms; and

WHEREAS, the Authority is desirous of authorizing executing both the Investigation Developer's Agreement as well as the eventual Construction Developer's Agreement if the results of the investigation confirms that the Sewer Extension is a viable project.

NOW, THEREFORE, BE IT RESOLVED, by the Warren Township Sewerage Authority in the County of Somerset, New Jersey that the Authority hereby authorizes the Authority's Chairman to execute the Investigation Developer's Agreement and the Construction Developer's Agreement in a form agreeable to the Authority's Counsel.

Moved by Mr. Truglio
 Seconded by Mrs. Garafola

Roll Call Vote	Yes	No
Chairman Reeder	x_____	_____
Mr. Truglio	x_____	_____
Ms. Garafola	x_____	_____
Mr. Mosquera	x_____	_____
Mr. Vetter	x_____	_____
Mr. Checchio (Alt 1)	x_____	_____
Mr. Paoella (Alt 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 June 19, 2013.



 Deborah Catapano, Authority Secretary