

WARREN TOWNSHIP SEWERAGE AUTHORITY

RESOLUTION NO. 13-99

RESOLUTION AUTHORIZING EXECUTION OF A SECOND INITIAL 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”) previously 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 Oaks 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 may 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, the Authority determined that it may be appropriate for the Authority to enter into a Developer's Agreement under which the Authority would reimburse the Developer a portion of the costs incurred by the Developer to construct the Sewer Extension and to perform the "Other Work" provided for herein, such Other Work to include all work required to activate the dry lines on Tall Oaks Drive and Miller Lane; and

WHEREAS, the Developer has expressed a willingness to undertake the Project if the Authority determines that the Project should be constructed, but both parties recognize that it would be beneficial to have an initial investigation undertaken of the location of the proposed Sewer Extension in order to ascertain the likely depth of bedrock and other subsurface conditions before the parties enter into a Developer's Agreement for the Project; and

WHEREAS, the Developer agreed to undertake a Geoprobe investigation to determine depth to rock along the alignment of the Sewer Extension at approximately 25 foot intervals. This Geoprobe investigation requires use of a smaller drill rig with 1-1/2" diameter probe, and will require a road opening permit from Somerset County and may require police traffic control. The initial anticipated cost for the Geoprobe investigation was expected to be approximately \$2,500, plus the costs associated with the road opening permit and any police traffic control, if required; and

WHEREAS, by Resolution 13-61, the Authority authorized entry into, and the parties did enter into the INITIAL DEVELOPER'S AGREEMENT for the undertaking of such Geoprobe investigation and the Authority agreed to reimburse to the Developer the costs incurred by the Developer to undertake the Geoprobe investigation; and

WHEREAS, after such work contemplated by the INITIAL DEVELOPER'S AGREEMENT was completed, it was determined that additional work was necessary in order to better ascertain the likely depth of bedrock and other subsurface conditions; and

WHEREAS, this additional work includes advancing 7 test borings, installing 2 groundwater monitoring wells and perform in-situ permeability tests (collectively, "Geotech Work"); and

WHEREAS, the Developer has received a proposal from French & Parrello Associates, PA to undertake the Geotech Work at an estimated cost of between \$18,600 and \$23,250, depending on the number of days required to complete the test borings, which proposal was reviewed by the Authority's Engineer, PS&S, who have recommended that the Authority approve such work; and

WHEREAS, because this Geotech Work is likely to assist the Developer in undertaking the Project under the anticipated Developer's Agreement, or to assist the Authority to undertake the Project, if, after such further investigation the Authority determines that the Project should be undertaken and the Developer does not undertake such Project, the Authority is agreeable to reimbursing to the Developer the costs incurred by the Developer to undertake the Geotech Work; and

WHEREAS, the Authority desires to enter into a SECOND DEVELOPER'S AGREEMENT to complete the Geotech Work as described above and to authorize the Authority Chairman into such an agreement.

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 Second Initial Developer's Agreement in a form agreeable to the Authority's Attorney and for reimbursement of up to \$23,500 for the work contemplated therein.

Moved by Mr. Checchio
Seconded by Mrs. Garafola

Roll Call Vote	Yes	No
Chairman Reeder	x _____	_____
Mr. Truglio	_____	_____
Ms. Garafola	x _____	_____
Mr. Mosquera	_____	_____
Mr. Vetter	_____	_____
Mr. Checchio (Alt 1)	x _____	_____
Mr. Paolella (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 September 18, 2013.


Deborah Catapano, Authority Secretary