

RESOLUTION
of the
HARDYSTON TOWNSHIP MUNICIPAL UTILITIES AUTHORITY (“HTMUA”)
regarding
NOTICE OF HEARING FOR REVOCATION OF SEWER ALLOCATION

WHEREAS, Beaver Run Shopping Center, L.L.C. and/or High Ridge Properties, L.L.C. (hereinafter referred to as the “Developer”) has a contractual obligation with the HTMUA for the reservation of 9,650 gallons per day of sewer capacity allocation through the Sussex County Municipal Utilities Authority; and

WHEREAS, the Developer is now overdue on its last two quarterly payments to the HTMUA for said sewer capacity allocation; and

WHEREAS, the Developer owes a sum for said contractually-obligated quarterly payment obligations in excess of \$8,439.73, which was the total sum due to the HTMUA, including interest, calculated through April 30, 2013.

WHEREAS, the Developer’s failure to make quarterly payments to the HTMUA constitutes a default under the terms of the developer’s agreement between the parties and the judicially-recognized contractual agreement between the parties; and

WHEREAS, the HTMUA cannot countenance continued nonpayment; and

WHEREAS, the HTMUA has sent written notices of this delinquency to the Developer and its bank, including a specific written notice, dated April 30, 2013, announcing a public discussion of discussion of said delinquency at the May 6, 2013 HTMUA meeting; and

WHEREAS, the Developer has neither paid nor addressed its delinquency with the HTMUA to date and did not appear for a public discussion of said delinquency during the regularly-scheduled May 6, 2013 meeting of the HTMUA in spite of receiving notice for said discussion;

NOW, THEREFORE, BE IT RESOLVED by the Commissioners of the HTMUA as follows:

1. The HTMUA shall hold a public hearing on the revocation of the Developer’s sewer capacity allocation at the HTMUA’s regularly-scheduled meeting of June 3, 2013 at 7:00 p.m. at the Hardyston Township Municipal Building;
2. Notice of said hearing shall be sent to the Developer’s confirmed address and to the

Developer's bank, which holds a recorded interest in the affected property of the Developer and which has, in recent years, paid Developer's quarterly payment obligation directly to the HTMUA.

Certified as a true copy of the Resolution
adopted by the Hardyston Township
Municipal Utilities Authority at its
regular meeting held on May 6, 2013.

Approving: 5
Opposing: 0
Abstaining: 0
Recusing: 0

Gail C. Hensal, Secretary