

RESOLUTION
of the
HARDYSTON TOWNSHIP MUNICIPAL UTILITIES AUTHORITY (“HTMUA”)
regarding
UNAUTHORIZED USE OF HYDRANT

WHEREAS, the HTMUA was made aware of an alleged violation of its Rules and Regulations regarding use of a fire hydrant; and

WHEREAS, at its regularly scheduled monthly meeting of July 1, 2013, the HTMUA reviewed and addressed the alleged violation and received the following information:

Mr. Robert Schultz reported that on June 14, 2013, Mr. Ron Schneider observed a power-washing contractor utilizing a fire hydrant on Caleb Court for the purpose of power washing residences and/or other building in the Cedars section of the Crystal Springs development. The use of the hydrant stopped after Mr. Schneider intervened. In the absence of any express, written consent for such hydrant use, the HTMUA issued a June 19, 2013 letter to Arthur Edwards, Inc., the property manager of the Cedars section of the Crystal Springs development. The June 19, 2013 letter informed Arthur Edwards, Inc. of this apparent violation of the HTMUA Rules and Regulations forbidding unauthorized hydrant use and invited Arthur Edwards, Inc. to participate in the public hearing on this alleged Rule violation at the July 1, 2013 meeting.

The HTMUA Attorney reviewed with the Commissioners a prior discussion regarding hydrant use for power washing in June 2007, reviewed the June 19, 2013 letter and reviewed the applicable Rules and Regulations and amount of applicable fine. The HTMUA Secretary reminded the Commissioners that a special letter had been issued recently to property owners warning against improper and unauthorized hydrant usage.

Ms. Marjorie Berson, Manager of Arthur Edwards, Inc., the property manager for the Cedars and seven other homeowners associations in the Crystal Springs development, attended the meeting and addressed the Commissioners. Ms. Berson indicated she has managed these properties since 1989. Ms. Berson indicated her understanding that permission had been given by the HTMUA in 2007 for such power washing use of hydrants and noted that Arthur Edwards, Inc. had purchased a metered adapter to record hydrant water usage. Ms. Berson apologized for what she now understands to be her misunderstanding regarding approval of hydrant usage and accepted responsibility for the hydrant usage. Ms. Berson explained that other sections of the development have their own hose bibs, which are used for power washing, and thus do not require the use of a hydrant for power washing. Ms. Berson further explained that she was actively seeking alternate arrangements for the provision of water for power washing.

The Commissioners reviewed with Ms. Berson their concerns about the integrity of fire hydrants and their readiness for emergency use. Ms. Berson expressed her understanding and agreement.

WHEREAS, after due discussion, the HTMUA made the following conclusions:

- Unauthorized use of a hydrant is a violation of Rules 2.20, 3.6.8 and 5.7 of the HTMUA Rules and Regulations;
- Use of the hydrant on Caleb Court on June 14, 2013 for power washing was not authorized by the HTMUA, thus constituting a violation of Rules 2.20, 3.6.8 and 5.7 of the HTMUA Rules and Regulations;
- Use of the hydrant on Caleb Court on June 14, 2013 for power washing was mistakenly believed to be authorized by the HTMUA through a good faith misunderstanding by the property manager and this understanding was based upon a prior discussion of this type of hydrant use in 2007;
- Use of the hydrant on Caleb Court on June 14, 2013 for power washing was a good faith error and is unlikely to be repeated in the future as a result: (a) clarification by the HTMUA; (b) cooperation and understanding on the part of the property manager; and (c) provision of alternate water sources for power washing by the property manager in the future.

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

1. The fine for unauthorized use of a fire hydrant on Caleb Court by a power-washing contractor engaged by Cedars property manager Arthur Edwards, Inc. is waived for the reasons set forth above.

Certified as a true copy of the Resolution
adopted by the Hardyston Township
Municipal Utilities Authority at its
regular meeting held on July 1, 2013

Approving:	4
Opposing:	0
Abstaining:	0
Recusing:	0

Gail C. Hensal, Secretary